



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2022

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 22 '21	Jan. 12 '22	Feb. 1 '22	Feb. 16 '22	Feb. 18 '22	Mar. 9 '22	Apr. 13 '22	July 11 '22
Jan. 5	Jan. 26	Feb. 15	Mar. 2	Mar. 4	Mar. 23	Apr. 27	July 25
Jan. 21	Feb. 9	Mar. 1	Mar. 16	Mar. 18	Apr. 6	May 11	Aug. 8
Feb. 4	Feb. 23	Mar. 15	Mar. 30	Apr. 1	Apr. 20	May 25	Aug. 22
Feb. 18	Mar. 9	Mar. 29	Apr. 13	Apr. 15	May 4	June 8	Sep. 5
Mar. 4	Mar. 23	Apr. 12	Apr. 27	Apr. 29	May 18	June 22	Sep. 19
Mar. 18	Apr. 6	Apr. 26	May 11	**May 11**	June 1	July 6	Oct. 3
Apr. 1	Apr. 20	May 10	May 25	May 27	June 15	July 20	Oct. 17
Apr. 15	May 4	May 24	June 8	June 10	June 29	Aug. 3	Oct. 31
Apr. 29	May 18	June 7	June 22	**June 22**	July 13	Aug. 17	Nov. 14
May 11	June 1	June 21	July 6	July 8	July 27	Aug. 31	Nov. 28
May 27	June 15	July 5	July 20	July 22	Aug. 10	Sep. 14	Dec. 12
June 10	June 29	July 19	Aug. 3	Aug. 5	Aug. 24	Sep. 28	Dec. 26
June 22	July 13	Aug. 2	Aug. 17	**Aug. 17**	Sep. 7	Oct. 12	Jan. 9 '23
July 8	July 27	Aug. 16	Aug. 31	Sep. 2	Sep. 21	Oct. 26	Jan. 23 '23
July 22	Aug. 10	Aug. 30	Sep. 14	Sep. 16	Oct. 5	Nov. 9	Feb. 6 '23
Aug. 5	Aug. 24	Sep. 13	Sep. 28	Sep. 30	Oct. 19	Nov. 23	Feb. 20 '23
Aug. 17	Sep. 7	Sep. 27	Oct. 12	Oct. 14	Nov. 2	Dec. 7	Mar. 6 '23
Sep. 2	Sep. 21	Oct. 11	Oct. 26	**Oct. 26**	Nov. 16	Dec. 21	Mar. 20 '23
Sep. 16	Oct. 5	Oct. 25	Nov. 9	**Nov. 9**	Nov. 30	Jan. 4 '23	Apr. 3 '23
Sep. 30	Oct. 19	Nov. 8	Nov. 23	Nov. 25	Dec. 14	Jan. 18 '23	Apr. 17 '23
Oct. 14	Nov. 2	Nov. 22	Dec. 7	**Dec. 7**	Dec. 28	Feb. 1 '23	May 1 '23
Oct. 26	Nov. 16	Dec. 6	Dec. 21	**Dec. 21**	Jan. 11 '23	Feb. 15 '23	May 15 '23
Nov. 9	Nov. 30	Dec. 20	Jan. 4 '23	**Jan. 4 '23**	Jan. 25 '23	Mar. 1 '23	May 29 '23
Nov. 25	Dec. 14	Jan. 3 '23	Jan. 18 '23	Jan. 20 '23	Feb. 8 '23	Mar. 15 '23	June 12 '23
Dec. 7	Dec. 28	Jan. 17 '23	Feb. 1 '23	Feb. 3 '23	Feb. 22 '23	Mar. 29 '23	June 26 '23
Dec. 21	Jan. 11 '23	Jan. 31 '23	Feb. 15 '23	Feb. 17 '23	Mar. 8 '23	Apr. 12 '23	July 10 '23

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
17	Friday, February 4, 2022	February 23, 2022
18	Friday, February 18, 2022	March 9, 2022
19	Friday, March 4, 2022	March 23, 2022

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

****Note change of filing deadline****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, February 4, 2022, at 9 a.m. in Room 103, State Capitol, Des Moines, Iowa. For more information, contact Kate O'Connor at kate.oconnor@legis.iowa.gov. The following rules will be reviewed:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Bureau[193]
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Waivers; five-year review of rules, 2.7, 3.2, 3.14(2), 4.7(4), 4.8, 4.10, 6.2(2), 9.5(2), 10.5(6),
18.2(2) Filed **ARC 6123C** 1/12/22

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Purchasing thresholds for state agencies, 117.15, 118.5, 118.7(2), 118.8(2) Notice **ARC 6162C** 1/26/22

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Iowa community development block grant program, 23.2 to 23.17 Notice **ARC 6139C** 1/12/22

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Angel investor tax credits, amendments to ch 115 Notice **ARC 6140C** 1/12/22

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protections, 11.17(2), 11.35(2)"c" Filed **ARC 6129C** 1/12/22

Fees—complaints and hearings involving administrator sanctions, 11.33, 12.10 Filed **ARC 6130C** 1/12/22

Teachers and administrators—licensure, endorsements, 13.5, 13.9, 13.11(1), 13.28,
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STEM and dyslexia endorsements; school social worker statement of professional
recognition, 13.28, 16.6(2) Filed **ARC 6128C**..... 1/12/22

Licensure renewal—individualized professional development plan, 20.5(2)"f," 20.6(2)"f,"
20.9(2)"e," 27.5(2)"e" Filed **ARC 6127C** 1/12/22

Substitute authorization—day limitation, 22.2 Filed **ARC 6126C** 1/12/22

Charter school administrator authorization, 22.13 Filed **ARC 6125C** 1/12/22

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Air quality—electronic submittal, 20.2, 21.1(3), 22.1(3), 22.105, 22.128(4) Notice **ARC 6144C** 1/12/22

Waste tire management, 116.6(1), 117.7(2) Filed **ARC 6147C**..... 1/12/22

HUMAN SERVICES DEPARTMENT[441]

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Mental health institutes, amendments to ch 29 Notice **ARC 6157C** 1/26/22

State resource centers—catchment areas, application for an adult, 30.1, 30.2(1) Notice **ARC 6152C**..... 1/26/22

Civil commitment unit for sexual offenders—visits, gifts, amendments to ch 31 Notice **ARC 6153C** 1/26/22

State training school—facilities, reporting gifts and bequests, 103.1, 103.9, 103.13(2)"b"
Notice **ARC 6155C** 1/26/22

Child care programs—quality rating system redesign, amendments to ch 118 Notice **ARC 6161C**..... 1/26/22

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Federal occupational safety and health standards for exposure to beryllium—adoption by
reference, 10.20 Filed **ARC 6150C** 1/26/22

Boiler and pressure vessel codes—adoption by reference, 90.6(1), 91.1 Filed **ARC 6135C** 1/12/22

LAW ENFORCEMENT ACADEMY[501]

Jailer training, amend chs 1, 2, 7, 11, 13; adopt chs 4, 9, 10 Filed **ARC 6137C** 1/12/22

Curriculum; attendance qualifications for short course academy; mandatory in-service and
specialty training, amend chs 3, 7; adopt ch 8 Notice **ARC 6154C**..... 1/26/22

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NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Hunting preserves—definitions of "game birds" and "ungulate," 112.1 Notice **ARC 6143C** 1/12/22**PROFESSIONAL LICENSURE DIVISION[645]**

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Marital and family therapists, mental health counselors, behavior analysts, assistant behavior analysts, and social workers—supervision, 31.2, 31.5, 31.7, 280.6 Notice **ARC 6142C** 1/12/22Marital and family therapists, mental health counselors, behavior analysts, assistant behavior analysts, and social workers—supervision, 31.5, 31.7, 280.6 Filed **ARC 6131C** 1/12/22Sign language interpreters and transliterators—licensure, 361.1 to 361.3, 361.9 Filed **ARC 6146C** 1/12/22**PUBLIC HEALTH DEPARTMENT[641]**Outpatient diabetes education programs, 9.2 to 9.10 Notice **ARC 6156C** 1/26/22Personal responsibility education program and Title V state sexual risk avoidance education grant program funding and restrictions, ch 78 Notice **ARC 6160C** 1/26/22Local public health services, ch 80 Notice **ARC 6158C** 1/26/22Medical cannabidiol program, amendments to ch 154 Notice **ARC 6159C** 1/26/22**REVENUE DEPARTMENT[701]**Qualifying income limit—child and dependent care tax credit, early childhood development tax credit, 42.15, 42.31 Filed **ARC 6149C** 1/12/22Optional designations of funds by taxpayer, 43.4 Filed **ARC 6148C** 1/12/22**TRANSPORTATION DEPARTMENT[761]**Warning lights on vehicles or equipment not owned and operated by the department when used in road work zones, ch 135 Filed **ARC 6132C** 1/12/22Emergency vehicle certificate, amendments to ch 451 Notice **ARC 6141C** 1/12/22**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Regulation of electric cooperatives, 27.1(2)"o" Filed **ARC 6124C** 1/12/22

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Waylon Brown
2415 Highway 218
Osage, Iowa 50461

Senator Julian Garrett
P.O. Box 493
Indianola, Iowa 50125

Senator Jesse Green
2344 360th Street
Harcourt, Iowa 50544

Senator Robert Hogg
P.O. Box 1361
Cedar Rapids, Iowa 52406

Senator Pam Jochum
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Representative Megan Jones
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Sioux Rapids, Iowa 50585

Representative Amy Nielsen
North Liberty, Iowa

Representative Rick Olson
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Des Moines, Iowa 50317

Representative Mike Sexton
2202 Ogden Avenue
Rockwell City, Iowa 50579

Michael Boal
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone: 515.281.5211

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Purchasing thresholds for state agencies, 117.15, 118.5, 118.7(2), 118.8(2) IAB 1/26/22 ARC 6162C	Procurement Conference Room, A Level Hoover State Office Bldg. Des Moines, Iowa Via conference call: Dial: 1.866.685.1580 Conference code: 0009991200	February 15, 2022 11 a.m. to 12 noon
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EDUCATIONAL EXAMINERS BOARD[282]

Teachers and administrators—licensure, endorsements, 13.5, 13.9, 13.11(1), 13.28, 18.6(1)“d” IAB 1/12/22 ARC 6133C	Board Room 701 E. Court Ave., Suite A Des Moines, Iowa	February 1, 2022 11 a.m. to 12 noon (If requested)
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Air quality—electronic submittal, 20.2, 21.1(3), 22.1(3), 22.105, 22.128(4) IAB 1/12/22 ARC 6144C	Via video/conference call Contact Christine Paulson Email: christine.paulson@dnr.iowa.gov	February 14, 2022 1 to 2 p.m.
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NATURAL RESOURCE COMMISSION[571]

Hunting preserves—definitions of “game birds” and “ungulate,” 112.1 IAB 1/12/22 ARC 6143C	Via video/conference call Contact Karmin Klingenberg Email: karmin.klingenberg@dnr.iowa.gov	February 2, 2022 1:30 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Marital and family therapists, mental health counselors, behavior analysts, assistant behavior analysts, and social workers—supervision, 31.2, 31.5, 31.7, 280.6, IAB 1/12/22 ARC 6142C	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	February 1, 2022 9 to 10 a.m.
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TRANSPORTATION DEPARTMENT[761]

Emergency vehicle certificate, amendments to ch 451 IAB 1/12/22 ARC 6141C	Via conference call Contact Tracy George Email: tracy.george@iowadot.us	February 3, 2022 10 a.m. (If requested)
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The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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ARC 6162C**ADMINISTRATIVE SERVICES DEPARTMENT[11]****Notice of Intended Action****Proposing rule making related to purchasing thresholds for state agencies and providing an opportunity for public comment**

The Administrative Services Department hereby proposes to amend Chapter 117, "Procurement of Goods and Services of General Use," and Chapter 118, "Purchasing Standards for Service Contracts," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

Purpose and Summary

These amendments are proposed to address supply chain constraints in purchasing of goods and services. The proposed amendments increase purchasing thresholds for state agencies in an effort to provide purchasing flexibility while also comporting with existing procurement training, which addresses progressive levels of process responsibility and complexity for agencies and their purchasing agents.

Fiscal Impact

It is impossible to determine the overall fiscal impact of the various procurements of goods and services completed by different agencies under these proposed amendments.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Tami Wiencek
Department of Administrative Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Phone: 515.725.2017
Fax: 515.281.6140
Email: tami.wiencek@iowa.gov

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

February 15, 2022
11 a.m. to 12 noon

Procurement Conference Room, A Level
Hoover State Office Building
Des Moines, Iowa

Or

Via conference call
Dial: 1.866.685.1580
Conference code: 0009991200

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 117.15(1) as follows:

117.15(1) *Agency direct purchasing—basic level.* An agency may procure non-master agreement goods costing ~~up to \$1,500~~ not greater than \$15,000 without competition. ~~An agency shall procure non-master agreement goods costing between \$1,501 and \$5,000 in a competitive manner, using either informal or formal competition. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.~~

ITEM 2. Amend subrule 117.15(2) as follows:

117.15(2) *Agency direct purchasing—advanced level.* An agency may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner using either informal or formal competition provided the agency personnel engaged in the purchase of goods have completed enhanced procurement training established by the director or designee. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

ITEM 3. Amend rule 11—118.5(8A) as follows:

11—118.5(8A) Use of competitive selection. State agencies may procure non-master agreement services from private entities without competition when the estimated value does not exceed ~~\$5,000~~ \$15,000. Agencies shall use competitive selection to acquire services from private entities when the estimated ~~annual~~ value of the service contract is greater than ~~\$5,000~~ \$15,000 ~~or when the estimated value of the multiyear service contract in the aggregate, including any renewals, is greater than \$15,000~~ unless there is adequate justification for a sole source procurement pursuant to rule 11—118.7(8A) or emergency procurement pursuant to rule 11—118.8(8A) or unless awarded to a targeted small business pursuant to

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

11—paragraph 117.5(2) “a” or procured pursuant to another exception to competitive selection under another provision of law.

118.5(1) No change.

118.5(2) When the estimated annual value of the service contract is greater than \$5,000 ~~but less than \$15,000 and not greater than \$50,000~~ and the estimated value of the multiyear service contract in the aggregate, including any renewals, does not exceed \$150,000, a state agency, in its sole discretion, shall use either a formal or informal competitive selection process to engage a service provider.

118.5(3) The requirement to use competitive selection to select a service provider when the estimated annual value of the service contract is greater than \$5,000 ~~or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than \$15,000~~ applies even when the state agency purchases services from a private entity and designates the contract it enters into with the private entity as a 28E agreement.

