



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]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

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

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

Fax: (515)281-5534

CITATION of Administrative Rules

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

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)

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 2014

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. 18 '13	Jan. 8 '14	Jan. 28 '14	Feb. 12 '14	Feb. 14 '14	Mar. 5 '14	Apr. 9 '14	July 7 '14
Jan. 3	Jan. 22	Feb. 11	Feb. 26	Feb. 28	Mar. 19	Apr. 23	July 21
Jan. 17	Feb. 5	Feb. 25	Mar. 12	Mar. 14	Apr. 2	May 7	Aug. 4
Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sep. 1
Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sep. 15
Mar. 14	Apr. 2	Apr. 22	May 7	May 9	May 28	July 2	Sep. 29
Mar. 28	Apr. 16	May 6	May 21	***May 21***	June 11	July 16	Oct. 13
Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Apr. 25	May 14	June 3	June 18	June 20	July 9	Aug. 13	Nov. 10
May 9	May 28	June 17	July 2	***July 2***	July 23	Aug. 27	Nov. 24
May 21	June 11	July 1	July 16	July 18	Aug. 6	Sep. 10	Dec. 8
June 6	June 25	July 15	July 30	Aug. 1	Aug. 20	Sep. 24	Dec. 22
June 20	July 9	July 29	Aug. 13	Aug. 15	Sep. 3	Oct. 8	Jan. 5 '15
July 2	July 23	Aug. 12	Aug. 27	***Aug. 27***	Sep. 17	Oct. 22	Jan. 19 '15
July 18	Aug. 6	Aug. 26	Sep. 10	Sep. 12	Oct. 1	Nov. 5	Feb. 2 '15
Aug. 1	Aug. 20	Sep. 9	Sep. 24	Sep. 26	Oct. 15	Nov. 19	Feb. 16 '15
Aug. 15	Sep. 3	Sep. 23	Oct. 8	Oct. 10	Oct. 29	Dec. 3	Mar. 2 '15
Aug. 27	Sep. 17	Oct. 7	Oct. 22	***Oct. 22***	Nov. 12	Dec. 17	Mar. 16 '15
Sep. 12	Oct. 1	Oct. 21	Nov. 5	***Nov. 5***	Nov. 26	Dec. 31	Mar. 30 '15
Sep. 26	Oct. 15	Nov. 4	Nov. 19	***Nov. 19***	Dec. 10	Jan. 14 '15	Apr. 13 '15
Oct. 10	Oct. 29	Nov. 18	Dec. 3	***Dec. 3***	Dec. 24	Jan. 28 '15	Apr. 27 '15
Oct. 22	Nov. 12	Dec. 2	Dec. 17	***Dec. 17***	Jan. 7 '15	Feb. 11 '15	May 11 '15
Nov. 5	Nov. 26	Dec. 16	Dec. 31	Jan. 2 '15	Jan. 21 '15	Feb. 25 '15	May 25 '15
Nov. 19	Dec. 10	Dec. 30	Jan. 14 '15	Jan. 16 '15	Feb. 4 '15	Mar. 11 '15	June 8 '15
Dec. 3	Dec. 24	Jan. 13 '15	Jan. 28 '15	Jan. 30 '15	Feb. 18 '15	Mar. 25 '15	June 22 '15
Dec. 17	Jan. 7 '15	Jan. 27 '15	Feb. 11 '15	Feb. 13 '15	Mar. 4 '15	Apr. 8 '15	July 6 '15

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
19	Friday, February 28, 2014	March 19, 2014
20	Friday, March 14, 2014	April 2, 2014
21	Friday, March 28, 2014	April 16, 2014

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, March 7, 2014, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Procurement, 1.2(5), 117.3(3), 117.7(4), 117.15, 118.7(2) Notice **ARC 1302C** 2/5/14

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]*umbrella*

Organization and operation—updates and clarifications, 1.2 Filed **ARC 1318C**..... 2/19/14
 Rule-making notifications; update of commission address, 2.4(3), 2.5, 2.6(2), 2.11(1), 3.1,
 3.3(3), 3.5, 3.6(2) Notice **ARC 1346C** 2/19/14
 Iowa national guard educational assistance program, 20.1 Filed **ARC 1319C**..... 2/19/14
 Rural Iowa primary care loan repayment program, ch 24 Filed **ARC 1320C** 2/19/14
 Rural Iowa advanced registered nurse practitioner and physician assistant loan repayment
 program, ch 25 Filed **ARC 1321C** 2/19/14
 Iowa grant program—priority for grants, 27.1(7)*b* Notice **ARC 1345C** 2/19/14

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]*umbrella*

Eligibility to file ethics complaint, 11.4(1)*a* Notice **ARC 1344C** 2/19/14
 Out-of-state and exchange license applicants—provision of valid or expired license with
 application, 13.3(6), 13.17(1) Notice **ARC 1343C** 2/19/14
 School counselors—licensure and practice, 13.15, 13.28, 27.3 Filed **ARC 1328C** 2/19/14
 Substitute teacher license—in-state and out-of-state graduates required to pass
 Iowa-mandated assessment(s), 13.16(1) Filed **ARC 1324C** 2/19/14
 International exchange license, 13.17(3) Filed **ARC 1323C** 2/19/14
 Family and consumer sciences endorsements, 13.28(9) Filed **ARC 1327C** 2/19/14
 Initial administrator license, 18.4 Filed **ARC 1326C** 2/19/14
 Iowa jobs for America’s graduates (iJAG) authorization, 22.7 Filed **ARC 1322C** 2/19/14
 Paraeducators—competencies for generalists and special needs concentration, 24.3, 24.4(2)
Filed **ARC 1325C** 2/19/14

EDUCATION DEPARTMENT[281]

Student member of state board of education, 1.2 Filed **ARC 1330C** 2/19/14
 Drinking drivers course, amendments to ch 21 Notice **ARC 1340C** 2/19/14
 Nutritional content standards, 58.11 Notice **ARC 1341C** 2/19/14
 State standards for progression in reading, ch 62 Filed **ARC 1331C** 2/19/14
 Alternate subject assessment for teacher candidates, 79.15(7)*a* Notice **ARC 1339C** 2/19/14
 Professional development for teachers, 83.6 Notice **ARC 1338C** 2/19/14

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]*umbrella*

Transition to computer-based testing, 3.2, 4.1 Filed **ARC 1349C** 2/19/14

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]*umbrella*

Storm water permits—notice of intent, transfer agreements, 64.6, 64.15 Filed **ARC 1337C** 2/19/14
 Onsite wastewater assistance program, 93.3(1), 93.4(1) Filed **ARC 1336C** 2/19/14