ITEM 4. Amend subrule 118.7(2) as follows:

118.7(2) *Special procedures required for sole source procurements.*

a. When the ~~annual~~ value of the service contract exceeds \$5,000 ~~or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than \$15,000~~, the director of a state agency or designee shall sign the sole source contract or the amendment. In the absence of the director of a state agency or designee, the sole source contract shall be signed only by the DAS director or designee. Use of sole source procurement does not relieve a state agency from negotiating a fair and reasonable price and thoroughly documenting the procurement action.

b. When the ~~annual~~ value of the service contract exceeds \$5,000 ~~or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than \$15,000~~, a state agency shall be required to complete a sole source justification form. The director of the state agency or designee shall sign the sole source justification form. In the absence of the director of the state agency or designee, the sole source justification form shall be signed only by the DAS director or designee. The claim for the first payment on a contract requires a copy of the signed original contract, a copy of the precontract questionnaire, a copy of the sole source justification form, and an original invoice or original claimant signature.

c. No change.

ITEM 5. Amend subrule 118.8(2) as follows:

118.8(2) *Special procedures required for emergency procurements.*

a. The head of a state agency shall sign all emergency contracts and amendments regardless of value or length of term. If the head of a state agency is not available, a designee may sign an emergency contract or amendment. Use of an emergency procurement does not relieve a state agency from negotiating a fair and reasonable price and documenting the procurement action.

b. When the value of the service contract exceeds ~~\$5,000~~ \$15,000, a state agency shall be required to complete an emergency justification form. The head of the state agency or designee shall sign the emergency justification form.

c. If an emergency procurement results in the extension of an existing contract that contains performance criteria, the contract extension shall comply with rule 11—119.4(8,8A), ~~uniform terms and conditions for service contracts~~, or rule 11—119.5(8,8A), ~~special terms and conditions~~.

ARC 6151C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to volunteer services
and providing an opportunity for public comment**

The Human Services Department hereby proposes to rescind Chapter 12, “Volunteer Services,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 234.6 and 669.24.

Purpose and Summary

Volunteer Services is a program designed for individuals who volunteer at state institutions and in local county offices. This rule chapter has not been updated since 1991. After discussions with the Attorney General's office, it was determined that Iowa Code section 234.6 provides the legal framework for requirements for volunteers used by the Department. Liability protection is granted to volunteers on the same basis as state employees under Iowa Code section 669.24. A separate rule chapter is not necessary and is proposed to be rescinded.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

HUMAN SERVICES DEPARTMENT[441](cont'd)

The following rule-making action is proposed:

Rescind and reserve **441—Chapter 12.**

ARC 6157C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to mental health institutes and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 29, “Mental Health Institutes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 226.

Purpose and Summary

The Department is proposing to update the administrative rules for mental health institutes in Chapter 29 and bring the rules into alignment with current practices. References to four catchment areas would be removed. Administrative rules listing specific visiting hours would be revised to say that visiting hours shall be posted in each facility. References to the central point of coordination would be removed because that terminology is no longer in use. References to a separate application for voluntary admission for substance abuse treatment would be removed because that application is no longer used.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

HUMAN SERVICES DEPARTMENT[441](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind rule **441—29.1(218)**.

ITEM 2. Renumber rules **441—29.2(218,229)** to **441—29.7(218)** as **441—29.1(218,229)** to **441—29.6(218)**.

ITEM 3. Amend renumbered subrule 29.1(1) as follows:

29.1(1) Application form. Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.

~~a. Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.~~

~~b. Any individual requesting substance abuse treatment shall complete Form 470-0425, Application for Voluntary Admission—Substance Abuse.~~

ITEM 4. Amend renumbered subrule 29.2(1) as follows:

29.2(1) Certification data. By the end of the next working day following a non-Medicaid payment-eligible adult individual’s admission, the facility shall send a copy of Form 470-4161, DHS MHI Admission Core Data, by facsimile to ~~the central point of coordination or~~ the regional administrator for the county of admission.

ITEM 5. Amend renumbered rule 441—29.3(218,230), introductory paragraph, as follows:

441—29.3(218,230) Charges for care. The rates for cost of hospitalization are established by the division administrator and shall be available by contacting the business manager of the mental health institute ~~that serves the catchment area in which the individual’s county of residence is located.~~

ITEM 6. Amend renumbered subrule 29.3(1) as follows:

29.3(1) Individuals requesting voluntary admission without going through the ~~central point of coordination or~~ regional administrator process shall be required to pay the cost of hospitalization in advance. This cost shall be computed at 30 times the last per diem rate and shall be collected weekly in advance upon admission. The weekly amount due shall be determined by dividing the monthly rate by 4.3.

ITEM 7. Amend renumbered subrule 29.5(2) as follows:

29.5(2) Care and treatment. An individual receiving care from a state mental health institute shall have the right to:

a. to e. No change.

~~f. Work, when available and desired and as appropriate to the individual’s plan of treatment, and be compensated for that work in accordance with federal and state laws.~~

~~g. f.~~ Have an individualized posthospitalization plan.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 8. Amend renumbered subrule 29.5(3) as follows:

29.5(3) *Living conditions.* An individual receiving care from a state mental health institute shall have the right to:

a. to *d.* No change.

~~*e.* Share a room with a spouse when both live on a long-term basis in the same facility.~~

f. e. Be free from unnecessary drugs, restraints, and seclusion except when necessary to protect the immediate health or safety of the individual or others.

~~*f. f.* Be free from physical, psychological, sexual, or verbal abuse, neglect and exploitation.~~

ITEM 9. Amend renumbered subrule 29.6(1) as follows:

29.6(1) *Visiting hours on Monday through Friday are from 12 noon to 8 p.m. and are from 10 a.m. to 8 p.m. on Saturday, Sunday, and holidays.* Visiting hours shall be posted in each facility.

The physician may designate exceptions for special hours on an individual or ward basis. Therapy for the individual shall take precedence over visiting. Visiting shall not interfere with the individual's treatment program or meals.

ARC 6152C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to state resource centers
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 30, "State Resource Centers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 222.6 and 222.13.

Purpose and Summary

The Department is proposing to amend the rules in Chapter 30 to update information on application processing and the admissions process. The catchment areas for the two state resource centers are identified in the current rules. The rules would be amended to state that individuals may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening. References to the central point of coordination would be removed because that terminology is no longer in use.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

HUMAN SERVICES DEPARTMENT[441](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—30.1(218,222) as follows:

441—30.1(218,222) Catchment areas. The catchment areas for the two state resource centers shall be as follows.

30.1(1) Glenwood. Adair, Adams, Appanoose, Audubon, Benton, Carroll, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Davis, Decatur, Des Moines, Fremont, Greene, Guthrie, Harrison, Henry, Ida, Iowa, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Lyon, Mahaska, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Pottawattamie, Ringgold, Sac, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Washington, Wayne, and Woodbury Counties form the catchment area for the Glenwood resource center. An individual may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening.

30.1(2) Woodward. Allamakee, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cerro Gordo, Chickasaw, Clay, Clayton, Dallas, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Jasper, Kossuth, Madison, Marion, Marshall, Mitchell, O’Brien, Osceola, Palo Alto, Pocahontas, Polk, Poweshiek, Story, Tama, Warren, Webster, Winnebago, Winneshiek, Worth, and Wright Counties form the catchment area for the Woodward resource center. An individual may be admitted to a state resource center in another catchment area if the state resource center in another catchment area has a more suitable opening.

This rule is intended to implement Iowa Code section 222.6.

ITEM 2. Amend subrule 30.2(1), introductory paragraph, as follows:

30.2(1) Application for an adult. Applications for the care, treatment, or evaluation of an adult individual by a resource center shall be made through the ~~central point of coordination or the~~ regional administrator for the board of supervisors of the individual’s county of residence. Authorization for the

HUMAN SERVICES DEPARTMENT[441](cont'd)

submission of the application shall be provided by the signature of one or more officially designated agents for the county board of supervisors.

ITEM 3. Adopt the following **new** implementation sentence in **441—Chapter 30**:
These rules are intended to implement Iowa Code chapter 222.

ARC 6153C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the civil commitment unit for sexual offenders and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 31, “Civil Commitment Unit,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 229A.

Purpose and Summary

The Department is proposing to update the rules in Chapter 31 for the Civil Commitment Unit for Sexual Offenders (CCUSO) to align with the Iowa Code and CCUSO policies. Changes would include adding the facility administrator’s designee to those who are authorized to approve visits outside the facility. The rule on gifts or bequests of value would be updated to state that if the value of such an item is \$50 or more, the gift or bequest shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift or bequest to align with Iowa Code section 8.7. Paragraph 31.2(5)“c” stating food items may not be brought into the visiting area would be rescinded since it conflicts with paragraph 31.2(6)“1.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Nancy Freudenberg
 Department of Human Services
 Hoover State Office Building, Fifth Floor
 1305 East Walnut Street
 Des Moines, Iowa 50319-0114
 Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 31**, title, as follows:

CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

ITEM 2. Rescind paragraph **31.2(5)“c.”**

ITEM 3. Amend paragraph **31.2(9)“b,”** introductory paragraph, as follows:

b. The visit receives the approval of the facility administrator or the facility administrator’s designee. Such approval shall be granted only when:

ITEM 4. Amend paragraph **31.9(2)“b”** as follows:

b. All gifts or bequests, ~~regardless of value,~~ with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB.

ARC 6155C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to state training school
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 103, “State Training School,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 233A.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Purpose and Summary

The Department is proposing to update the rules in Chapter 103 for the State Training School to align with the Iowa Code and current policies. Proposed changes include removing Toledo as a listed facility. The rule on gifts and bequests of value would be updated to state that if the value of such item is \$50 or more, the gift or bequest shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift or bequest to align with Iowa Code section 8.7.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—103.1(218)**, definitions of “Individual,” “Iowa sex offender registry” and “State training school,” as follows:

“*Individual*,” as used in this chapter, means any child who is committed to the director of the department of human services and is admitted to and receives services from the state training school. The terms “student,” “resident,” “juvenile,” and “youth” are synonymous with the term “individual.”

HUMAN SERVICES DEPARTMENT[441](cont'd)

For purposes of the state training school, the term shall also include a person whose stay is extended beyond the age of 18 under the provisions of ~~2009 Iowa Code Supplement~~ Iowa Code sections 232.53(2) and 232.53(4).

“*Iowa sex offender registry*” means a central registry of sex offenders established under ~~2009 Iowa Code Supplement~~ Iowa Code chapter 692A that is maintained by the department of public safety.

“*State training school*” means the ~~units~~ unit for juvenile delinquents at the Eldora ~~and Toledo facilities~~ facility as defined in Iowa Code section 233A.1(2).

ITEM 2. Amend paragraph **103.13(2)“b”** as follows:

b. All gifts or bequests, ~~regardless of value,~~ with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB. One copy of the completed form shall be sent to the division administrator.

ITEM 3. Strike “2009 Iowa Code Supplement” wherever it appears in rule **441—103.9(692A)** and insert “Iowa Code” in lieu thereof:

ARC 6161C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to child care programs
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 118, “Child Care Quality Rating System,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 237A.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237A.30.

Purpose and Summary

Iowa established a voluntary Quality Rating System (QRS) for child care programs in 2006 to provide an opportunity for child care providers to meet ongoing standards for quality ratings based on the type of child care program and meet the applicable criteria for each rating level. Achievement bonuses could be awarded as providers met the ratings standards.

Iowa began to redesign the QRS in 2015. A QRS oversight team, which included partners from a variety of state agencies, provider organizations and child care providers, gathered feedback and provided advice to the Department on ways to strengthen the QRS program. Statewide focus groups were conducted to gather specific input, and an extensive literature review of other states’ efforts was conducted. Surveys were used to gather input.

An increased effort toward evidence-based practices was developed with a comprehensive approach to supporting all providers. A continuous quality improvement approach was developed. The QRS was redesigned into a Quality Rating and Improvement System (QRIS) and rebranded as Iowa Quality for Kids (IQ4K). A new electronic data system was also developed to support the new program. Achievement bonuses may be awarded as funds are available. New administrative rules, proposed in this rule making, are required to guide the work.

The rules currently in effect (Division I) will continue to support the current QRS program until the program sunsets after the ratings for all providers for the current QRS program will have expired and when those providers will no longer be eligible for that QRS program but may apply for the IQ4K quality rating.

HUMAN SERVICES DEPARTMENT[441](cont'd)

The new proposed rules for IQ4K (Division II) will apply for all child care programs applying to IQ4K, the new QRIS program. Child care programs will no longer be able to apply to the current QRS program (Division I) once the rules for IQ4K in Division II are in effect.

Fiscal Impact

The new IQ4K program involves more stringent criteria at each level that providers must meet to be eligible. Increases in achievement bonuses will help cover the additional costs to the providers, and the bonuses offer financial incentives for providers to invest the time, effort and money to meet the criteria. The program continues to be voluntary, and the Department's goal is to improve the quality of care offered by child care providers. The increase in the achievement bonuses to be awarded are to be funded with American Rescue Plan Act (ARPA) funds from April 1, 2022, through September 30, 2023, at which time the obligation period for the ARPA funds ends. After that, the anticipated ongoing balance of the federal Child Care Development Fund (CCDF) is expected to cover the cost through at least SFY 2026 based on status quo funding.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 1. Adopt the following **new** Division I heading preceding **441—Chapter 118**, preamble:

DIVISION I
QUALITY RATING SYSTEM (QRS)

ITEM 2. Amend **441—Chapter 118**, Division I preamble, as follows:

PREAMBLE

This Division I of this chapter establishes rules for the child care quality rating system, which is designed for child care programs that primarily serve children between birth and the age of 12. Participation in the quality rating system is voluntary. The chapter Division I includes application procedures and standards for the quality rating. Rules 441—118.1(237A) through 441—118.8(237A) are in effect until Division I sunsets, when all providers approved for this program are no longer eligible under Division I. As of [the effective date of these amendments], child care programs applying for a new rating will apply to the Iowa quality for kids (IQ4K) quality rating improvement system outlined in Division II.

ITEM 3. Amend subrule 118.2(2) as follows:

118.2(2) Ongoing standards. ~~Until August 1, 2011, eligible applicants have the choice of applying under this subrule or under subrule 118.2(1). Effective August 1, 2011, all eligible applicants must apply for a quality rating under this subrule.~~ Effective [the effective date of these amendments], for new applications, child care programs applying for a new rating will apply to the Iowa quality for kids (IQ4K) quality rating system outlined in Division II.

a. and b. No change.

ITEM 4. Adopt the following **new 441—Chapter 118**, Division II heading:

DIVISION II
IOWA QUALITY FOR KIDS (IQ4K)

ITEM 5. Adopt the following **new 441—Chapter 118**, Division II preamble:

PREAMBLE

Division II of this chapter establishes rules for the IQ4K rating system and Iowa's quality rating and improvement system (QRIS) for child care providers. Participation in IQ4K is voluntary. Division II includes application procedures and standards to guide the quality rating process. The rules in Division II are in effect for new applications for child care providers applying for the IQ4K program.