HUMAN SERVICES DEPARTMENT[441]

Autism support program, ch 22 Filed **ARC 1329C** 2/19/14
 Medicaid coverage for transplants, 78.1(20)*a* Filed **ARC 1297C** 2/5/14
 Funding for empowerment areas, rescind ch 169 Notice **ARC 1311C** 2/5/14

INSPECTIONS AND APPEALS DEPARTMENT[481]

Hospital accreditation organizations, 51.2, 51.6, 51.53(7) Filed **ARC 1305C** 2/5/14
 Hospitals—criminal, dependent adult abuse, and child abuse record checks for prospective
 employees, 51.41 Filed **ARC 1304C** 2/5/14
 Nursing facilities—administrators, services, classification of violations, 58.1, 58.8, 58.14(8),
 58.18(2), 58.19, 58.28(3) Notice **ARC 1313C** 2/5/14

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]*umbrella*

Policy form filing, 20.4(2) Filed **ARC 1334C** 2/19/14

INTERIOR DESIGN EXAMINING BOARD[193G]

Professional Licensing and Regulation Bureau[193]
COMMERCE DEPARTMENT[181]"umbrella"

Registration fees, 2.1(4) Notice **ARC 1298C** 2/5/14

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Group trusts; contribution rates; refunds; retirement, disability and death benefits; same gender spouse; alternate payee; domestic relations orders, amendments to chs 2, 4, 9, 11 to 14, 16 Filed **ARC 1348C**..... 2/19/14

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Boiler and pressure vessel program—fees, 90.7 Notice **ARC 1333C** 2/19/14

NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Description and organization of board; newsletter, 1.3, 1.4 Notice **ARC 1312C** 2/5/14

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PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Procedures required during the absence of the pharmacist, 6.7(2), 7.6(2) Filed **ARC 1308C** 2/5/14

Use of automated medication distribution system (AMDS) by EMS programs, 11.20(1) Filed **ARC 1307C**..... 2/5/14

Strip pack dispensing of drugs, 22.1(1), 22.5 Filed **ARC 1309C** 2/5/14

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Speech pathologists and audiologists—examinations, continuing education, 300.3(4), 300.5, 300.6, 300.9, 300.17(3), 303.1, 303.2(3), 303.3 Notice **ARC 1314C** 2/5/14

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems board—licensure fees, 28.1 Filed **ARC 1299C** 2/5/14

Mammography and stereotactic breast biopsy equipment—workstations, physician training, quality control, 41.6, 41.7(7) Notice **ARC 1317C** 2/5/14

Mandatory reporter training curricula; abuse education review panel, amendments to ch 93 Filed **ARC 1300C**..... 2/5/14

Reimbursement for certain autopsies, 127.4 Notice **ARC 1316C**..... 2/5/14

Iowa health information network, ch 206 Notice **ARC 1315C** 2/5/14

PUBLIC SAFETY DEPARTMENT[661]

Energy conservation code—adoption by reference, 301.10, 303.1 to 303.3 Filed **ARC 1301C**..... 2/5/14

RACING AND GAMING COMMISSION[491]

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License suspension; debt arrangements; jockey agent representation; definition of "administrator"; gambling game shipping notification, 4.7, 5.4(8), 10.5(4)"a," 11.1, 11.4(6) Notice **ARC 1310C** 2/5/14

REAL ESTATE COMMISSION[193E]

Professional Licensing and Regulation Bureau[193]
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Operations of grant committee; grant applications and awards, rescind chs 22, 23 Notice **ARC 1347C** 2/19/14

REVENUE DEPARTMENT[701]

Department organization; individual, corporation, and franchise taxes and credits, amendments to chs 3, 6 to 8, 10, 38 to 43, 46, 48, 52, 53, 58, 59 Filed **ARC 1303C** 2/5/14

Property assessment appeal board, 71.21 Filed **ARC 1306C**..... 2/5/14

Commercial and industrial property tax replacement—county replacement claims, 80.49 Filed **ARC 1332C**..... 2/19/14

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 Mark Chelgren
819 Hutchinson
Ottumwa, Iowa 52501

Senator Thomas Courtney
2609 Clearview
Burlington, Iowa 52601

Senator Wally Horn
101 Stoney Point Road, SW
Cedar Rapids, Iowa 52404

Senator Pam Jochum
2368 Jackson Street
Dubuque, Iowa 52001

Senator Roby Smith
2036 East 48th Street
Davenport, Iowa 52807

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Ames, Iowa 50010

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Representative Dawn Pettengill
P.O. Box A
Mt. Auburn, Iowa 52313

Representative Jeff Smith
1006 Brooks North Lane
Okoboji, Iowa 51355

Representative Guy Vander Linden
1610 Carbonado Road
Oskaloosa, Iowa 52577

Brenna Findley
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone (515)281-5211

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Procurement, 1.2(5), 117.3(3), 117.7(4), 117.15, 118.7(2) IAB 2/5/14 ARC 1302C	Room 8, A Level Hoover State Office Bldg. Des Moines, Iowa	February 25, 2014 9 to 10 a.m.
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EDUCATIONAL EXAMINERS BOARD[282]

Eligibility to file ethics complaint, 11.4(1) IAB 2/19/14 ARC 1344C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 12, 2014 1 p.m.
Out-of-state and exchange license applicants—provision of valid or expired license with application, 13.3(6), 13.17(1) IAB 2/19/14 ARC 1343C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 12, 2014 1 p.m.

EDUCATION DEPARTMENT[281]

Drinking drivers course, amendments to ch 21 IAB 2/19/14 ARC 1340C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 3 to 4 p.m.
Nutritional content standards, 58.11 IAB 2/19/14 ARC 1341C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 12 noon to 1 p.m.
Alternate subject assessment for teacher candidates, 79.15(7) IAB 2/19/14 ARC 1339C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 2 to 3 p.m.
Professional development for teachers, 83.6 IAB 2/19/14 ARC 1338C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 11, 2014 4 to 5 p.m.

INTERIOR DESIGN EXAMINING BOARD[193G]

Registration fees, 2.1(4) IAB 2/5/14 ARC 1298C	Board Office, Suite 350 200 E. Grand Ave. Des Moines, Iowa	February 25, 2014 9 a.m.
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LABOR SERVICES DIVISION[875]

Boiler and pressure vessel program—fees, 90.7 IAB 2/19/14 ARC 1333C	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	March 12, 2014 9 a.m. (If requested)
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PROFESSIONAL LICENSURE DIVISION[645]

Speech pathologists and audiologists—examinations, continuing education, 300.3(4), 300.5, 300.6, 300.9, 300.17(3), 303.1, 303.2(3), 303.3 IAB 2/5/14 ARC 1314C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	February 25, 2014 8 to 8:30 a.m.
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RACING AND GAMING COMMISSION[491]

License suspension; debt
arrangements; jockey agent
representation; definition of
“administrator”; gambling game
shipping notification, 4.7, 5.4(8),
10.5(4), 11.1, 11.4(6)
IAB 2/5/14 **ARC 1310C**

Commission Office, Suite 100
1300 Des Moines St.
Des Moines, Iowa

February 25, 2014
9 a.m.

REAL ESTATE COMMISSION[193E]

Operations of grant committee;
grant applications and awards,
rescind chs 22, 23
IAB 2/19/14 **ARC 1347C**

Bureau Conference Room, Suite 350
200 E. Grand Ave.
Des Moines, Iowa

March 11, 2014
9 a.m.

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 1346C

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to amend Chapter 2, “Commission Procedures for Rule Making,” and Chapter 3, “Declaratory Orders,” Iowa Administrative Code.

The rules in Chapter 2 describe the Commission’s rule-making procedures. These amendments update the Commission’s address as identified by a regular review of the administrative rules and provide additional information about how interested parties may obtain copies of notices of changes to administrative rules.

The rules in Chapter 3 describe how individuals may file petitions for a declaratory order with the Commission. These amendments update the Commission’s address.

Interested persons may submit comments orally or in writing by 4:30 p.m. on or before March 11, 2014, to the Executive Director, Iowa College Student Aid Commission, Third Floor, 430 East Grand Avenue, Des Moines, Iowa 50309-1920; fax (515)725-3401.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

The following amendments are proposed.

ITEM 1. Amend subrule 2.4(3) as follows:

2.4(3) Copies of notices. Persons desiring to receive copies of all future Notices of Intended Action must file with the commission a written request indicating the name and address to which such notices should be sent. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail or electronically transmit a copy of that notice to those persons who have filed a written request for either mailing or electronic transmittal with the commission for Notices of Intended Action. The written request shall be accompanied by payment of the subscription price which may cover the full cost of the subscription service, including its administrative overhead and the cost of copying and mailing the Notices of Intended Action for a period of one year. Interested persons may also subscribe to the service provided at <https://www.legis.iowa.gov/Subscribe/agencyChanges.aspx> to receive rule-making information regarding the commission.

ITEM 2. Amend subrules 2.5(1) and 2.5(5) as follows:

2.5(1) Written comments. For at least 20 days after publication of Notice of Intended Action, arguments, data, and views may be submitted in writing on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to Executive Director, College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920, or to the person designated in the Notice of Intended Action.

2.5(5) Accessibility. The commission shall schedule oral proceedings in rooms accessible to, and functional for, persons with physical disabilities. Persons who have special requirements should contact the administrative secretary at College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920, or (515)242-3341 in advance to arrange access or other needed services.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

ITEM 3. Amend subrule **2.6(2)**, introductory paragraph, as follows:

2.6(2) Mailing list. Small businesses or organizations of small businesses may be registered on the commission's small business impact list by making a written application addressed to College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. The application for registration shall state:

ITEM 4. Amend subrule 2.11(1) as follows:

2.11(1) General. When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the commission shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

ITEM 5. Amend rule **283—3.1(17A)**, introductory paragraph, as follows:

283—3.1(17A) Petition for declaratory order. Any person may file a petition with the college student aid commission for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the commission, at ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. A petition is deemed filed when it is received by the commission. The commission shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 6. Amend subrule **3.3(3)**, introductory paragraph, as follows:

3.3(3) A petition for intervention shall be filed at ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. Such a petition is deemed filed when it is received by the commission. The commission will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 7. Amend rule 283—3.5(17A) as follows:

283—3.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to Executive Director, College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920.

ITEM 8. Amend subrule 3.6(2) as follows:

3.6(2) Filing—when required. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the commission.

ARC 1345C**COLLEGE STUDENT AID COMMISSION[283]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 261.96, the Iowa College Student Aid Commission hereby gives Notice of Intended Action to amend Chapter 27, “Iowa Grant Program,” Iowa Administrative Code.

The rules in Chapter 27 describe the administration of the Iowa Grant Program. This amendment provides additional student eligibility as defined in Iowa Code section 261.93.

Interested persons may submit comments orally or in writing by 4:30 p.m. on March 11, 2014, to the Executive Director, Iowa College Student Aid Commission, 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-1920; fax (515)725-3401.

The Commission does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

This amendment is intended to implement Iowa Code chapter 261.

The following amendment is proposed.

Amend subparagraph **27.1(7)“b”(4)** as follows:

(4) Is the child of a fire fighter or police officer included under Iowa Code section 97B.49B who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with Iowa Code section 97B.52, subsection 2.

ARC 1344C**EDUCATIONAL EXAMINERS BOARD[282]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

The Board seeks to clarify language regarding who is eligible to file an ethics complaint before the Board. The proposed amendment would remove confusing language and allow any licensed practitioner to file an ethics complaint, regardless of employment status.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, March 14, 2014. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, March 12, 2014, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

This amendment is subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(4).

The following amendment is proposed.

Amend paragraph **11.4(1)“a”** as follows:

a. Licensed practitioners ~~employed by a school district or their educational entity or their recognized local or state professional organization.~~

ARC 1343C

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

The Board recently adopted an amendment to allow out-of-state applicants to provide an expired teaching license as part of their applications. Since adoption of that amendment, the Board has determined that other rules require similar changes. These proposed amendments provide the necessary consistency.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, March 14, 2014. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, March 12, 2014, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

The following amendments are proposed.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

ITEM 1. Amend subrule 13.3(6) as follows:

13.3(6) *Requirements for applicants whose preparation was completed through out-of-state teacher preparation programs and who have attained National Board Certification.* An applicant who holds a valid license from another state and who has attained National Board Certification must:

- a. No change.
- b. Provide a valid or expired out-of-state teaching license based on a state-approved teacher preparation program.
- c. to g. No change.

ITEM 2. Amend subrule 13.17(1) as follows:

13.17(1) *One-year teacher exchange license.*

a. For an applicant applying under 13.3(2), a one-year nonrenewable exchange license may be issued to the applicant under the following conditions:

- (1) and (2) No change.
- (3) The applicant holds and submits a copy of a valid ~~and current~~ or expired certificate or license ~~in the state in which the preparation was completed or in which the applicant is currently teaching,~~ exclusive of a temporary, emergency or substitute license or certificate;
 - 1. and 2. No change.
 - (4) to (7) No change.
- b. No change.