ITEM 6. Adopt the following **new** rules 441—118.9(237A) to 441—118.39(237A):

441—118.9(237A) Definitions.

“Action plan” means a written, detailed sequence of steps taken or activities performed to reach one or more goals.

“All staff” means program administrator or director, assistant program administrator or assistant director, on-site supervisor, lead teacher and staff counted as part of the staff-to-child ratio.

“Area education agency” or *“AEA”* means an agency working as an educational partner with public and accredited nonpublic schools to help learners, school staff, parents and communities. AEA's provide early intervention services, special education support services, media and technology services, a variety of instructional services, professional development and leadership to promote school improvement as established in Iowa Code chapter 273.

“Assessment tool” means a tool used to gather and provide educators, parents, guardians, and caretakers with critical information about a child's educational growth and development. Assessment tools are used to determine what children in care know, understand and are able to do. Assessment results drive the ways teachers support and assess children's learning, plan their curriculum to support each child, monitor progress and identify next steps.

HUMAN SERVICES DEPARTMENT[441](cont'd)

“Assistant program administrator” or *“assistant director”* means the staff member working directly under the administrator or director and assisting with program planning, managing, marketing and directing.

“Assistant teacher” means any staff member working under the supervision of a lead teacher or other licensed personnel who has the ultimate responsibility for the design and implementation of education and related service programs. Other terms used may include paraprofessional, educational aide, associate, or instructional aide.

“Caring for our children” or *“CFOC”* means the national health and safety performance standard guidelines for early care and education programs representing the best practices based on evidence, expertise, and experience for quality health and safety policies for early care and education settings.

“Child and adult care food program” or *“CACFP”* means a federal United States Department of Agriculture (USDA) CNP that provides a subsidy for serving nutritious meals and snacks to eligible children and adults who are enrolled at participating child care centers, homes, and adult day care centers. CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in adult day care facilities. In order to qualify for reimbursement, the meals served must meet federal guidelines.

“Child care experience” means knowledge and skills learned through employment or volunteer work in a licensed child care center, a school-aged only program, a preschool, a registered child development home or as a child care home provider.

“Child care nurse consultant” or *“CCNC”* means a registered nurse licensed in the state of Iowa who has completed training incorporating the nationally approved child care health competencies for health and safety in child care and early education. The CCNC provides on-site consultation, technical assistance, care planning for children with special health needs and training to child care and early education providers regarding health and safety. The CCNC is employed by or has a written agreement with the local Title V maternal and child health agency or the Iowa department of public health (IDPH) for service delivery directly through the state-level Title V maternal and child health program administered by the IDPH bureau of family health.

“Child care resource and referral” or *“CCR&R”* means the statewide (regionally based) agency focused on supporting quality child care throughout the state of Iowa. CCR&R serves as the starting point for all IQ4K applications and provides free technical assistance and consultation to providers throughout the IQ4K application process.

“Child development associate credential” or *“CDA”* means a nationally recognized credential earned by individuals working in the early child care and education field. The CDA credential is based on a core set of competency standards and includes an assessment process by the Council for Professional Recognition.

“Child development home” means a person or program registered under Iowa Code section 237A.3A that may provide child care to seven or more children at any one time.

“ChildNet certification” means a verified completion of the 25-hour ChildNet training series and completion of the certification process.

“ChildNet training” means the 25-hour training series offered through CCR&R focused on areas specifically designed for child development home providers.

“Child nutrition programs” or *“CNP”* means federally funded programs administered by the Food and Nutrition Service (FNS). The programs are designed to help ensure that children receive nutritious meals and snacks to assist in promoting health and educational readiness. Programs serving nutritious meals and snacks are reimbursed for participating.

“Classroom assessment scoring system” or *“CLASS”* means an observation instrument that assesses the quality of teacher-child interactions in center-based classrooms.

“Community resources” means the various people, places or services that offer support to child care programs and the children and families they serve.

“Coprovider” means a second approved provider in a Category C registered child development home.

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“Culturally sensitive” means the knowledge, skills, attributes and beliefs that enable people to work well with, respond effectively to and be supportive of people in a cross-cultural setting.

“Curriculum” means a written plan that outlines how students shall be taught. The curriculum consists of the plans for the learning experiences through which children acquire knowledge, skills, abilities, and understanding. The curriculum may include lessons, instructional materials, teaching techniques, or activities.

“Department” means the Iowa department of human services.

“Developmental screening tool” means a research-based questionnaire or checklist that asks questions about a child’s development, including but not limited to language, movement, thinking, behavior and emotions. Developmental screening shall not be used to establish a diagnosis for a child but rather to help educators, parents, guardians or caretakers determine whether more in-depth assessment may be the next appropriate step.

“Early childhood-positive behavioral interventions and supports” or *“EC-PBIS”* means Iowa’s pyramid model initiative which offers early childhood programs a comprehensive, evidence-based approach to promoting social-emotional development and addressing challenging behaviors among young children. EC-PBIS creates nurturing environments for children equipped with supported staff trained to respond to challenging behaviors to support the goal of fostering positive mental health at a young age.

“EC-PBIS module training” means a series of training intended for staff working with young children. The training teaches the pyramid model, which is a framework of evidence-based practices for promoting young children’s healthy social and emotional development. There are different versions of the training depending on what setting and what age group the staff member is working with. Versions include:

1. EC-PBIS for Preschool (modules 1-3) intended for staff working in classroom-based programs with ages three to five.
2. EC-PBIS for Infants and Toddlers (modules 1-3) intended for staff working in classroom-based programs with ages zero to three.
3. EC-PBIS for Family Child Care (modules 1-2) intended for staff working with multiple ages of children in family child care settings.

“Eligible applicants” means programs meeting the definition of “facility” or programs operating under the authority of an accredited school district or nonpublic school.

“Environment rating scale” or *“ERS”* means a set of early childhood tools or scales developed through the Frank Porter Graham Child Development Institute of the University of North Carolina at Chapel Hill. The scales are used to measure classroom and program quality through assessments by a trained, independent observer. The scales may also be used for self-assessment and program improvement. Four scales are available based on the type of program and ages of children in the classroom assessed:

1. Family child care environment rating scale (FCCERS) is for programs in a family child care or child development home setting for children from infancy through school age.
2. Infant and toddler environment rating scale (ITERS) for groups of children in center-based care from birth up to three years of age.
3. Early childhood environment rating scale (ECERS) for center-based care with groups of children aged three through five years.
4. School-age care environment rating scale (SACERS) for center-based programs with groups of school-age children aged 5 through 12 years.

“ERS assessment” means an evaluation conducted through an on-site observation of an early childhood care and education classroom or program using one of the environment rating scales: FCCERS, ITERS, ECERS, or SACERS. The assessment is completed by a trained assessor and administered by entities approved by the department or the department’s designee.

“ERS improvement plan” means the action plan created by a program or classroom to lay out ideas for improving program quality. It uses a framework based on ERS criteria and definitions. The ERS

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improvement plan follows and builds upon a completed ERS classroom or program self-assessment using the appropriate ERS.

“ERS score sheet” means the form used to evaluate and score a program or classroom based on the ERS items and indicators.

“Facility” means a licensed child care center, a preschool, a program operating under the authority of an accredited school district or nonpublic school, or a registered child development home.

“Full-time child care experience” means knowledge and skills learned through employment or volunteer work, at least 30 hours per week or 130 hours per month, in a licensed child care center, a school-aged only program, a preschool, or a registered child development home or as a child care home provider.

“Head Start program performance standards” means the mandatory regulations that grantees and delegate agencies must implement in order to operate a Head Start program. The performance standards are designed to ensure that Head Start goals and objectives are implemented successfully.

“Health and safety checklist for early care and education (ECE) programs” means the nationally recognized quality assessment tool, conducted by a CCNC or another designee as approved by the department, that uses key observable health and safety standards from CFOC. If followed, these standards are most likely to prevent adverse outcomes for children and staff in ECE settings. For the health and safety checklist, “observable” is defined as the following:

1. Requires interaction with the staff or director only to ask where to find an item or identify products.
2. Able to observe when walking through a program over a two-hour period of time.
3. The standard or item can be seen and evaluated in an objective way.
4. Observation may include opening windows, taking measurements (for example, measuring the depth of an impact surface or height of equipment), smelling for odors and reading labels (for example, checking dates on medication labels).
5. Does not require checking records or documents, such as child immunizations, professional development records or written program policies.

“Internal coach” means the staff member, identified by the program administrator, responsible for going into classrooms and supporting staff on the implementation of the EC-PBIS policies and practices. The internal coach shall be a member of the program’s positive behavioral interventions and supports (PBIS) leadership team.

“Iowa early care and education program administrator roles career pathway” means the statewide professional development path (www.ecieducationpathway.org) designed to assist early childhood center administrators or other early childhood leaders to develop a personal professional development plan as an early childhood educator II or early childhood educator III.

“Iowa early care and education teaching roles career pathway” means the statewide professional development path (www.ecieducationpathway.org) designed to assist early childhood teachers in a licensed center or a child development home to develop a personal professional development plan as an early childhood educator I, an early childhood educator II or an early childhood educator III.

“Iowa early learning standards” or *“IELS”* means a comprehensive resource tool developed to support and enhance children’s learning and development. The IELS provides descriptions of the knowledge, behaviors and skills that children from birth through age five may demonstrate and can be used to share information with anyone who cares for or works with children during the first 2,000 days of life.

“Iowa quality preschool program standards” means standards developed by the Iowa department of education based on the ten standards of the National Association for the Education of Young Children accreditation.

“IQ4K teaching staff qualifications worksheet” means the tool used to calculate an average score in the area of teaching staff qualification using a combination of the educational background and related work experience of identified teaching staff members.

“Leadership team” means the team of people that is working to implement a programwide EC-PBIS. The team is composed of program administrators, teachers and a coach. The leadership

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team is responsible for guiding the programwide process and making decisions on how to support implementation of the EC-PBIS practices throughout the whole program.

“Lead teacher” means the staff member responsible for providing a safe and developmentally appropriate classroom that complies with legislation, policies, and procedures. The lead teacher nurtures children, plans and provides instruction and other activities, ensures student safety, directs the work of other teachers in the classroom, communicates with parents and guardians, is familiar with emergency procedures, and ensures children with diverse needs are included and have their needs met at all times.

“Meals” means any breakfasts, lunches, snacks and suppers the child care program serves to children while in care.

“National Administrator Credential” or *“NAC”* means the 40-hour comprehensive training for child care and education administrators and successful completion of the certification process offered through the National Early Childhood Program Accreditation (NECPA) Commission.

“National School Lunch Program” or *“NSLP”* means a federal CNP operating in public and nonprofit private schools and residential child care institutions. The NSLP provides nutritionally balanced, low-cost or no-cost lunches to children each school day.

“On-site supervisor” means the individual responsible for the daily supervision of the program who must be on site daily, either during the hours of operation that children are present or at a minimum of eight hours of the program’s hours of operation.

“Prevent-Teach-Reinforce for Young Children” or *“PTR-YC”* means the training based on the PTR-YC process for use in early childhood care and education settings including pre-K classrooms and consists of teams and goal setting, practical data collection, functional behavioral assessment, intervention planning and implementation. All steps are designed for use by early childhood providers.

“Professional development plan” means the individualized plan used to improve knowledge and skills. Professional development plans shall address the following:

1. Assessment of an individual’s current interests, knowledge and skills.
2. Identification of specific areas for improvement.
3. Development of strategies and resources.
4. Creation of opportunities to reflect and demonstrate an individual’s professional growth.

“Professional development training” means continuing education and career training offered by a department-approved training organization to child care and education providers to help them develop new skills, stay up to date on current trends and advance their careers.

“Program” refers to the complete operation of an eligible facility applying for an IQ4K rating.

“Program administrator or director” means a department-approved staff member responsible for overseeing the day-to-day operations of a child care program. The person is in charge of all aspects of running the program, including scheduling trainings, planning educational activities, hiring and managing properly trained staff, handling the budget, and establishing well-defined policies and procedures. The person is responsible for everything that takes place within the program and acts as the main communication hub between parents, teachers and children.

“Programwide PBIS training” or *“PW PBIS training”* means the training intended for leadership teams of classroom-based early childhood programs. The purpose of the training is to help guide and support the leadership team through the programwide EC-PBIS process.

“Provider” means the person or program that applies for registration to provide child care and is approved as a child development home.

“Quality rating oversight team” means the workgroup convened to provide oversight and guidance to the department regarding Iowa’s QRIS.

“School-aged only program” means an eligible facility providing care primarily to children aged 5 through 12 when school is not in session, including but not limited to before school, after school, out-of-school days during the school year and summer break.

“Seamless summer option” or *“SSO”* means a federal CNP which allows school food authorities participating in the National School Lunch or School Breakfast Program to serve meals free of charge to children 18 years and under from low-income areas.

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“*Self-assessment*” means an evaluation of current program policies, practices and procedures in comparison to best-practice standards based on the most up-to-date research.

“*Social-emotional-behavioral mental health*” or “*SEBMH*” means the way in which an individual thinks, feels, communicates, acts and learns. These skills contribute to resilience and to how individuals relate to others, respond to stress and emotions, and make choices. Foundational knowledge and skills that promote SEBMH include self-awareness, self-management, responsible decision-making, social awareness, and relationship skills that support positive well-being and academic success.

“*Specialized track*” means a modified IQ4K application for eligible applicants who have successfully provided adequate documentation of current verification and certification in one of the department’s preapproved specialized track areas.

“*Staff*” means any individual employed by and working at the facility under the supervision of the program administrator or director or assistant program administrator or assistant director.

“*Summer food service program*” or “*SFSP*” means a federal CNP that reimburses program operators who serve free healthy meals and snacks to children 18 years and under from low-income areas.

“*Teaching staff*” means all lead teachers and assistant teachers.

441—118.10(237A) Application for Iowa quality for kids (IQ4K) rating. Eligible applicants shall apply for an IQ4K rating by completing the appropriate application and submitting all required supporting documentation.

118.10(1) Standards to be used. The quality rating will be based on the standards in rules 441—118.21(237A) through 441—118.25(237A) for a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school; rules 441—118.27(237A) through 441—118.31(237A) for school-aged only programs; and rules 441—118.33(237A) through 441—118.37(237A) for child development homes.

118.10(2) Application for IQ4K. All applications must be accessed, completed and submitted to the applicant’s designated CCR&R representative through the IQ4K database located at iq4k.stateofiowadhs.org/login.

441—118.11(237A) Application effective date. The effective date of an approved IQ4K application shall be determined as listed in these subrules.

118.11(1) New or nonrated applicant, Levels 1-4. The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

118.11(2) New or nonrated applicant, Level 5. The application effective date will be the day the department confirms the program’s scores on the ERS and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

118.11(3) Currently rated applicant, Levels 1-4. If the program’s new application is submitted prior to the IQ4K expiration date, the new application’s effective date shall be the first day of the month following the program’s current expiration date.

118.11(4) Currently rated applicant, Level 5. If the program’s new application is submitted 30 calendar days prior to the IQ4K expiration date, the new application’s effective date shall be the first day of the month following the program’s current expiration date.

a. If the program’s new application is not submitted 30 calendar days prior to the IQ4K expiration date, the new application effective date will be the day the department confirms the program’s scores on the ERS and subsequently makes the appropriate award determination.

b. If the ERS process is not complete by the time of the program’s IQ4K expiration date, the program’s IQ4K rating will expire and the program will not have an IQ4K rating until the ERS process is complete and a new IQ4K rating is determined.

c. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

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118.11(5) *Currently rated applicant, mid-rating increase to Levels 2-4.* The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

118.11(6) *Currently rated applicant, mid-rating increase to Level 5.* The application effective date will be the day the department confirms the program's scores on the ERS and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 441—118.25(237A), shall be the date the department determined the assessment opportunity was forfeited.

441—118.12(237A) Approved program's expiration date. An approved program's IQ4K expiration date shall be the last day of the month, two years from the application's effective date.

441—118.13(237A) Renewal application submission, Levels 1-4. Eligible applicants may submit an application for IQ4K renewal up to 45 calendar days in advance of the current IQ4K expiration date.

441—118.14(237A) Renewal application submission, Level 5. Eligible applicants may submit an application for IQ4K renewal up to 60 calendar days in advance of the current IQ4K expiration date.

441—118.15(237A) Increased rating. Currently rated IQ4K programs may submit an application for a higher quality rating no sooner than 12 months after the effective date of the current IQ4K certificate.

441—118.16(237A) Change in location of facility. If the location of a rated program changes, the program must notify the department. The program's current IQ4K rating will be invalid, and the program must submit a new application. The department shall make a new determination of the appropriate rating.

441—118.17(237A) Ongoing eligibility. All applicants awarded an IQ4K certification level must continue to meet all eligibility requirements of the awarded level throughout the entire certification period.

118.17(1) Programs unable to maintain full compliance with all eligibility requirements at their awarded level may apply for a waiver of eligibility within 30 calendar days of their inability to do so.

118.17(2) Waivers shall be awarded at the discretion of the department, in consultation with the quality rating oversight team.

118.17(3) Programs that are not able to meet all eligibility requirements of the awarded level throughout the entire certification period or that do not receive a waiver will have their IQ4K rating removed immediately.

118.17(4) Provisionally licensed programs are not eligible to apply for IQ4K participation.

441—118.18(237A) Monitoring. Programs awarded an IQ4K rating shall agree to scheduled on-site and virtual program monitoring by the department or the department's designee to confirm and review compliance with criteria of awarded IQ4K rating.

441—118.19(237A) Professional development training. Only training taken from a department-approved training organization shall be accepted toward professional training requirements. Secondary education credits shall count as one secondary education credit equaling 15 training hours based on ages of the children served in the program.

441—118.20(237A) Rating standards for a child care center, a preschool, or a program operating under the authority of an accredited school district or nonpublic school. To participate in IQ4K QRIS, a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school shall certify that its facility meets the applicable criteria as defined in rules 441—118.21(237A) through 441—118.25(237A).

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118.20(1) Eligible applicants providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

118.20(2) Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of their eligible classrooms meet the specialized track requirements.

118.20(3) Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

441—118.21(237A) Criteria for IQ4K—Level 1 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 1, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks.

118.21(1) *Nutrition and physical activity.*

a. All staff members who prepare meals shall complete one of the department-approved food safety trainings.

b. A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

c. A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

118.21(2) *Professional development.*

a. All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.

b. All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

118.21(3) *Family and community partnerships.*

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

118.21(4) *Teaching staff qualifications.* All lead teachers shall show participation in Tier 1 training or meet a higher tier qualification on the Iowa early care and education teaching roles career pathway within six months of starting employment.

118.21(5) *Teaching and learning.*

a. The program administrator and at least one lead teacher shall complete two hours of training on the Iowa early learning standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

118.21(6) *Environment.*

a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:

- (1) Supervision.
- (2) Safe sleep.
- (3) Playground equipment stability and fall surfacing and inspection.
- (4) Missing child.
- (5) Strangulation prevention.
- (6) Sign in and out tracking system for children and visitors.

b. The program shall submit one of the following annually:

(1) Form 470-5676: IQ4K Interaction and Relationship Self-Assessment, which shall be completed by teaching staff.

(2) CLASS assessment for the age-level being served completed for each classroom by a trained observer.

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(3) Teaching pyramid observation tool (TPOT) or teacher pyramid infant toddler observation scale (TPITOS) assessment tools for infants and toddlers completed for each classroom by a trained observer.

118.21(7) Leadership and administration.

- a. All staff shall complete Form 470-5680: IQ4K Staff Self-Assessment annually.
- b. The program administrator shall complete Form 470-5677: IQ4K Program Assessment annually.

441—118.22(237A) Criteria for IQ4K—Level 2 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 2, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

118.22(1) Nutrition and physical activity.

- a. The program shall choose one of the following:
 - (1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.
 - (2) The program shall complete all of the following as applicable to ages served:
 1. Program staff and their supervisor planning the menu shall complete the CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP meal pattern.
 2. Infant lead teachers and their supervisor shall complete the video “CACFP Child Care Center Infant Staff Training” or Iowa CACFP Infant Training—Steps to Success module 15, parts as identified by the department.
 3. All lead teachers and their supervisors responsible for mealtime supervision shall complete the video “CACFP Child Care Center Staff Training” or the Iowa CACFP Wellness module—Meaningful Mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.22(2) Professional development.

- a. All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the department and hold a valid certification of completion.
- b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.

c. All teaching staff shall complete ten annual training hours of professional development.

118.22(3) Family and community partnerships.

- a. The program shall offer one conference with each family per year to discuss each child’s progress, strengths, and needs in all developmental areas.
- b. Programs shall share child assessment information with the child’s family.
- c. The program shall complete two activities annually that promote partnerships.

118.22(4) Teaching staff qualifications. All lead teachers shall meet Tier 1, step 1 of 40 hours of training toward a CDA or shall meet a higher tier qualification on the Iowa early care and education teaching roles career pathway.

118.22(5) Teaching and learning.

- a. The program shall use a curriculum that is aligned with the Iowa early learning standards, addresses the multiple domain areas, and is specific to the ages of the children the program serves.
- b. The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.
- c. The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

118.22(6) Environment.

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- a. The program administrator or assistant administrator shall complete an ERS training choosing between ITERS, ECERS or SACERS and provide a certificate of completion.
- b. The program shall provide an environment supportive to, and encouraging of, culture, age, race, ability, special needs, and gender diversity.
- c. The program shall develop and implement a tobacco-free and nicotine-free policy aligned to the Iowa department of public health's policy guidelines.

118.22(7) Leadership and administration.

- a. The program administrator shall complete and annually update Form 470-5679: IQ4K Quality Improvement Action Plan.
- b. All staff shall receive a written evaluation at least once a year.
- c. The program administrator shall have at least two years of full-time experience working in the field.

441—118.23(237A) Criteria for IQ4K—Level 3 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

118.23(1) Nutrition and physical activity.

- a. The program shall choose one of the following:
 - (1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP.
 - (2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.
 - 1. Programs providing adequate documentation they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.
 - 2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:
 - The percentage of children enrolled in the program qualifying for free or reduced meals is five percent or less.
 - The program's licensed capacity is 30 or less.
 - The program serves two or fewer meals or snacks per day.
 - The program is open and operating three days a week or less.
 - 3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.
- b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.23(2) Professional development. All teaching staff shall complete ten annual training hours of professional development.

118.23(3) Family and community partnerships.

- a. The program shall promote culturally sensitive practices and procedures.
- b. The program shall complete three activities annually that promote partnerships.

118.23(4) Teaching staff qualifications. The average score for all lead teachers shall be three points or more on the IQ4K teaching staff qualifications worksheet.

118.23(5) Teaching and learning.

- a. The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.
- b. The program shall share community resources with families as needed based on the information gathered from the child's assessment.

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c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.23(6) Environment.

a. Thirty percent or more of lead teachers shall complete an appropriate ERS training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

c. The program shall develop and implement a policy regarding oral health aligned with CFOC.

118.23(7) Leadership and administration.

a. The program administrator shall complete one of the following:

(1) NAC or another DHS-approved credential.

(2) Thirty training hours (or more) in early childhood and ten training hours or more in leadership, administration, or management.

b. The program administrator shall have one of the following:

(1) Three years or more of full-time experience working in the field.

(2) One year or more full-time experience as a program administrator.

441—118.24(237A) Criteria for IQ4K—Level 4 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

118.24(1) Nutrition and physical activity.

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

118.24(2) Professional development.

a. All teaching staff shall complete 12 annual hours or more of professional development.

b. Sixty percent or more of all lead teachers shall complete the applicable EC-PBIS trainings based on age groups served.

(1) EC-PBIS Preschool modules 1 and 2.

(2) EC-PBIS Infant and Toddler modules 1 and 2.

118.24(3) Family and community partnerships. The program shall complete four activities annually that promote partnerships.

118.24(4) Teaching staff qualifications. The average score for all teaching staff shall be four points or more on the IQ4K teaching staff qualification worksheet.

118.24(5) Teaching and learning.

a. The teaching staff shall use assessment data and information gathered about children and families to make changes in their learning environment and activities.

b. The teaching staff shall participate in planning with families and outside experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

118.24(6) Environment.

a. Sixty percent or more of lead teachers shall complete an appropriate ERS training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.

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b. One-third of all classrooms shall complete the ERS scoresheet with self-assessment and improvement plan using a minimum of one classroom per scale, if applicable.

c. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

118.24(7) Leadership and administration.

a. The program administrator shall meet Tier 1 or higher on the Iowa early care and education program administrator roles career pathway.

b. The program administrator shall have two or more years of full-time experience as a program administrator.

441—118.25(237A) Criteria for IQ4K—Level 5 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school.

118.25(1) Criteria for each category. To be rated at Level 5, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5, an eligible facility must also meet the following criteria:

a. Minimum score. The facility must earn a minimum score of 5.0 in each assessed classroom on the appropriate ERS.

b. Approved assessor. An assessor approved by the department or department's designee must perform an environment rating assessment.

c. Number of classrooms assessed. At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group serviced by the facility.

d. Time frame for assessment. Programs eligible for ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

e. Assessments not done timely. Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

118.25(2) Nutrition and physical activity.

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP, or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.25(3) Professional development.

a. All teaching staff shall complete 12 annual hours or more of professional development.

b. Sixty percent or more of all lead teachers and the internal coach shall complete the EC-PBIS trainings as follows:

(1) EC-PBIS Preschool modules 3a and 3b.

(2) EC-PBIS Infant and Toddler modules 3.

(3) Prevent-Teach-Reinforce for Young Children (PTR-YC).

118.25(4) Family and community partnerships.

a. The program shall complete five activities annually that promote partnerships.

b. The program shall offer one additional conference with each family of preschool age children in care, per year, to discuss each child's progress, strengths, and needs in all developmental areas. Assessment information shall be shared with the family.

118.25(5) Teaching staff qualifications. The average score for all teaching staff shall be eight points or more on the IQ4K teaching staff qualification worksheet.

118.25(6) Teaching and learning.

HUMAN SERVICES DEPARTMENT[441](cont'd)

a. The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support learning for each child, including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

b. The leadership team shall complete PW PBIS training. A leadership team must include an administrator, internal coach and teacher.

118.25(7) *Environment.*

a. Eighty percent or more of lead teachers shall complete an appropriate ERS training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.

b. One-third of all classrooms shall receive an overall score of five or higher on each classroom's ERS assessment when using a minimum of one classroom per scale, if applicable.

c. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

118.25(8) *Leadership and administration.*

a. The program administrator shall meet Tier 2 or higher on the Iowa early care and education program administrator roles career pathway.

b. The program administrator shall have three or more years of full-time experience as a program administrator.

441—118.26(237A) Rating standards for school-aged only programs.

118.26(1) To participate in IQ4K QRIS, a school-aged only program shall certify that its facility meets the applicable criteria as defined in rules 441—118.27(237A) through 441—118.31 (237A).

118.26(2) The following program requirements apply:

a. Eligible applicants providing adequate documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

b. Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50 percent of their eligible classrooms meet the specialized track requirements.

c. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

441—118.27(237A) Criteria for IQ4K—Level 1 school-aged only programs. To be rated at a Level 1, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks.

118.27(1) *Nutrition and physical activity.*

a. The program administrator and any staff members who prepare meals shall complete one of the department-approved food safety trainings.

b. A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

c. A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

118.27(2) *Professional development.*

a. All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.

b. All staff shall complete one of the department-identified new staff orientation courses and must provide a valid certificate of completion. Newly hired staff shall have nine months from date of hire to complete this requirement.

118.27(3) *Family and community partnerships.*

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

118.27(4) *Teaching and learning.*

HUMAN SERVICES DEPARTMENT[441](cont'd)

- a. The program shall provide assistance or access to tutors to support homework or students' learning needs.
- b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.
- c. The program shall develop and implement a comprehensive and age-appropriate schedule of activities.

118.27(5) Environment.

- a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:
 - (1) Supervision.
 - (2) Bullying prevention.
 - (3) Playground equipment stability and fall surfacing and inspection.
 - (4) Missing child.
 - (5) Strangulation prevention.
 - (6) Sign in and out tracking system for children and visitors.
 - (7) Technology.
- b. The program shall submit one of the following annually:
 - (1) Form 470-5676: IQ4K Interaction and Relationship Self-Assessment, which shall be completed by teaching staff.
 - (2) CLASS assessment for the age level being served and completed for each classroom by a trained observer.

118.27(6) Leadership and administration.

- a. All staff shall complete Form 470-5680: IQ4K Staff Self-Assessment annually.
- b. The program administrator shall complete Form 470-5677: IQ4K Program Assessment annually.
- c. Meetings for all staff shall be conducted two or more times per year.

441—118.28(237A) Criteria for IQ4K—Level 2 school-aged only programs. To be rated at a Level 2, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

118.28(1) Nutrition and physical activity.

- a. The program shall choose one of the following:
 - (1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.
 - (2) The program shall complete all of the following as applicable to ages served:
 - 1. Program staff planning the meals and their supervisor shall complete the CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP meal pattern.
 - 2. All lead staff and their supervisors responsible for mealtime supervision shall complete the video "CACFP School-Age Program Staff Training."
- b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.28(2) Professional development.

- a. All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the department and hold a valid certification of completion.
- b. All staff who administer medication shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion. There shall be one person who meets these criteria present on site in the program at all times.
- c. All staff shall complete ten annual training hours of professional development.

118.28(3) Family and community partnerships.

- a. The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.

HUMAN SERVICES DEPARTMENT[441](cont'd)

b. The program shall complete two activities annually that promote partnerships.