ARC 1340C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 21, “Community Colleges,” Iowa Administrative Code.

These amendments clarify expectations for courses that community colleges operate for drivers who have violated operating while intoxicated laws. The proposed amendments include changing the length of the program day, allowing for additional locations where courses may be held, eliminating one-day courses, and providing additional regulation of out-of-state courses.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments by 4:30 p.m. on or before March 11, 2014. Comments on the proposed amendments should be directed to Mike Cormack, Policy Liaison, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319; by telephone at (515)281-3399; or by e-mail at mike.cormack@iowa.gov.

A public hearing will be held on March 11, 2014, from 3 to 4 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. 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 of Education and advise of specific needs by calling (515)281-5295.

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

These amendments are intended to implement Iowa Code section 321J.22.

The following amendments are proposed.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 1. Amend rule 281—21.30(321J) as follows:

281—21.30(321J) Purpose. ~~The purpose of the~~ instructional course for drinking drivers is designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

ITEM 2. Amend rule 281—21.31(321J) as follows:

281—21.31(321J) Course.

21.31(1) A course provided in accordance with Division III of this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125. However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college. A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

21.31(2) ~~A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.~~ The department of education shall maintain a listing of all providers of approved courses in the state and publish this listing on the department's Web site.

21.31(3) ~~A course provided in accordance with Division III of this chapter may be offered by a provider in another state when the course and its provider are approved by the department of education pursuant to 2011 Iowa Acts, Senate File 470.~~ Individuals required by the state of Iowa to take a course for drinking drivers shall have the opportunity to take the course in another state, provided:

a. The out-of-state course is comparable to those courses approved to be offered in the state of Iowa.

b. The course is at least 8 contact hours in length.

c. The course is delivered in a classroom setting and not online.

21.31(4) Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. ~~However, any~~ Any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

21.31(5) ~~Any~~ An instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. The course shall be delivered in a classroom setting with at least 12 hours of instructional time delivered over a minimum of a two-day period. The course may be offered in blocks not to exceed 4 hours with a minimum of a 30-minute break between blocks. Each student in the class shall receive an individual workbook, and workbooks shall not be reused. The course shall be taught by an instructor certified by the curriculum provider to teach the course. Each course of instruction shall establish the following:

a. An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.

b. An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.

c. Methods of providing support for making low-risk choices.

d. An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.

e. Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 3. Amend rule 281—21.32(321J) as follows:

281—21.32(321J) Tuition fee established.

~~1. 21.32(1) Each person enrolled in an instructional course for drinking drivers shall pay to the community college; or a substance abuse treatment program licensed under Iowa Code chapter 125; or a state correctional facility a tuition fee of \$85 for the approved 12-hour course, plus a reasonable book fee or \$185 for the court-ordered approved 28-hour weekend course, plus a reasonable book fee. For the court-ordered approved 28-hour weekend course, the community college or the substance abuse treatment program licensed under Iowa Code chapter 125 shall set a reasonable fee for lodging, meals, and security. The court may allow an offender to combine the required course with a program that incorporates jail time. Reasonable fees may be assessed for costs associated with lodging, meals, and security.~~

~~2. 21.32(2) A person shall not be denied enrollment in a course by reason of a person's indigency. For court-ordered placement, the court shall determine a person's indigency. In all other instances, the community college, substance abuse treatment program licensed under Iowa Code chapter 125, or state correctional facility shall determine indigence upon application.~~

ITEM 4. Amend rule 281—21.33(321J) as follows:

281—21.33(321J) Administrative fee established.

~~21.33(1) Students enrolled in Iowa. Beginning January 1, 2003, each~~ Each person enrolled in Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$10. This fee is in addition to tuition and shall be collected by the provider of the instructional course in conjunction with the tuition fee established under 281—21.32(321J). The administrative fee shall be forwarded to the department of education on a quarterly basis as prescribed by the department. If a student has been declared by the court as indigent, no administrative fee will be charged to that student.

~~21.33(2) Students enrolled in another state. Beginning January 1, 2004, each~~ Each person enrolled outside the state of Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$25. This fee is in addition to tuition and shall be paid directly to the department of education by the student. Upon payment of the fee, the department of education shall review the educational component of the course taken by the student and shall inform the department of transportation whether the educational component is approved by the department of education.

ITEM 5. Adopt the following new rule 281—21.34(321J):

281—21.34(321J) Advisory committee. A drinking driver education advisory committee shall be established by the department of education to serve in an advisory capacity to the department of education in matters relevant to the instructional course for drinking drivers. Membership on this committee shall include representatives from agencies currently offering the instructional course for drinking drivers and may include other stakeholders.

ITEM 6. Amend **281—Chapter 21**, Division III implementation sentence, as follows:

The rules in this division are intended to implement Iowa Code section 321J.22 ~~as amended by 2008 Iowa Acts, House File 2651, section 16.~~

ARC 1341C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 58, “School Breakfast and Lunch Program; Nutritional Content Standards for Other Foods and Beverages,” Iowa Administrative Code.

The proposed amendment replaces the current chart and explanation concerning how Iowa schools operate their nutrition programs. Proposed new rule 281—58.11(256) replaces the current rule with a statement of alignment with federal Department of Agriculture regulations in this policy area.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment by 4:30 p.m. on or before March 11, 2014. Comments on the proposed amendment should be directed to Mike Cormack, Policy Liaison, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3399; or e-mail mike.cormack@iowa.gov.

A public hearing will be held on March 11, 2014, from 12 noon to 1 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. 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 of Education and advise of specific needs by calling (515)281-5295.

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

This amendment is intended to implement Iowa Code chapter 283A and sections 256.7(29), 256.9(59) and 256.9(60).

The following amendment is proposed.

Rescind rule 281—58.11(256) and adopt the following new rule in lieu thereof:

281—58.11(256) Nutritional content standards. Nutritional content standards shall be aligned with standards established by rule for the National School Lunch Program by the United States Department of Agriculture concerning all foods and beverages sold to students on campus during the school day outside of reimbursable meals.

ARC 1339C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 79, “Standards for Practitioner and Administrator Preparation Programs,” Iowa Administrative Code.

EDUCATION DEPARTMENT[281](cont'd)

This proposed amendment would allow prospective teaching candidates an alternate measure of testing to demonstrate their competence in pedagogy and content. The status quo would continue as an option, but this amendment would also allow for the inclusion of a second test, chosen by the Director, for prospective teaching candidates. With passage at that level, a candidate who passes either test would be eligible for Iowa licensure.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment by 4:30 p.m. on or before March 11, 2014. Comments on the proposed amendment should be directed to Mike Cormack, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3399; or e-mail mike.cormack@iowa.gov; or fax (515)242-5988.

A public hearing will be held on March 11, 2014, from 2 to 3 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295.

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

This amendment is intended to implement Iowa Code section 256.16.

The following amendment is proposed.

Amend paragraph **79.15(7)“a”** as follows:

a. Content/subject matter specialization. The candidate demonstrates an understanding of the central concepts, tools of inquiry, and structure of the discipline(s) the candidate teaches and creates learning experiences that make these aspects of the subject matter meaningful for students. This is evidenced by a completion of a 30-semester-hour teaching major which must minimally include the requirements for at least one of the basic endorsement areas, special education teaching endorsements, or secondary level occupational endorsements. ~~Each~~ The candidate must achieve either meet or exceed a score above the 25th percentile nationally on subject assessments designed by a nationally recognized testing service that measure pedagogy and knowledge of at least one subject area as approved by the director of the department of education, or the candidate must meet or exceed the equivalent of a score above the 25th percentile nationally on an alternate assessment also approved by the director. The alternate assessment must be a valid and reliable subject area-specific, performance-based assessment for preservice teacher candidates that is centered on student learning. Additionally, each elementary candidate must also complete a field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours.

These requirements shall become effective January 2, 2013.

ARC 1338C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 83, “Teacher and Administrator Quality Programs,” Iowa Administrative Code.

The intent of this proposed rule making is to replace the current rule relating to professional development for teachers with a new rule that reflects current best practice and is clearer and better organized. This proposed rule contains the professional learning standards to be used moving forward.

An agencywide waiver provision is provided in 281—Chapter 4.

EDUCATION DEPARTMENT[281](cont'd)

Interested individuals may make written comments on the proposed amendment by 4:30 p.m. on or before March 11, 2014. Comments on the proposed amendment should be directed to Mike Cormack, Policy Liaison, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3399; or e-mail to mike.cormack@iowa.gov.

A public hearing will be held on March 11, 2014, from 4 to 5 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. 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 of Education and advise of specific needs by calling (515)281-5295.

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

This amendment is intended to implement Iowa Code section 284.3.

The following amendment is proposed.

Rescind rule 281—83.6(284) and adopt the following **new** rule in lieu thereof:

281—83.6(284) Professional development for teachers.

83.6(1) *Professional development for school districts, area education agencies, and attendance centers.* The following requirements shall apply to professional development for school districts, area education agencies, and attendance centers.

a. Professional learning standards. Professional learning within an area education agency or local district shall be aligned with the state standards for teaching and learning and aligned to the following standards for professional development. Professional learning increases educator effectiveness and results for all students when it:

(1) Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.

(2) Requires skillful leaders to develop capacity, advocate, and create support systems for professional learning.

(3) Prioritizes, monitors, and coordinates resources for educator learning.

(4) Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate effectiveness of instruction.

(5) Integrates theories, research, and models of human learning to achieve intended outcomes.

(6) Applies research on change and sustains support for implementation of professional learning for long-term change.

(7) Aligns its outcomes with educator performance and student curriculum standards.

b. District or area education agency professional development plan. Each school district shall incorporate the district professional development plan into its comprehensive school improvement plan pursuant to Iowa Code subsection 284.6(3). Each area education agency shall develop a professional development plan for the agency as a whole and shall incorporate the plan into its comprehensive improvement plan pursuant to rule 281—72.9(273). The district or area education agency professional development plan shall be a long-term plan designed and implemented to increase student achievement and shall include all on-site and district or area education agency personnel responsible for instruction. The district or area education agency professional development plan shall contain, but not be limited to, the following:

(1) Implementation of a school district's or area education agency's plan for professional learning.

(2) Documentation that the professional development is based on student data, aligned with district or attendance center student achievement goals, and focused on instruction, curriculum, and assessment.

(3) The study and implementation of research-based instructional strategies that improve teaching and learning.

(4) Collaborative inquiry into the area of greatest student learning need.

(5) Research-based training strategies (e.g., theory, demonstration, observation, practice, coaching, reflection, evaluation) that promote transfer and positive outcomes as needed for learning new practices.

(6) Allocation of time to collectively study content, instruction, and impact so necessary adjustments can be made to ensure student success.

EDUCATION DEPARTMENT[281](cont'd)

(7) Accountability and an evaluation that documents improvement of practice and the impact on student learning.

c. Attendance center professional development plans. Each attendance center within a school district shall develop an attendance center professional development plan as a means of promoting group professional development. An attendance center professional development plan shall further the needs of personnel responsible for instruction in the attendance center and shall enhance the student achievement goals of the attendance center and the goals of the district.

d. Individual professional development plans. The school district and area education agency shall support the development and implementation of the individual teacher professional development plan for each teacher as outlined in subrule 83.6(2). Each individual teacher professional development plan shall align to the fullest extent possible with the district professional development plan.

e. Beginning teacher mentoring and induction. The school district shall develop and implement a beginning teacher mentoring and induction plan as outlined in subrule 83.3(3). The district beginning teacher mentoring and induction plan shall be included in the comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7(21)“a” and shall align with the district professional development plan described in paragraph 83.6(1)“b.”

f. Organizational support for professional development. The school district shall provide resources and support for the district professional development plan, including opportunities for professional development, time for collaborative work of staff, budgetary support, and policies and procedures that reflect the district’s commitment to professional development.

83.6(2) Individual teacher professional development plan. Each school district and area education agency shall support the development and implementation of individual teachers’ professional development plans for teachers other than beginning teachers. The purpose of the individual plan is to promote individual and collective professional development. At a minimum, the goals for an individual teacher professional development plan must be based on the needs of the teacher and on the relevant Iowa teaching standards that support the student achievement goals of the teacher’s classroom or classrooms, attendance center and school district or area education agency, as appropriate, as outlined in the comprehensive school improvement plan. The goals shall go beyond those required under the attendance center professional development plan described in paragraph 83.6(1)“c.” The learning opportunities provided to meet the goals of the individual teacher plan include individual study and collaborative study of district-determined or area education agency-determined content to the extent possible. The individual plan shall be developed by the teacher in collaboration with the teacher’s evaluator. An annual meeting shall be held between the teacher’s evaluator and the teacher to review the goals and refine the plan.