118.28(4) *Teaching and learning.*

a. The program shall develop and implement a curriculum that includes all of the following opportunities each day:

- (1) Active physical activity.
- (2) Creative expression.
- (3) Cooperative games.
- (4) Free choice with a variety of materials.
- (5) Academic support.

b. The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

118.28(5) *Environment.*

a. The program administrator or assistant administrator shall complete the SACERS training and provide a certificate of completion.

b. The program shall provide an environment supportive to and encouraging of culture, age, race, ability, special needs, and gender diversity.

c. The program shall develop and implement a tobacco-free and nicotine-free policy aligned to the Iowa department of public health's policy guidelines.

118.28(6) *Leadership and administration.*

a. The program administrator shall complete and annually update Form 470-5679: IQ4K Quality Improvement Action Plan.

b. All staff shall receive a written evaluation at least once a year.

c. The program administrator shall have at least two or more years of full-time experience working in the field.

441—118.29(237A) Criteria for IQ4K—Level 3 school-aged only programs. To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

118.29(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

- (1) The program shall actively participate in CACFP, NSLP or another department-approved CNP.
- (2) If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.

1. Programs providing adequate documentation that they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.

2. Nonprofit programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:

- The percentage of children enrolled in the program qualifying for free or reduced meals is five percent or less.
- The program's licensed capacity is 30 children or fewer.
- The program serves two or fewer meals or snacks per day.
- The program is open and operating three days a week or less.

3. For-profit programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25 percent or less.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.29(2) *Professional development.* All staff shall complete ten or more annual training hours of professional development.

118.29(3) *Family and community partnerships.*

a. The program shall promote culturally sensitive practices and procedures.

HUMAN SERVICES DEPARTMENT[441](cont'd)

b. The program shall complete three activities annually that promote partnerships.

118.29(4) *Teaching and learning.*

a. Program staff shall utilize an appropriate tool throughout the year to gather information about children's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered.

c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.29(5) *Environment.*

a. The on-site supervisor shall complete the SACERS training series and provide a certificate of completion.

b. The program shall participate in the completion of the health and safety checklist for early care and education programs.

118.29(6) *Leadership and administration.*

a. The program administrator shall complete:

(1) NAC or another department-approved credential, or

(2) Thirty training hours or more in a related field and ten training hours or more in leadership.

b. The program administrator shall have three years or more of full-time experience working in the field or one year or more of full-time experience as a program administrator.

c. The on-site supervisor shall have 30 training hours or more in a related field and two years or more of full-time experience working in the field.

441—118.30(237A) Criteria for IQ4K—Level 4 school-aged only programs. To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

118.30(1) *Nutrition and physical activity.*

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

118.30(2) *Professional development.*

a. All staff shall complete 12 or more annual training hours of professional development.

b. Thirty percent or more of all staff shall complete six or more hours of department or IQ4K-approved training in the area of SEBMH.

118.30(3) *Family and community partnerships.* The program shall complete four activities annually that promote partnerships.

118.30(4) *Teaching and learning.*

a. Staff shall use information gathered about children and families to make changes in their learning environment and activities.

b. Staff shall participate in planning with families and outside experts as needed for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, or specialized health needs.

118.30(5) *Environment.*

a. One staff member or more shall complete the SACERS training series and provide a certificate of completion.

b. One-third of classrooms shall complete the SACERS scoresheet with self-assessment and an improvement plan with a minimum of one classroom per scale if applicable.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education.

118.30(6) Leadership and administration.

a. The program administrator shall have 120 training hours or more in a related field and 10 training hours or more in leadership, administration or management.

b. The program administrator shall have two years or more of full-time experience as a program administrator.

c. The on-site supervisor shall have 90 training hours or more in a related field and one year or more of full-time experience as an on-site supervisor.

441—118.31(237A) Criteria for IQ4K—Level 5 school-aged only programs.

118.31(1) Criteria for each category. To be rated at a Level 5, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5, an eligible facility must also meet the following criteria:

a. *Minimum score.* The facility must earn a minimum score of 5.0 in each assessed classroom on the SACERS assessment.

b. *Approved assessor.* An assessor approved by the department or department's designee must perform the ERS assessment.

c. *Number of classrooms assessed.* At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group served by the facility.

d. *Time frame for assessment.* Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

e. *Assessments not done timely.* Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

118.31(2) Nutrition and physical activity.

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP, NSLP or another department-approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.

(2) If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.31(3) Professional development.

a. All staff shall complete 12 or more annual training hours of professional development.

b. Sixty percent or more of all staff shall complete six or more hours of department-approved or IQ4K-approved training in the area of SEBMH.

118.31(4) Family and community partnerships. The program shall complete five activities annually that promote partnerships.

118.31(5) Teaching and learning. The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child including those with diverse needs, language barriers, identified behavioral needs, or specialized health needs.

118.31(6) Environment.

a. Eighty percent or more of lead teachers shall complete the SACERS training series and provide a certificate of completion.

b. One-third of classrooms shall receive an overall score of 5.0 or higher on the SACERS assessment with a minimum of one classroom per scale if applicable.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education.

118.31(7) Leadership and administration.

a. The program administrator shall have 9 or more credit hours in a related field and 12 or more training hours in leadership, administration or management.

b. The program administrator shall have three or more years of full-time experience as a program administrator.

c. The on-site supervisor shall have six or more credit hours in a related field and two or more years of full-time experience as an on-site supervisor.

441—118.32(237A) Rating standards for child development homes. To participate in IQ4K QRIS, a registered child development home shall certify that it meets the applicable criteria as defined in rules 441—118.33(237A) through 441—118.37(237A). The following program requirements apply:

1. For Category C homes operating with an approved coprovider, both providers must satisfy the applicable criteria where designated.

2. Eligible applicants providing documentation of current verification or certification in one of the preapproved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

3. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

441—118.33(237A) Criteria for IQ4K—Level 1 rating standards for registered child development homes. To be rated at Level 1, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in its respective specialized tracks for Levels 1 and 2.

118.33(1) Nutrition and physical activity.

a. The provider and coprovider, where applicable, shall complete one of the department-approved food safety trainings.

b. The program shall complete a self-assessment and create an action plan in the area of nutrition.

c. The program shall complete a self-assessment and create an action plan in the area of physical activity.

118.33(2) Professional development. The provider and coprovider, where applicable, shall complete a professional plan annually.

118.33(3) Family and community partnerships.

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

118.33(4) Provider qualifications. The provider and coprovider, where applicable, shall have one year or more of full-time child care experience.

118.33(5) Teaching and learning.

a. The provider and coprovider, where applicable, shall complete two hours of training on the Iowa early learning standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

118.33(6) Environment.

a. The program shall develop and implement, as applicable to ages served, the following policies aligned to CFOC:

(1) Supervision.

(2) Safe sleep.

(3) Missing child.

(4) Strangulation prevention.

(5) Sign in and out tracking system for children and visitors.

HUMAN SERVICES DEPARTMENT[441](cont'd)

b. The provider and coprovider, where applicable, shall complete Form 470-5676: IQ4K Interaction and Relationship Self-Assessment.

c. The program shall annually complete Form 470-5678: IQ4K Program Assessment.

441—118.34(237A) Criteria for Level 2 rating standards for registered child development homes. To be rated at a Level 2, an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in its respective specialized tracks.

118.34(1) Nutrition and physical activity.

a. The program shall choose one of the following:

(1) The program shall actively participate in CACFP.

(2) The provider and coprovider, where applicable, shall complete all of the following as applicable to ages served:

1. Iowa CACFP Steps to Success module 2 lessons as identified by the department that cover the CACFP Meal Pattern.

2. Iowa CACFP Infant Training-Steps to Success module 15, parts one and two.

3. Iowa CACFP Wellness module-Meaningful Mealtimes.

b. The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.34(2) Professional development. There shall be one person who meets the following criteria present on site in the program at all times.

a. The provider and coprovider, where applicable, shall complete ChildNet Training.

b. The provider and coprovider, where applicable, shall complete 15 hours or more of annual training hours of professional development.

c. The provider shall complete the medication administration skills competency course or other department-approved training and hold a valid certification of completion.

d. The provider shall also successfully complete a competency skills evaluation assessment checklist or department-approved equivalent and hold a valid certification of completion.

118.34(3) Family and community partnerships.

a. The program shall offer one conference with each family annually to discuss each child's progress, strengths and needs in all developmental areas. Programs shall share child assessment information with the child's family.

b. The program shall complete two activities annually that promote partnerships.

118.34(4) Provider qualifications. The provider and coprovider, where applicable, shall meet one of the following:

a. Two years or more of full-time experience in child care.

b. Six college credit hours or more in education specific to the age group for whom care is provided.

118.34(5) Teaching and learning.

a. The program shall develop and implement a daily schedule with predictable routines that are developmentally appropriate for all ages served.

b. The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, and punitive or other exclusionary discipline.

c. The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children in care within 60 days of enrollment and at least annually to identify children who may need additional evaluation and intervention strategies.

118.34(6) Environment.

a. The program shall provide an environment supportive to, and encouraging of, culture, age, race, ability, special needs, and gender diversity.

b. The program shall develop and implement a policy regarding playground equipment stability and fall surfacing and inspection which are aligned with CFOC.

c. The program shall develop and implement a tobacco-free and nicotine-free policy.

HUMAN SERVICES DEPARTMENT[441](cont'd)

d. The program shall annually complete and update Form 470-5679: IQ4K Quality Improvement Action Plan.

441—118.35(237A) Criteria for IQ4K—Level 3 rating standards for registered child development homes. To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2 and 3.

118.35(1) Nutrition and physical activity.

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.35(2) Professional development.

a. The provider and coprovider, where applicable, shall complete ChildNet Certification.

b. The provider and coprovider, where applicable, shall choose one of the following trainings to complete their initial IQ4K rating:

(1) Complete one module of the Program for Infant and Toddler Care.

(2) Complete module 1 of the EC-PBIS for Family Child Care and complete the following implementation guide checklists and review with coach:

1. Relationships.

2. Environments.

3. Expectations, Activities and Feedback.

(3) Complete School Age Matters training.

c. The provider and coprovider, where applicable, shall choose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

d. Once the provider and coprovider, as applicable, have completed all of the age applicable trainings, the provider and co-provider shall complete 18 annual hours of approved professional development training on all subsequent IQ4K applications.

118.35(3) Family and community partnerships.

a. The program shall promote culturally sensitive practices and procedures.

b. The program shall complete three activities annually that promote partnerships.

118.35(4) Provider qualifications. The provider and coprovider, where applicable, shall meet one of the following:

a. Three years or more of child care experience.

b. Nine or more college credit hours in education, specific to the age group for whom care is provided.

118.35(5) Teaching and learning.

a. The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.

b. The program shall share community resources with families as needed, based on the information gathered from the child's assessment.

c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral needs, and specialized health needs.

118.35(6) Environment.

a. The provider shall complete the FCCERS ERS training and provide a certificate of completion.

b. A self-assessment and action plan in the area of nutrition shall be completed for an eligible facility.

HUMAN SERVICES DEPARTMENT[441](cont'd)

c. A self-assessment and action plan in the area of physical activity shall be completed for an eligible facility.

441—118.36(237A) Criteria for IQ4K—Level 4 rating standards for registered child development homes. To be rated at Level 4, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3 and 4.

118.36(1) Nutrition and physical activity.

- a. The program shall actively participate in CACFP.
- b. The program shall implement one nutrition goal from the completed action plan in Level 1.
- c. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

118.36(2) Professional development.

a. The provider and coprovider, where applicable, shall choose one of the following trainings to complete for their initial IQ4K rating:

(1) Complete two additional modules of the Program for Infant and Toddler Care.

(2) Complete module 2 of the EC-PBIS for Family Child Care and complete the following implementation guide checklists and review with coach:

1. Emotions and Emotional Regulation.
2. Friendships and Problem Solving.

b. The provider and coprovider, where applicable, shall choose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

c. Once the provider and coprovider, as applicable, have completed all of the age applicable trainings, the provider and co-provider shall complete 20 annual hours of approved professional development training on all subsequent IQ4K applications.

118.36(3) Family and community partnerships. The program shall complete four activities annually that promote partnerships.

118.36(4) Provider qualifications. The provider and coprovider, where applicable, shall meet one of the following:

a. The provider shall meet Tier 2 or higher on the Iowa early care and education teaching roles career pathway.

b. The provider shall have three or more years of full-time child care experience.

118.36(5) Teaching and learning.

a. The program shall use information gathered about children and families to make changes in their learning environment and activities.

b. The program shall participate in planning with families and other experts, as needed, for children with diverse needs, including those with identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

118.36(6) Environment.

a. The program shall complete the FCCERS ERS scoresheet with self-assessment and improvement plan.

b. The program shall score an average of 2.5 or higher on the health and safety checklist for early care and education programs.

441—118.37(237A) Criteria for IQ4K—Level 5 rating standards for registered child development homes.

118.37(1) Criteria for each category. To be rated at a Level 5, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in its respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5 the following criteria must also be met:

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a. Minimum score. The facility must earn a minimum score of 5.0 on the FCCERS ERS assessment.

b. Approved assessor. An assessor approved by the department or department's designee must perform the ERS assessment.

c. Time frame for assessment. Programs eligible for an ERS assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.

d. Assessments not done timely. Programs that do not undergo their assessment within 90 days of approval by the department or that do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 rating with an effective date as outlined in rule 441—118.11(237A).

118.37(2) *Nutrition and physical activity.*

a. The program shall actively participate in CACFP.

b. The program shall identify and implement two nutrition goals from the completed action plan in Level 1.

c. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.37(3) *Professional development.*

a. The provider shall choose one of the following trainings to complete their initial IQ4K rating:

(1) Complete two additional modules of the Program for Infant and Toddler Care.

(2) Complete EC-PBIS for Family Child Care Benchmarks of Quality and action plan for continued implementation and growth with coach. The EC-PBIS for Family Child Care must be completed.

b. The provider shall then choose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

c. Once the provider has completed all of the age-applicable trainings, the provider shall complete 22 annual hours of approved professional development training on all subsequent IQ4K applications.

118.37(4) *Family and community partnerships.* The program shall complete five activities annually that promote partnerships.

118.37(5) *Provider qualifications.*

a. The provider shall meet Tier 2 or higher on the Iowa early care and education teaching roles career pathway.

b. The provider shall have four or more years of full-time child care experience.

118.37(6) *Teaching and learning.* The program shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child, including those with diverse needs, identified disabilities, language barriers, identified behavioral health needs and specialized health needs.

118.37(7) *Environment.*

a. The program shall achieve a score of 5.0 or higher on the FCCERS ERS assessment.

b. The program shall score an average of 2.75 or higher on the health and safety checklist for early care and education programs.

441—118.38(237A) Award of quality rating.