83.6(3) Professional development provider requirements.

a. A provider may be a school district; an area education agency; a higher education institution; a public or private entity including a professional organization that provides long-term, ongoing support for the district’s or area education agency’s professional development plan; or a consortium of any of the foregoing. An educational organization or program with specific professional development accreditation or approval from the department is an approved provider.

b. Providers that are not currently accredited or approved through state accreditation procedures must follow approval procedures identified in the district’s or area education agency’s professional development plan. The potential provider must submit to the school district or area education agency a written application that provides the following documentation:

(1) How the provider will deliver technical assistance that meets the Iowa professional development standards provided in paragraph 83.6(1)“a.”

(2) How the provider intends to assist the local district or area education agency in designing, implementing, and evaluating professional development that meets the requirements established in paragraph 83.6(1)“b.”

(3) A description of the qualifications of the provider.

(4) Evidence of the provider’s expertise in professional development.

(5) A budget.

EDUCATION DEPARTMENT[281](cont'd)

- (6) Procedures for evaluating the effectiveness of the technical assistance delivered by the provider.

ARC 1333C**LABOR SERVICES DIVISION[875]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

The Boiler and Pressure Vessel Board is charged with the responsibility to set fees that “shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the commissioner.” The last significant change in the fee schedule was in 2005. In conjunction with the Labor Commissioner, the Boiler and Pressure Vessel Board conducted a careful review of the program’s finances. The Boiler and Pressure Vessel Board concluded that fee increases are needed to keep the fund solvent and that the fees proposed in this Notice are appropriate.

The purposes of this amendment are to maintain the financial solvency of the program, protect the health and safety of the public, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on March 11, 2014, a public hearing will be held on March 12, 2014, at 9 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than March 12, 2014, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 89.

The following amendment is proposed.

Amend rule 875—90.7(89) as follows:

875—90.7(89) Fees.

90.7(1) *Special inspector commission fee.* A ~~\$40~~ \$55 fee shall be paid annually to the commissioner to obtain a special inspector commission pursuant to Iowa Code section 89.7.

90.7(2) *Certificate fee.* A ~~\$25~~ \$40 fee shall be paid for each one-year certificate, a ~~\$50~~ \$80 fee shall be paid for each two-year certificate, and a ~~\$100~~ \$160 fee shall be paid for each four-year certificate.

90.7(3) *Fees for inspection.* An inspection fee for each object inspected by a division inspector shall be paid by the appropriate party as follows:

- a. A ~~\$40~~ \$55 fee for each water heater supply boiler.
- b. ~~An \$80~~ A \$95 fee for each boiler, other than a water heater supply boiler, having a working pressure up to and including 450 pounds per square inch or generating between 20,000 and 100,000 pounds of steam per hour.
- c. A ~~\$200~~ \$215 fee for each boiler, other than a water heater supply boiler, having a working pressure in excess of 450 pounds per square inch and generating in excess of 100,000 pounds of steam per hour.

LABOR SERVICES DIVISION[875](cont'd)

d. A \$40 ~~\$55~~ fee for each pressure vessel, such as steam stills, tanks, jacket kettles, sterilizers and all other reservoirs having a working pressure of 15 pounds or more per square inch.

e. In addition to the applicable object's inspection fee, if the division cannot follow normal practice of scheduling inspections in a cost-effective manner due to a request by an owner or user for a customized schedule, travel expenses may be charged at the discretion of the division.

f. ~~Inspections and code qualification surveys made by the commissioner at the request of a boiler or tank manufacturer shall be charged at a rate set by the commissioner not to exceed the rate currently charged by the various insurance companies for performing a similar service. This charge shall not void the regular fee for inspection or certification when the boiler or tank is installed. Upon receipt of a request for a state inspector to visit or inspect for a reason not required by Iowa Code chapter 89, the labor commissioner may negotiate an appropriate fee.~~

g. If a boiler or pressure vessel has to be reinspected ~~through no fault of the division~~, there shall be another inspection fee as specified above. ~~However, there shall be no fee charged for the first scheduled reinspection to verify that ordered repairs have been made.~~

90.7(4) Fees for attempted inspections. A \$20 ~~\$35~~ fee shall be charged for each attempt by a division inspector to conduct an inspection which is not completed through no fault of the division.

ARC 1347C

REAL ESTATE COMMISSION[193E]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1) "b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby gives Notice of Intended Action to rescind Chapter 22, "Operations of Grant Committee," and Chapter 23, "Grant Applications and Awards," Iowa Administrative Code.

The rules in Chapters 22 and 23 are no longer necessary due to the legislative change in 2013 Iowa Acts, chapter 93, section 3, which repealed Iowa Code section 543B.54, thus eliminating the real estate college education credit program.

A public hearing will be held on March 11, 2014, at 9 a.m. in the Bureau Conference Room, 200 East Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views on the proposed amendment either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Consideration will be given to all written suggestions or comments received no later than 4:30 p.m. on March 11, 2014. Comments should be addressed to David Batts, Executive Officer, Iowa Real Estate Commission, 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309; or faxed to (515)725-9032. E-mail may be sent to david.batts@iowa.gov.

The proposed amendment has no fiscal impact on the state of Iowa.

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

This amendment is intended to implement 2013 Iowa Acts, chapter 93, section 3.

The following amendment is proposed.

Rescind 193E—Chapter 22 and Chapter 23.

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 JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for February is 5.00%.

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 February 11, 2014, 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 .10%

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.

ARC 1318C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby amends Chapter 1, "Organization and Operation," Iowa Administrative Code.

The rules in Chapter 1 describe the organization and operations of the Commission. These amendments update the Commission's address, clarify meeting procedures, update information concerning fees for public records, and eliminate advisory council requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1123C** on October 16, 2013. These amendments are identical to those published under Notice.

These amendments were adopted during the January 17, 2014, meeting of the College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

These amendments will become effective on March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 1.2(1) as follows:

1.2(1) Location. The commission is located ~~in the Iowa Building, 603 East 12th Street, 5th Floor~~ at 430 East Grand Avenue, Third Floor, Des Moines, Iowa ~~50309-3609~~ 50309-1920; telephone (515)725-3400; ~~Web~~ Internet site ~~www.iowacollegeaid.org~~ www.iowacollegeaid.gov. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

ITEM 2. Amend paragraph **1.2(3)"d"** as follows:

d. A specific time is set aside at each meeting for the public to address the commission. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission during this portion of the meeting are required to ~~fill out a card, which is available upon request, that is to be given to~~ notify the commission's ~~confidential administrative~~ secretary prior to the meeting. The person's name and the subject of the person's remarks must be ~~noted~~ provided. To accommodate maximum public participation, members of the public are encouraged to submit ~~the cards~~ requests at least 72 hours in advance of the meeting.

ITEM 3. Amend subrule 1.2(4) as follows:

1.2(4) Minutes. The minutes of all commission meetings are recorded and kept by the executive director in the commission office. Upon approval by the commission, minutes are posted on the commission's ~~Web~~ Internet site.

ITEM 4. Amend subrule 1.2(5) as follows:

1.2(5) Records. The records of all business transacted and other information with respect to the operation of the commission are public records and are on file in the commission office. All records, except statements specified as confidential under these rules, are available for inspection during regular business hours. ~~(Copies of records up to ten 25 pages in number may be obtained without charge. The cost of reproduction will be charged for pages in excess of ten 25. Digital media will be provided for a fee equal to the cost of the physical device provided. The charge may be waived by the executive director.)~~

ITEM 5. Rescind and reserve subrule **1.2(7)**.

[Filed 1/20/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1319C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.86, the Iowa College Student Aid Commission hereby amends Chapter 20, "National Guard Educational Assistance Program," Iowa Administrative Code.

The rules in Chapter 20 describe the administration of the Iowa National Guard Educational Assistance Program. These amendments provide new definitions, ensure that late applications can be accepted for Guard members on active duty at the time of the application deadline, and renumber subrules as appropriate.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1122C** on October 16, 2013. These amendments are identical to those published under Notice.

These amendments were adopted during the January 17, 2014, meeting of the College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

These amendments will become effective on March 26, 2014.

The following amendments are adopted.

ITEM 1. Renumber subrules **20.1(1)** to **20.1(6)** as **20.1(2)** to **20.1(7)**.

ITEM 2. Adopt the following **new** subrule 20.1(1):

20.1(1) Definitions. As used in this chapter:

"*Federal active duty*" means military duty performed pursuant to orders issued under Title 10, United States Code, other than for training.

"*State-defined payment period*" means one of five payment terms and corresponding deadlines as defined by the college student aid commission.

ITEM 3. Amend renumbered subrule 20.1(2) as follows:

20.1(2) Guard member eligibility. A recipient must:

a. Be a resident of Iowa, as defined by the adjutant general of Iowa, and a member of an Iowa army or air national guard unit throughout each term for which the member receives benefits.

b. Have satisfactorily completed required guard training.

c. Have maintained satisfactory performance of guard duty.

d. Have applied to the adjutant general of Iowa for program eligibility by the established application deadline date(s). The adjutant general shall accept an application from an eligible member of the Iowa national guard who was on federal active duty at the time of an application deadline if the application is received within 30 days after the eligible member returns to Iowa from federal active duty. The applicant will be considered for funding for the state-defined payment period in which the application was received and any future state-defined payment periods in that academic year.

e. Be pursuing a certificate or undergraduate degree program at an eligible Iowa college or university and maintaining satisfactory academic progress.

f. Provide notice of national guard status to the college or university at the time of registration.

[Filed 1/20/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1320C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.113, the Iowa College Student Aid Commission adopts Chapter 24, "Rural Iowa Primary Care Loan Repayment Program," Iowa Administrative Code.

Chapter 24 describes the administration of a new Rural Iowa Primary Care Loan Repayment Program pursuant to Iowa Code section 261.113.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1121C** on October 16, 2013. These rules are identical to those published under Notice.

These rules were adopted during the January 17, 2014, meeting of the College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These rules are intended to implement Iowa Code section 261.113.

These rules will become effective on March 26, 2014.

The following amendment is adopted.

Adopt the following **new** 283—Chapter 24:

CHAPTER 24

RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

283—24.1(261) Rural Iowa primary care loan repayment program. The rural Iowa primary care loan repayment program is a state-supported and administered loan repayment program for students who agree to practice as physicians in service commitment areas for 60 consecutive months and meet the requirements of these rules.

283—24.2(261) Definitions. As used in this chapter:

"Eligible loan" means the physician's total subsidized, unsubsidized, and consolidated Federal Stafford Loan amount under the Federal Family Education Loan Program or the Federal Direct Loan Program, including principal and interest. Only the outstanding portion of a federal consolidation loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan qualifies for loan repayment.

"Eligible university" means either the State University of Iowa Carver College of Medicine or Des Moines University College of Osteopathic Medicine.

"Maximum award" means the maximum amount of loan repayments that the physician can receive after completing all obligations under the rural Iowa primary care loan repayment program, not to exceed a total of \$200,000. The maximum award can be applied only to eligible loans; thus, payments cannot exceed the outstanding eligible loan balance at the time of payment.

"Physician" means an individual who holds a practitioner's license issued by an agency or board under the Iowa department of public health and is employed in the practice of medicine and surgery or osteopathic medicine and surgery, specializing in family medicine, pediatrics, psychiatry, internal medicine, or general surgery.

"Residency program" means an accredited medical residency program located in the state of Iowa in which the residency is physically performed in the state of Iowa.

"Service commitment area" means a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Each physician participating in the program must contract with the service commitment area to ensure the service commitment area provides a nonrefundable \$20,000 contribution for deposit in the rural Iowa primary care trust fund. Payment of the nonrefundable contribution to the trust fund can be made by, but is not limited to, the following organizations: community agencies, hospitals, medical groups, municipalities, community foundations, local government entities, or other community entities.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

Locations and distances between cities will be consistently measured and verified by calculating the straight-line distance between main post offices.

283—24.3(261) Eligibility requirements.

24.3(1) An eligible university will recommend up to ten applicants to the commission for loan repayment benefits. Priority will be given to students who are Iowa residents upon enrolling in the eligible university. The criteria used by the state board of regents to determine residency for tuition purposes, Iowa Administrative Code rule 681—1.4(262), are adopted for this program. Fifty percent of the agreements shall be entered into by students attending each eligible university.

a. The commission will annually determine and communicate the number of recommendations that can be funded at each eligible university.

b. If fewer than one-half of the total recommendations in 24.3(1) “*a*” are fulfilled by students at one eligible university, the commission may obtain additional recommendations from the other eligible university to award the remaining agreements.

24.3(2) An applicant must enter into an agreement with the commission when the applicant begins curriculum leading to a doctor of medicine or osteopathy degree.

24.3(3) An applicant must remain enrolled on a full-time basis in each term of enrollment and graduate with a doctor of medicine or osteopathy degree from an eligible university. The commission may waive the full-time enrollment requirement for a temporary time frame only in the instance of a leave of absence approved by an eligible university. The applicant must request a waiver from the commission in writing.

24.3(4) An applicant must apply for, enter, and complete a residency program in Iowa.

24.3(5) Within nine months of graduating from the residency program, an applicant must receive a permanent license to practice medicine and surgery or osteopathic medicine and surgery in the state of Iowa and engage in full-time practice, as defined by the service commitment area, of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, or general surgery for a period of 60 consecutive months in a service commitment area.