118.38(1) The facility shall display Form 470-5681: IQ4K QRIS rating certificate in a conspicuous place.

118.38(2) Achievement bonuses may be awarded as funds are available.

441—118.39(237A) Adverse actions.

118.39(1) An eligible applicant shall be notified of the right to appeal the rating decision in accordance with 441—Chapter 7.

118.39(2) A participant's quality rating shall be revoked if the facility no longer meets the definition of eligible applicant.

ARC 6154C**LAW ENFORCEMENT ACADEMY[501]****Notice of Intended Action****Proposing rule making related to curriculum and attendance
and providing an opportunity for public comment**

The Iowa Law Enforcement Academy hereby proposes to amend Chapter 3, “Certification of Law Enforcement Officers,” and Chapter 7, “Public Records and Fair Information Practices,” to rescind Chapter 8, “Mandatory In-Service Training Requirements,” and to adopt a new Chapter 8, “Mandatory In-Service and Specialty Training Requirements,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 80B.11 and 80F.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate Files 342 and 387.

Purpose and Summary

The Academy continually reviews and updates its rules when needed. The proposed amendments to Chapter 3 include changes required by 2021 Iowa Acts, Senate File 387, regarding an update to the Academy’s curriculum and expansion of the attendance qualifications to attend the short course academy. The proposed changes to Chapter 7 reflect the Academy’s use of digital record keeping. New Chapter 8 clarifies the requirements for mandatory in-service training for certified peace officers and includes new training standards for internal affairs investigators as required by 2021 Iowa Acts, Senate File 342.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Academy Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 16.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Academy no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Russell Rigdon
Iowa Law Enforcement Academy
Building 4640
P.O. Box 130
Johnston, Iowa 50131
Email: russell.rigdon@iowa.gov

LAW ENFORCEMENT ACADEMY[501](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 3.1(6) as follows:

3.1(6) Should a person employed as a law enforcement officer fail to achieve certification within the time period or any extensions allowed by rule 501—3.1(80B), that person shall not be eligible for employment as and shall not serve as a regular or a reserve law enforcement officer in the state of Iowa for a period of not less than ~~one year~~ 12 months from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

ITEM 2. Amend rule 501—3.2(80B) as follows:

501—3.2(80B) Law enforcement status forms furnished to academy. Within ~~ten~~ 20 days of any of the following occurrences, the academy will be so advised by use of prescribed forms:

1. Any hiring of personnel.
2. Change of status of existing personnel (e.g., promotions).
3. ~~Satisfactory completion of all law enforcement training not sponsored by the academy.~~
4. ~~Accrual of college credits.~~
5. 3. Any termination of employment of a law enforcement officer or appointment as a reserve peace officer. The notification must state whether the law enforcement officer or reserve peace officer was discharged or removed for serious misconduct or whether the officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer being discharged or removed for serious misconduct. Upon request by the council, the employing agency shall provide any additional information or documentation about the officer including confidential records or information under Iowa Code section 22.7 or other applicable law to the council.

ITEM 3. Amend rule 501—3.3(80B) as follows:

501—3.3(80B) Standard certifying courses for approved law enforcement facilities. The academy courses of study and training programs must meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008. The standard certifying courses of study at an approved law enforcement training facility are:

1. The long course, consisting of at least 620 hours to be completed within a 25-week period; and
2. The short course, consisting of at least 400 hours to be completed within a 20-week period.

ITEM 4. Amend rule 501—3.4(80B) as follows:

501—3.4(80B) Qualifications for attendance at a short course. In order to be eligible for enrollment ~~in the certification through the~~ a short course, the individual officer must possess at least one of the following qualifications:

3.4(1) No change.

LAW ENFORCEMENT ACADEMY[501](cont'd)

3.4(2) Have satisfactorily completed law enforcement training in another state commensurate with basic training required in Iowa, and be able to provide verification of the same.

3.4(3) Have satisfactorily completed military police training and furnished documentation to the academy.

3.4(4) Have satisfactorily completed the Federal Bureau of Investigation new agent training course, or similar course of instruction, and be able to provide verification of the same.

This rule is intended to implement Iowa Code section 80B.11.

ITEM 5. Amend paragraph **3.5(3)“g”** as follows:

g. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 6. Amend paragraph **3.5(4)“c”** as follows:

c. ~~Blue-courage~~ Officer resiliency and development.

ITEM 7. Amend paragraph **3.5(8)“h”** as follows:

h. Unbiased policing (minimum of 2 hours).

ITEM 8. Amend paragraph **3.6(3)“e”** as follows:

e. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 9. Amend paragraph **3.6(4)“c”** as follows:

c. ~~Blue-courage~~ Officer resiliency and development.

ITEM 10. Amend paragraph **3.6(8)“c”** as follows:

c. Unbiased policing (minimum of 2 hours).

ITEM 11. Amend rule 501—3.8(80B) as follows:

501—3.8(80B) Certification through examination. Law enforcement officers who have been certified in another state may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification, adhering to all requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the academy. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy or its designee, and the passing score will be determined by the academy. The required test or tests will be based upon the officer’s prior law enforcement training and experience as follows:

3.8(1) *Five or more years of law enforcement experience.* Officers with more than five years of full-time law enforcement experience, to include federal law enforcement time, will be required to pass a test or tests which will primarily measure the officer’s knowledge of Iowa laws. The test or tests will include, but need not be limited to, such topics as criminal law, motor vehicle law, juvenile law, law of arrest, law of search and seizure, and law regarding the use of force.

3.8(2) and **3.8(3)** No change.

3.8(4) *Criteria to be eligible to certify through examination.* The following will be prerequisites for certification through examination:

a. Successful completion of a minimum ~~160-hour~~ 400-hour certifying basic law enforcement training school in another state, which certification has not been withdrawn or suspended by the certifying state.

b. and c. No change.

~~d.—Submission of a preliminary application for certification through examination to the council. A preliminary application for certification shall adhere to the requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the Iowa law enforcement academy.~~

3.8(5) *Application and testing periods.* Application for certification through examination shall be made within 120 days of the applicant’s hiring date, unless a determination is made by the academy council that this time period should be extended for “good cause.” Failure to make timely application for certification through examination may result in the applicant’s being required to attend ~~an~~ a certifying academy certifying school.

3.8(6) and **3.8(7)** No change.

LAW ENFORCEMENT ACADEMY[501](cont'd)

ITEM 12. Rescind and reserve rule **501—3.9(80B)**.

ITEM 13. Amend subrule 3.12(1) as follows:

3.12(1) An individual who has not yet been hired or started employment as an Iowa sworn peace officer may apply for attendance at the Iowa law enforcement academy (ILEA) or, if qualified as provided for in subrule 3.4(1), at a short course of study at an approved law enforcement training program if such individual is sponsored by an Iowa law enforcement agency.

a. The individual must submit an application packet approved and provided by the Iowa law enforcement academy at least 30 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by a sponsoring agency and at least 60 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by ILEA. An administrative fee, to be established by the academy, shall accompany the application packet.

b. The sponsoring Iowa law enforcement agency must certify that the agency intends to hire the individual within the next ~~18~~ 12 months ~~or has hired the individual as a law enforcement officer.~~

c. and *d.* No change.

ITEM 14. Amend subrule 3.12(5) as follows:

3.12(5) Certification.

a. The academy will not grant certification until an individual is employed by an Iowa law enforcement agency and has met required hiring standards and successfully completed certification testing.

~~*a.* The following hiring standards must be reverified if the individual is not hired by an Iowa law enforcement agency during the first 12 months following completion of the course of study.~~

~~(1) The Iowa law enforcement academy evaluations of the Minnesota Multiphasic Personality Inventory (MMPI) may be used for only 12 months to comply with this rule. Any individual who has not been hired or placed upon a civil service certified list within the first 12 months following completion of the course of study must retake the MMPI and, before the individual is certified, the results of the MMPI must be approved by the hiring authority.~~

~~(2) Standard & Associates' National Police Officer Selection Test (POST) test scores shall be valid for a period of 12 months from the date of completion of the course of study. An individual who has not been hired or placed upon a civil service certified list within 12 months must retake and successfully pass the examination before being certified.~~

~~(3) The individual must be examined by a licensed physician or surgeon and meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.~~

~~(4) The individual must successfully pass a physical test adopted by the Iowa law enforcement academy.~~

b. An individual may be certified in the following areas only after being employed by an Iowa law enforcement agency:

(1) Iowa Law Enforcement Emergency Care Provider.

(2) Implied consent.

(3) Standardized field sobriety testing.

(4) Firearms qualification with the hiring agency's weapon and ammunition.

Certification will be awarded in the above areas if the individual is employed by an Iowa law enforcement agency within the first 12 months following completion of the basic training course of study and when the following requirements are met. All individuals, once employed by an Iowa law enforcement agency, must undergo testing in the firearms qualifications with the hiring agency's weapon and ammunition at the direction of an instructor certified in firearms by the Iowa law enforcement academy. Documentation of this testing and scores must be submitted to the Iowa law enforcement academy. The individual will be certified upon successful completion of the firearms qualification and review of the testing results completed during training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program.

~~If the individual is not employed within a 12-month period after completing basic training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training~~

LAW ENFORCEMENT ACADEMY[501](cont'd)

~~program, the individual will be required to retake the required training for Iowa Law Enforcement Emergency Care Provider, implied consent, and standardized field sobriety testing. Successful completion and documentation of this training must be submitted to the Iowa law enforcement academy before certification can be granted.~~

ITEM 15. Amend subrule 3.12(6) as follows:

3.12(6) Employment within ~~18~~ 12 months. The individual must be employed by an Iowa law enforcement agency within ~~18~~ 12 months of completion of the course of study in order to receive certification. An individual shall not be certified under rule 501—3.12(80B) if the individual is not employed by an Iowa law enforcement agency within ~~18~~ 12 months of completion of the course of study.

ITEM 16. Amend subrule 7.3(7) as follows:

7.3(7) Fees.

a. No change.

b. *Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the agency shall be prominently posted ~~in agency offices~~ on the agency's website. Copies of records may be made by or for members of the public on agency photocopy machines or from electronic storage systems at cost as determined and posted in agency offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. No change.

d. *Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds ~~\$25~~ \$20, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) No change.

ITEM 17. Amend subrule 7.13(1) as follows:

7.13(1) Law enforcement officer personal files. The Iowa law enforcement academy is charged by Iowa Code chapter 80B to establish training and hiring standards and to certify individuals as law enforcement officers in the state of Iowa. Training records, law enforcement officer status, and personal questionnaires are necessary to accomplish the mandate of Iowa Code chapter 80B.

These personal files contain information about past and present law enforcement officers in the state. These files may contain hiring and termination information, personal questionnaires and status changes (required by rule 501—3.1(80B) and rule 501—3.2(80B)), medical information showing compliance with rule 501—2.1(80B) and rule 501—2.2(80B) as authorized by Iowa Code section 80B.11, criminal history data, restoration of citizenship records, pardon records, training records, test scores, disciplinary reports and evaluation reports prepared during recruit training, decertification requests, and investigative reports. These files may also contain published articles concerning an individual officer and other data relevant to a law enforcement officer's career in law enforcement. Some of these records may be confidential under Iowa Code section 22.7 or Iowa Code chapter 692. Law enforcement officer personal records are stored in ~~both paper and~~ or computerized form.

ITEM 18. Amend subrule 7.13(2) as follows:

7.13(2) Decertification files. These files are maintained pursuant to Iowa Code section 80B.13(8). These files contain requests or inquiries made by hiring authorities concerning decertification of a person who is certified as a law enforcement officer in the state of Iowa. The Iowa law enforcement academy also has independent authority pursuant to Iowa Code section 80B.13(8) to revoke a law enforcement officer's certification for conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to Iowa Code section 80B.11(1) "h." These files may contain official administrative or court filings or records, investigative reports, criminal history data, and attorney-client work product concerning possible or impending litigation. Some of this information may be confidential under Iowa Code sections 17A.2 and 22.7, Iowa Code chapter 692, constitutional restraints, statute and the Code of Professional Responsibility. Except as previously noted, administrative hearing filings

LAW ENFORCEMENT ACADEMY[501](cont'd)

or records and court records or filings are public records. This information is stored in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 19. Amend subrule 7.13(3) as follows:

7.13(3) *Litigation files.* These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wanting to obtain copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy. Copies of pleadings and other documents filed in litigation with the Iowa law enforcement academy may be obtained from the Iowa law enforcement academy during normal business hours as these documents are public records. These records are maintained in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 20. Amend subrule 7.13(5) as follows:

7.13(5) *Library user files.* These files contain information on individuals who have checked out books, films, tapes, etc. from the Iowa law enforcement academy library. This information is confidential pursuant to Iowa Code section 22.7(13). This information is kept in paper ~~form and may appear in~~ or computerized form.

ITEM 21. Amend subrule 7.13(6) as follows:

7.13(6) *Law enforcement class files.* These files contain information concerning individuals who have attended training classes established by the Iowa law enforcement academy. These files may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 22. Amend subrule 7.13(7) as follows:

7.13(7) *Implied consent training files.* These files contain information concerning those officers who are certified to invoke implied consent pursuant to Iowa Code chapter 321J. These files are public records and are accessible during normal working hours. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 23. Amend subrule 7.13(8) as follows:

7.13(8) *Specialized instructor files.* These files contain information concerning individuals who have attended specialized training programs or through experience are qualified to instruct in specialized areas of law enforcement. These records may be retrieved by personal identifier or through class name. Some of this information may be confidential pursuant to Iowa Code section 22.7. These records are kept in ~~both~~ computerized ~~and~~ or paper form.

ITEM 24. Amend subrule 7.13(9) as follows:

7.13(9) *Psychological testing.* These files contain information concerning a law enforcement applicant's test scores regarding cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." In these files, other psychological examinations requested by hiring agencies are also stored by a personal identifier. Some of this information may be confidential pursuant to Iowa Code section 22.7(19). Law enforcement officers interested in the results of their psychological testing should contact the hiring agency that authorized the testing. This information is maintained in ~~both~~ computerized ~~and~~ or paper form.

ITEM 25. Amend subrule 7.13(11) as follows:

7.13(11) *Salary files.* These files contain information concerning financial data regarding payments made to permanent or temporary employees of the Iowa law enforcement academy. These records are

LAW ENFORCEMENT ACADEMY[501](cont'd)

maintained concurrently by the Iowa law enforcement academy, the Iowa department of administrative services, and the Iowa department of revenue. These records are kept in paper ~~and~~ or computerized form.

ITEM 26. Amend rule 501—7.14(17A,22), introductory paragraph, as follows:

501—7.14(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than a record system as defined in rule 501—7.1(17A,22). These records are routinely available to the public; however, the agency's files of these records may contain confidential information as discussed in rule 501—7.12(17A,22). The records listed may contain information about individuals. All records are stored on paper and or in computer systems ~~unless otherwise noted~~.

ITEM 27. Amend subrule 7.14(3) as follows:

7.14(3) Publications. The office receives a number of books, periodicals, videotapes, films, newsletters, government documents, etc. ~~These records are maintained in the library established pursuant to Iowa Code section 80B.15 for use by law enforcement training centers and institutions who have a two-year program in law enforcement.~~ Some of these records may be protected by copyright law. Many of these publications of general interest are available in the state law library.

ITEM 28. Rescind 501—Chapter 8 and adopt the following new chapter in lieu thereof:

CHAPTER 8

MANDATORY IN-SERVICE AND SPECIALTY TRAINING REQUIREMENTS

501—8.1(80B) Mandatory in-service training requirements. All regular law enforcement officers shall meet the following in-service training requirements. The elected or appointed official designated as the head of the agency employing the regular law enforcement officer shall ensure compliance with the training requirements listed.

8.1(1) Mandatory training and certification requirements. A regular law enforcement officer must receive in-service training from a course of study approved by the Iowa law enforcement academy.

- a. Annual firearms qualification
- b. National crime information center (NCIC) certification (Federal Bureau of Investigation)
- c. Hazard communications (OSHA Standard 1910.1200(h))
- d. Hazardous materials (OSHA Standard 1910.120(q)(8)(i))
- e. Bloodborne pathogens (OSHA Standard 1910.1030(g)(2)) 1 hour per year
- f. Implicit bias/de-escalation training (Iowa Code section 80B.11G) 4 hours per year
- g. Mental health training (Iowa Code section 80B.11(1) "c"(3)) 1 hour per year
- h. Cardiopulmonary resuscitation (CPR), AED and foreign body airway obstruction for all age groups. (Standards defined by the International Liaison Committee on Resuscitation)
- i. Mandatory reporter training for child and dependent adult abuse provided by the department of human services (Iowa Code sections 232.69(1) "b"(11), 232.69(3) "b," 235B.3(2) "b" and 235B.16(5) "b"). A child abuse or dependent adult abuse training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

8.1(2) General training. In addition to the requirements of subrule 8.1(1), a regular law enforcement officer must receive a minimum of 12 hours per year of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator.

501—8.2(80B) Instructors.

8.2(1) A peace officer instructor who instructs in a law enforcement-related training area, as determined by the law enforcement agency administrator, may receive hour-for-hour credit toward the in-service training requirement for the subject taught.

8.2(2) In-service training programs, specialized classes, or other courses of instruction that are not Iowa law enforcement academy instructor certifying schools, may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator.

LAW ENFORCEMENT ACADEMY[501](cont'd)

501—8.3(80B) In-service training requirements for former regular law enforcement officers who return to law enforcement. Any individual who leaves and then returns to an Iowa law enforcement officer position must complete all requirements outlined in subrule 8.1(1), within one year of the individual's hiring date. Additionally, the individual must complete additional general in-service requirements of law enforcement-related training as defined in subrule 8.1(2) plus the appropriate hours listed below:

Period Outside of Iowa Law Enforcement	In-Service Training Required
More than 12 months to 24 months	24 hours
More than 24 months to 36 months	36 hours
More than 36 months	60 hours

501—8.4(80B) Time frame—tolled. The time frame requirements for completion of any mandatory training are tolled during the period a law enforcement officer is called to active military service.

501—8.5(80F) Training officers on interviewing/investigating an officer subject to a complaint.

8.5(1) An agency employing full-time or part-time officers shall provide training to any officer or supervisor who performs or supervises an investigation under Iowa Code section 80F.1 and shall maintain documentation of completed training.

8.5(2) Pursuant to Iowa Code section 80F.1(22), a peace officer or supervisor who performs or supervises an investigation of an officer who is the subject of a complaint shall be trained in the following areas:

- a. Fundamentals of interviewing.
- b. Peace officer, public safety, and emergency personnel bill of rights (Iowa Code section 80F.1).
- c. Garrity warning (*Garrity v. New Jersey*, 385 U.S. 493 (1967)).
- d. Peace officer disciplinary hearing (with applicable agency policy).

These rules are intended to implement Iowa Code sections 80B.11, 80B.11G and 80F.1(21).

ARC 6156C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

**Proposing rule making related to diabetes education programs
and providing an opportunity for public comment**

The Public Health Department hereby proposes to amend Chapter 9, "Outpatient Diabetes Education Programs," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 135.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 135.11.

Purpose and Summary

The proposed amendments reflect revisions related to an external organization's name and a credential designation. Clarifying revisions are also being proposed for acronyms and a few other items.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Jill Myers-Gadelmann
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: jill.myers-gadelmann@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “ADCES” and “Certified diabetes care and education specialist” in rule **641—9.2(135)**:

“*ADCES*” means the Association of Diabetes Care and Education Specialists.

“*Certified diabetes care and education specialist*” means a person currently certified by the Certification Board for Diabetes Care and Education.

ITEM 2. Amend rule **641—9.2(135)**, definitions of “Accredited” and “Pharmacist,” as follows:

“*Accredited*” means that a program is currently accredited by the ~~American~~ Association of Diabetes Care and Education Specialists (ADCES)/American Association of Diabetes Educators (AADE).

“*Pharmacist*” means a person currently licensed to practice pharmacy under Iowa Code chapter ~~155~~ 155A.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 3. Amend subrule 9.3(1) as follows:

9.3(1) Develop minimum standards ~~in coordination with the American Diabetes Association for certification aligned with the National Standards for Diabetes Self-Management Education and Support published by the ADA and the American Association of Diabetes Educators~~ ADCES/AADE.

ITEM 4. Amend subrule 9.3(5) as follows:

9.3(5) Assign a ~~program~~ site number and an expiration date and issue a certificate to each program that meets the standards. A certificate shall be valid for four years from issuance unless specified otherwise on the certificate or unless sooner revoked.

ITEM 5. Amend rules 641—9.4(135) to 641—9.10(135) as follows:

641—9.4(135) Application procedures for American Diabetes Association-recognized and ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators-accredited programs.~~ When a program is recognized by the ~~American Diabetes Association~~ ADA or accredited by the ~~American Association of Diabetes Educators~~ ADCES/AADE, the program shall apply for certification by submitting the following to the department:

9.4(1) A copy of the Certificate of Recognition provided by ~~the~~ ADA or the Certificate of Accreditation provided by ~~AADE~~ the ADCES/AADE.

9.4(2) The name, address and telephone number for the program.

9.4(3) The ~~names~~ name and email address of the program coordinator; and the names of the program physician, primary and supporting instructors, and advisory committee members.

9.4(4) Copies of current licenses for all Iowa-licensed professionals named in 9.4(3).

9.4(5) The name and a copy of both the Iowa licenses and continuing education hours of any pharmacist who serves as program staff. A pharmacist shall be a primary or supporting instructor or advisory committee member and shall meet the education requirements in 9.8(6), 9.8(7) or 9.8(8).

641—9.5(135) Renewal procedures for American Diabetes Association-recognized and ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators-accredited programs.~~ Programs shall renew their certification every four years, at least 30 days prior to the expiration date. To apply for renewal of certification, the ADA-recognized program or the ~~AADE~~ ADCES/AADE-accredited program shall submit the following to the department:

9.5(1) A copy of the new ADA Certificate of Recognition or ~~AADE~~ ADCES/AADE Certificate of Accreditation.

9.5(2) The name, address and telephone number for the program.

9.5(3) The ~~names~~ name and email address of the program coordinator; and the names of the program physician, primary and supporting instructors, and advisory committee members.

9.5(4) Copies of current licenses for all Iowa-licensed professionals named in 9.5(3).

9.5(5) The name and a copy of both the Iowa licenses and continuing education hours of any pharmacist who serves as program staff. A pharmacist shall be a primary or supporting instructor or advisory committee member and shall meet the continuing education requirements in 9.9(7).

641—9.6(135) Application procedures for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~

9.6(1) Each program shall apply for certification with the department.

9.6(2) Applications from programs not recognized by ~~the~~ ADA or accredited by ~~AADE~~ the ADCES/AADE shall provide the following information:

a. Name, address and telephone number for the program, program physician and program coordinator and email address of the program coordinator. The names of instructional staff and advisory committee members and copies of their current Iowa licenses shall also be included.

b. Identification of the target population, an estimate of the program caseload, estimated number of programs to be conducted annually, minimum and maximum class size, and a calendar identifying

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the hours per day and number of days per week scheduled in individual or group instruction to meet the minimum course requirements.

c. A description of goals and objectives, participant referral mechanism, and means of coordinating between the community, physicians, and program staff.

d. Evaluation methods designed by individual programs and samples of documents to be used.

e. A description of the curriculum designed to instruct the participant with diabetes how to achieve self-management competency. The curriculum shall cover the same content areas as are required by the ADA for recognition or the ~~AADE~~ ADCES/AADE for accreditation including:

(1) to (7) No change.

(8) Reducing risks: includes prevention, detection, and treatment of acute complications (including hypoglycemia, hyperglycemia, diabetic ketoacidosis, sick days, and severe weather or crisis supply management) and chronic complications; (including foot, ~~skin~~ eye and dental care; exams; immunizations; and kidney function testing as indicated).

(9) to (11) No change.

641—9.7(135) Diabetes program management for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~

9.7(1) to 9.7(4) No change.

641—9.8(135) Program staff for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~

9.8(1) to 9.8(5) No change.

9.8(6) All primary instructors shall show evidence of knowledge about the disease process of diabetes and the treatment and management of people with diabetes by documentation of one or more of the following:

a. Within the last four years, completion of a minimum of 32 hours of continuing education in diabetes, diabetes management, or diabetes education; ~~or~~.

b. Equivalent training or experience including, but not limited to, endocrinology fellowship training or masters level preparation in diabetes nursing/nutrition. Unsupervised teaching of patients is not an acceptable equivalent.

c. Current certification as a certified diabetes care and education specialist/certified diabetes educator.

9.8(7) All supporting instructors shall show evidence of knowledge about the disease process of diabetes and the treatment and management of people with diabetes by documentation of completion of a minimum of 16 hours of continuing education in diabetes, diabetes management, or diabetes education within the last four years or have current certification as a certified diabetes care and education specialist/certified diabetes educator.

9.8(8) to 9.8(10) No change.

641—9.9(135) Renewal application procedures for programs not recognized by the American Diabetes Association or accredited by the ~~American Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators.~~ Every four years, programs shall provide the following information to the department at least 30 days prior to the expiration date.

9.9(1) Name, address and telephone number of the program, program physician and program coordinator; ~~with~~; email address of the program coordinator; and names of instructional staff and advisory committee members and copies of current licenses for all Iowa-licensed professionals.

9.9(2) to 9.9(7) No change.

641—9.10(135) Annual report. Summary data shall be completed annually by each program and sent to the department at a time determined by the department. The data shall include but not be limited

PUBLIC HEALTH DEPARTMENT[641](cont'd)

to the number of times the program was presented, the number of outpatients that participated, and a summarized description of program participants including type of diabetes, age, race and sex.

ARC 6160C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to the personal responsibility education program and the Title V state sexual risk avoidance education grant program and providing an opportunity for public comment

The Public Health Department hereby proposes to adopt new Chapter 78, “Personal Responsibility Education Program and Title V State Sexual Risk Avoidance Education Grant Program Funding and Restrictions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in 2019 Iowa Acts, House File 766, section 99.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 766, section 99.

Purpose and Summary

The purpose of proposed Chapter 78 is to adopt the requirements of 2019 Iowa Acts, House File 766, section 99, to exclude, as an eligible applicant, any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, this prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through the Personal Responsibility Education Program (PREP) or the Title V State Sexual Risk Avoidance Education Grant Program (SRAE) but does not perform abortions or maintain or operate as a facility where abortions are performed.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

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Marcus Johnson-Miller
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: marcus.johnson-miller@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** 641—Chapter 78:

CHAPTER 78

PERSONAL RESPONSIBILITY EDUCATION PROGRAM AND TITLE V STATE SEXUAL RISK AVOIDANCE EDUCATION GRANT PROGRAM FUNDING AND RESTRICTIONS

641—78.1(88GA, HF766) Purpose. The purpose of this chapter is to set forth guidelines and limitations for the use of funds from the Personal Responsibility Education Program (PREP) and the Title V State Sexual Risk Avoidance Education Grant Program (SRAE).

641—78.2(88GA, HF766) Definitions.

“*Administer*” means to implement PREP or SRAE through contracts entered into by the department and selected private, governmental, and nonprofit organizations to provide programming directly to youth participants. “Administer” does not mean the evaluation of PREP or SRAE or the management of federal performance measures data collection for PREP or SRAE programming. “Administer” also does not mean providing training and technical assistance.

“*Affiliate*” means a business, corporate, or financial relationship in which an entity is controlled by or under common control with an entity that performs or promotes abortions.

“*Department*” means the Iowa department of public health.

“*Nonprofit health care delivery system*” means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

“*PREP*” means the Personal Responsibility Education Program as specified in 42 U.S.C. Section 713.

“*Regularly*” means recurring, routine, and conducted in conformity with established or prescribed rules or policy.

“*SRAE*” means the Sexual Risk Avoidance Education Grant Program authorized pursuant to Section 510 of Title V of the federal Social Security Act, 42 U.S.C. Section 710 as amended by Section 50502

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of the federal Bipartisan Budget Act of 2018, Public Law 115-123, and as further amended by Division S, Title VII, Section 701 of the federal Consolidated Appropriations Act of 2018, Public Law 115-141.

641—78.3(88GA, HF766) Distribution of grant funds. Distribution of grant funds shall be made in a manner that continues access to PREP and SRAE programming.

78.3(1) Priority. The department shall distribute all grant funds received to eligible private, governmental, and nonprofit organizations or agencies that are able to deliver services to a county or counties as defined and prioritized by the department.

78.3(2) Funds restrictions—abortion.

a. Any contract entered into on or after July 1, 2019, by the department to administer PREP or SRAE shall exclude as an eligible applicant any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

b. This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through PREP or SRAE but does not perform abortions or maintain or operate a facility where abortions are performed.

c. For the purposes of these rules, “abortion” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

78.3(3) Distinct provider identification number and attestation.

a. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

b. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules to administer PREP or SRAE shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location. The attestation will be completed annually during the application process.

These rules are intended to implement 2019 Iowa Acts, House File 766, section 99.

ARC 6158C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

**Proposing rule making related to local public health services
and providing an opportunity for public comment**

The Public Health Department hereby proposes to rescind Chapter 80, “Local Public Health Services,” Iowa Administrative Code, and to adopt a new Chapter 80 with the same title.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 135.11(13).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 135.11(13).

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Purpose and Summary

The proposed amendment streamlines Chapter 80 by focusing the use of local public health services (LPHS) funds on public health systems work and emphasizing core public health functions, essential services, and public health interventions. Revisions incorporated in new Chapter 80 serve to advance the health of the population through a systems-level approach while providing opportunities to protect and improve the health of every Iowan.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Marisa Roseberry
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: marisa.roseberry@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 641—Chapter 80 and adopt the following **new** chapter in lieu thereof:

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES

PUBLIC HEALTH DEPARTMENT[641](cont'd)

641—80.1(135) Purpose. The purpose of the local public health services (LPHS) contract is to assure core public health functions are met, to assure essential public health services are delivered, and to increase the capacity of local boards of health to meet the unique needs of the population while promoting healthy people in healthy communities throughout their life spans.

641—80.2(135) Definitions. For the purposes of these rules, the following definitions apply:

“Allocation” means the process to distribute funds.

“Appropriation” means the funding amount approved in the state budget.

“Community” means the aggregate of persons with common characteristics such as race, ethnicity, age, occupation, or other similarities such as location.

“Contractor” means a local board of health (LBOH).

“Core public health functions” means the functions of assessment, policy development, and assurance:

1. Assessment means regular collection, analysis, interpretation, and communication of information about health conditions, risks, and assets in a community.

2. Policy development means formulation, implementation, and evaluation of plans and policies, for public health in general and priority health needs in particular, in a manner that incorporates scientific information and community values in accordance with state public health policy.

3. Assurance means that programs and interventions, which maintain and improve health, are carried out by encouragement, regulation, or direct action.

“Department” means the Iowa department of public health.

“Elderly” means an individual aged 60 years and older.

“Essential public health services” means a framework for public health to promote and protect the health of all people in all communities.

“Formula” means the mathematical calculation applied to the state appropriation and granted to each local board of health pursuant to Iowa Code section 135.11(13) to determine the amount of available funds to be distributed to each county.

“Local board of health” or *“LBOH”* means a county or district board of health as defined in Iowa Code chapter 137.

“Low income” means the U.S. Census Bureau’s small area income and poverty estimates (SAIPE) used to determine low income.

“LPHS” means local public health services.

“Public health intervention” means an organized effort to promote behaviors and habits that can improve physical, mental, and emotional health for specific groups of people.

“Work plan” means the plan established by the contractor to identify the details for implementing core functions and essential public health services.

641—80.3(135) Contractor assurances.

80.3(1) The contractor may directly provide or subcontract all or part of the delivery of essential public health services and public health interventions.

80.3(2) The contractor shall make certain the following:

a. A work plan is submitted annually through an application process that identifies the intended public health interventions and essential public health services for the designated fiscal year;

b. Staff are available to meet the core public health functions, deliver essential public health services, and implement the public health interventions outlined in the work plan;

c. As applicable, contractors will assure that policies and procedures are available for public health interventions and essential public health services identified in the work plan;

d. Fiscal accountability of funds is monitored;

e. Contract-required documentation, including performance metrics, is submitted by the established deadline;

f. A local appeal process is available for public health interventions identified in the work plan; and

PUBLIC HEALTH DEPARTMENT[641](cont'd)

g. All applicable local, state, and federal requirements are met.

641—80.4(135) Utilization of LPHS contract funding. The contractor may bill the department for staff time, salaries and benefits, and other necessary costs to implement the approved work plan.

80.4(1) Planning process. Annually, the contractor shall conduct a planning process to identify the utilization of LPHS contract funding that considers the unique and changing needs of the communities served.

80.4(2) Reallocation. The department will annually determine the potential for unused funds from contracts. Reallocation of the funds shall be at the discretion of the department.

641—80.5(135) LPHS funds.

80.5(1) Allocation for LPHS funds. Allocation for LPHS funds to each contractor is determined by the following formula:

a. Eighteen percent of the total LPHS funds shall be divided so that an equal amount is available for use in each county in the state.

b. Eight percent of the total LPHS funds shall be allocated to each county according to the county's population based upon the published data of the U.S. Census Bureau, which is the most recent data available three months prior to the release of the LPHS application.

c. Forty-four percent of the total LPHS funds shall be allocated according to the proportion of state residents who are elderly persons living in a county based upon the bridged-race population estimates produced by the U.S. Census Bureau in collaboration with the National Center for Health Statistics (NCHS).

d. Thirty percent of the total LPHS funds shall be allocated according to the proportion of state residents who are low-income persons living in a county based upon the U.S. Census Bureau's small area income and poverty estimates (SAIPE).

80.5(2) Reserved.

These rules are intended to implement Iowa Code section 135.11(13).

ARC 6159C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to the medical cannabidiol program and providing an opportunity for public comment

The Public Health Department hereby proposes to amend Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 124E.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 124E.2, 124E.4 and 124E.11.

Purpose and Summary

The proposed amendments implement necessary updates to the rules regarding the medical cannabidiol program to formalize waivers currently in effect, reduce compliance burden for licensees and the Department, reduce barriers for veteran participation, and provide additional authority to certifying practitioners. Updates include:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

- Providing certifying practitioners the authority to request cancellation of a patient's medical cannabidiol registration card for reasons including, but not limited to, suspected abuse or fraud and violation of health network standard operating procedures;
- Clarifying registration card application language based on program evaluation;
- Formalizing administrative rule waivers that are currently in effect, including for waste disposal processes;
- Striking the real-time requirement for transmission of manufacturing data to the Department to allow for the implementation of a simpler, more cost-effective solution;
- Removing certain low-value waste tracking requirements because of unnecessary difficulties with tracking for licensees and enforcement for the Department;
- Allowing veterans to be eligible for the reduced application fee option when enrolling in the program when confirming documentation is provided.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Owen Parker
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: owen.parker@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 1. Renumber subrule **154.2(4)** as **154.2(5)**.

ITEM 2. Adopt the following **new** subrule 154.2(4):

154.2(4) A health care practitioner may make a written request to the department to rescind a written certification the practitioner provided to a patient or caregiver, based on reasons deemed appropriate by the health care practitioner.

ITEM 3. Amend subparagraph **154.3(1)“d”(2)** as follows:

(2) A copy of the patient's valid photo identification. Acceptable photo identification includes:

1. and 2. No change.

3. An alternative form of valid photo identification. A patient who possesses or is eligible for an Iowa driver's license or an Iowa nonoperator's identification card shall present such document as valid photo identification. A patient who is ineligible or unable to obtain an Iowa driver's license or an Iowa nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A patient who applies for an exemption is subject to verification of the patient's identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

ITEM 4. Amend rule 641—154.6(124E) as follows:

641—154.6(124E) Denial and cancellation. The department may deny an application for a medical cannabidiol registration card, or may cancel a medical cannabidiol registration card, for any of the following reasons:

1. to 6. No change.

7. A health care practitioner requests in writing that the department rescind the written certification the practitioner provided to a patient or caregiver.

8. A patient requests in writing that the department cancel the patient's primary caregiver's medical cannabidiol registration card.

ITEM 5. Amend subrule 154.9(1) as follows:

154.9(1) A cardholder seeking renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department ~~at least 60 days prior to the date of expiration.~~

a. and *b.* No change.

ITEM 6. Amend subrule 154.12(1) as follows:

154.12(1) *Patient medical cannabidiol registration card fee.*

a. Each application fee is \$100 unless the patient qualifies for a reduced fee as described in paragraph 154.12(1) "*b.*"

b. Each reduced application fee is \$25 if the patient attests to receiving social security disability benefits, supplemental security income payments, proof of veteran status, or is enrolled in the medical assistance program as defined in rule 641—154.1(124E).

~~*e.* Each renewal fee is the same as the initial card application fee.~~

ITEM 7. Amend subrule 154.16(4) as follows:

154.16(4) *Establishment and maintenance of a secure sales and inventory tracking system.* The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:

a. Inventory of plant material, and medical cannabidiol, ~~and waste material~~;

b. to *e.* No change.

ITEM 8. Amend subparagraph **154.17(1)“b”(1)** as follows:

(1) Procedures for the oversight of the manufacturer, including descriptions of operational and management practices regarding:

1. to 3. No change.

~~4. The estimated types and amounts of medical cannabidiol waste and plant material waste to be generated;~~

~~5.~~ 4. The disposal methods for all waste materials;

PUBLIC HEALTH DEPARTMENT[641](cont'd)

~~6.~~ 5. Employee training methods for the specific phases of production. A manufacturer may make operating documents for these procedures available on site only;

~~7.~~ 6. Biosecurity measures and standard operating procedures used in the production and manufacturing of medical cannabidiol. A manufacturer may make operating documents for these procedures available on site only;

~~8.~~ 7. Strategies for identifying and reconciling discrepancies in inventory of plant material or medical cannabidiol;

~~9.~~ 8. Sampling strategy and quality testing for labeling purposes. A manufacturer may make operating documents for these procedures available on site only;

~~10.~~ 9. Medical cannabidiol packaging and labeling procedures;

~~11.~~ 10. Procedures for recall and market withdrawal of medical cannabidiol;

~~12.~~ 11. Plans for responding to a security breach at a manufacturing facility or while medical cannabidiol is in transit to a dispensary. A manufacturer may make operating documents for these procedures available on site only;

~~13.~~ 12. A business continuity plan. A manufacturer may make this operating document available on site only;

~~14.~~ 13. Records relating to all transport activities; and

~~15.~~ 14. Other information requested by the department.

ITEM 9. Amend paragraph **154.17(2)“e”** as follows:

e. Sell or distribute medical cannabidiol to any person or business other than a dispensary or manufacturer licensed by the department under Iowa Code chapter 124E;

ITEM 10. Amend rule 641—154.22(124E) as follows:

641—154.22(124E) Transportation of medical cannabidiol and plant material.

154.22(1) *Transport of medical cannabidiol.* A manufacturer is authorized to transport medical cannabidiol to and from:

a. to c. No change.

d. A manufacturer licensed by the department under Iowa Code chapter 124E;

~~*e.*~~ Other sites only with departmental approval.

154.22(2) *Transport of plant material.* A manufacturer is authorized to transport cannabis plant material from its manufacturing facility to:

a. A waste disposal site;

b. A manufacturer licensed by the department under Iowa Code chapter 124E;

~~*c.*~~ Other sites only with departmental approval.

154.22(3) *Chain-of-custody tracking system.*

a. No change.

b. Before transporting medical cannabidiol, a manufacturer shall:

(1) Record in the secure sales and inventory tracking system or on the manifest information about the material to be transported; and

(2) Notify the dispensary, laboratory, manufacturer licensed by the department under Iowa Code chapter 124E, or waste facility, as applicable, of the expected arrival time and transmit a copy of the manifest to the dispensary, laboratory, manufacturer, or waste facility, if applicable.

c. to e. No change.

154.22(4) No change.

ITEM 11. Amend rule 641—154.23(124E) as follows:

641—154.23(124E) Disposal of medical cannabidiol and plant material.

154.23(1) No change.

154.23(2) *Medical cannabidiol and plant material waste.* A manufacturer shall store, secure, and manage medical cannabidiol waste and plant material waste in accordance with all applicable federal, state, and local regulations.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

a. and b. No change.

c. Before transport of plant material waste, the manufacturer shall render the plant material waste unusable and unrecognizable, ~~by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:~~

- ~~(1) Paper waste;~~
- ~~(2) Cardboard waste;~~
- ~~(3) Food waste;~~
- ~~(4) Yard waste;~~
- ~~(5) Vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;~~
- ~~(6) Soil; or~~
- ~~(7) Other waste approved by the department.~~

154.23(3) No change.

154.23(4) *Waste-tracking requirements.* A manufacturer shall ~~use forms approved by the department~~ to maintain accurate and comprehensive records regarding waste material. The records shall account for, reconcile, and evidence all waste activity related to the disposal of medical cannabidiol waste and plant material waste.

ITEM 12. Amend subparagraph **154.24(3)“c”(4)** as follows:

- ~~(4) Inventory records, including disposal of waste.~~

ITEM 13. Amend subrule 154.24(4) as follows:

154.24(4) *Entry into the department's secure sales and inventory tracking system.* Unless otherwise provided in these rules, a manufacturer shall adhere to the following schedule for entering data into the department's secure sales and inventory tracking system.

a. A manufacturer shall enter data in real time for data related to:

- (1) Transport of medical cannabidiol, plant material, waste material, and laboratory samples; and
- (2) Sales of medical cannabidiol to dispensaries.

b. A manufacturer shall enter data on changes to inventory of plant material, and medical cannabidiol, ~~and waste material~~ by the end of the business day in which the changes occurred.

c. No change.

ITEM 14. Amend subrule 154.27(3) as follows:

154.27(3) ~~*Real-time inventory*~~ *Inventory tracking required.* A manufacturer shall use the department-approved secure sales and inventory tracking system to track medical cannabidiol production from seed or plant cutting through distribution of medical cannabidiol to a dispensary. The manufacturer shall use the system to maintain a ~~real-time~~ record of the manufacturer's inventory of plant material and medical cannabidiol to include:

a. The quantity and form of medical cannabidiol maintained by the manufacturer at the manufacturing facility on a daily basis;

b. The amount of plants being grown at the manufacturing facility on a daily basis; and

~~c. The names of the employees or employee conducting the inventory; and~~

~~d. c.~~ c. Other information deemed necessary and requested by the department.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for January is 3.50%.

TREASURER OF STATE(cont'd)

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 11, 2022, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .05%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

February 1, 2021 — February 28, 2021	3.00%
March 1, 2021 — March 31, 2021	3.00%
April 1, 2021 — April 30, 2021	3.25%
May 1, 2021 — May 31, 2021	3.50%
June 1, 2021 — June 30, 2021	3.75%
July 1, 2021 — July 31, 2021	3.50%
August 1, 2021 — August 31, 2021	3.50%

USURY(cont'd)

September 1, 2021 — September 30, 2021	3.25%
October 1, 2021 — October 31, 2021	3.25%
November 1, 2021 — November 30, 2021	3.25%
December 1, 2021 — December 31, 2021	3.50%
January 1, 2022 — January 31, 2022	3.50%
February 1, 2022 — February 28, 2022	3.50%

ARC 6150C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to federal occupational safety and health standards

The Labor Commissioner hereby amends Chapter 10, “General Industry Safety and Health Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

This rule making adopts by reference changes to the federal occupational safety and health standards concerning beryllium in general industry. The federal changes include adding and modifying definitions, clarifying requirements for an employee exposed to a trace amount of beryllium, replacing Appendix A, and clarifying requirements for employees with confirmed or suspected cases of chronic beryllium disease.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 17, 2021, as **ARC 6045C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on December 28, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

LABOR SERVICES DIVISION[875](cont'd)

Effective Date

This rule making will become effective on March 2, 2022.

The following rule-making action is adopted:

Amend rule **875—10.20(88)** by inserting the following at the end thereof:

83 Fed. Reg. 31045 (July 3, 2018)

85 Fed. Reg. 42625 (July 14, 2020)

[Filed 12/30/21, effective 3/2/22]

[Published 1/26/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/26/22.