24.3(6) An applicant must annually complete and return to the commission an affidavit of full-time enrollment at an eligible university and, when applicable, an annual affidavit of acceptance into and completion of residency programs and acceptance of and completion of employment obligations in a service commitment area.

24.3(7) Prior to or upon engagement in full-time employment in a service commitment area, the physician must contract with a service commitment area to provide a nonrefundable \$20,000 contribution for deposit in the rural Iowa primary care trust fund. Payment must be received by the commission from a service commitment area prior to payment of any loan repayment awards.

24.3(8) Failure by the applicant to meet all eligibility requirements under this rule and in the agreement will result in forfeiture of all remaining unpaid payments.

283—24.4(261) Awarding of funds.

24.4(1) Prior to accepting an offer of employment, the physician must notify the commission of the service commitment area in which the physician will be employed, and the commission will verify the eligibility of the service commitment area.

24.4(2) The maximum award will be paid to the physician’s eligible loan holder in five equal installments, upon successful completion of each of five 12-month employment obligations. Failure to complete all, or any portion, of the 60-consecutive-month employment obligation will result in the forfeiture of all remaining unpaid payments. A physician who fails to meet the requirements of these rules may also be subject to repayment of moneys advanced by the service commitment area as provided in any contract between the physician and the service commitment area.

24.4(3) No loan repayment amounts will be paid until the service commitment area provides the nonrefundable \$20,000 contribution for deposit into the rural Iowa primary care trust fund.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

283—24.5(261) Waivers.

24.5(1) Service commitment area. The commission may waive the requirement that the physician practice in the same service commitment area for all 60 months. The physician must request a waiver from the commission in writing.

24.5(2) Full-time employment. The commission may waive the requirement that the physician be employed full-time if the physician demonstrates exceptional circumstances. The physician must request a waiver from the commission in writing. If a waiver request is granted by the commission, the agreement will be amended to provide an allowance for part-time employment. The 60-month employment obligation will be proportionally extended to ensure the physician is employed in a service commitment area for the equivalent of 60 full-time months.

24.5(3) Postponement of physician employment. The physician obligation to engage in practice in accordance with 24.3(5) may be postponed for no more than two years from the time full-time practice was to commence. The physician must request a waiver from the commission in writing for one of the following purposes:

- a. Active duty service in the armed forces, the armed forces military reserve, or the national guard.
- b. Service in Volunteers in Service to America or the federal Peace Corps.
- c. A service commitment to the United States Public Health Service Commissioned Corps.
- d. A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

The physician obligation to engage in practice in accordance with 24.3(5) may be postponed for a period exceeding two years for any period of temporary medical incapacity, including leave approved under the Family and Medical Leave Act, during which the physician is unable to engage in full-time practice. The physician must request a waiver from the commission in writing.

24.5(4) Satisfaction of physician employment. All obligations under the rural Iowa primary care loan repayment program are considered to be satisfied when any of the following conditions are met:

- a. All terms of the agreement are met.
- b. The person who entered into the agreement dies.
- c. The person who entered into the agreement, due to permanent disability, is unable to meet the requirements of these rules.
- d. The person who entered into the agreement has no remaining eligible loan balance to repay.

283—24.6(261) Loan repayment cancellation.

24.6(1) Within 30 days following withdrawal from an eligible university, or termination of employment from a residency program or as a physician in a service commitment area, the applicant must notify the commission.

24.6(2) The applicant is responsible for notifying the commission immediately of a change in contact information including, but not limited to, name, telephone number, e-mail address, and place of employment.

283—24.7(261) Restrictions. A physician who is in default on a Federal Stafford Loan, Grad PLUS Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan repayment. Eligibility may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code section 261.113.

[Filed 1/20/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1321C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.114(7), the Iowa College Student Aid Commission hereby adopts a new Chapter 25, "Rural Iowa Advanced Registered Nurse Practitioner and Physician Assistant Loan Repayment Program," Iowa Administrative Code.

The rules in Chapter 25 describe the administration of a new Rural Iowa Advanced Registered Nurse Practitioner and Physician Assistant Loan Repayment Program pursuant to Iowa Code section 261.114.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1120C** on October 16, 2013. Except for two changes, one to update the cross reference in the implementation sentence at the end of Chapter 25 and the other to substitute the word "an" for "a" in the first sentence of rule 283—25.7(261), these rules are identical to those published under Notice.

These rules were adopted during the January 17, 2014, meeting of the College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there could be a positive impact on jobs. This rule making provides student loan repayment dollars to be distributed to individuals who will work in Iowa communities. Individuals will be able to work in rural Iowa settings.

These rules are intended to implement Iowa Code section 261.114.

These rules will become effective on March 26, 2014.

The following amendment is adopted.

Adopt the following **new** 283—Chapter 25:

CHAPTER 25

RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND
PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

283—25.1(261) Rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program. The rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program is a state-supported and administered loan repayment program for applicants who agree to practice as advanced registered nurse practitioners or physician assistants in service commitment areas for 60 consecutive months and meet the requirements of these rules.

283—25.2(261) Definitions. As used in this chapter:

"Advanced registered nurse practitioner" means an individual who graduated from a doctorate of nursing practice degree program at an eligible university, holds a practitioner's license to practice as an advanced registered nurse practitioner pursuant to Iowa Code chapter 152, and is employed in the practice of nursing in an eligible service commitment area.

"Eligible loan" means the advanced registered nurse practitioner's or physician assistant's total subsidized, unsubsidized, and consolidated Federal Stafford Loan amount under the Federal Family Education Loan Program or the Federal Direct Loan Program, including principal and interest. Only the outstanding portion of a federal consolidation loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan qualifies for loan repayment.

"Eligible university" means either the State University of Iowa Carver College of Medicine or Des Moines University College of Health Sciences.

"Maximum award" means the maximum amount of loan repayments that the advanced registered nurse practitioner or physician assistant can receive after completing all obligations under the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program, not to exceed a total of \$20,000. The maximum award can be applied only to eligible loans; thus, payments cannot exceed the outstanding eligible loan balance at the time of payment.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

“*Physician assistant*” means an individual who graduated with a master’s degree in a physician assistant studies program at an eligible university, holds a practitioner’s license to practice as a physician assistant pursuant to Iowa Code chapter 148C, and is employed as a physician assistant in an eligible service commitment area.

“*Service commitment area*” means a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Each applicant participating in the program must contract with the service commitment area to ensure the service commitment area provides a nonrefundable \$2,000 contribution for deposit in the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. Payment of the nonrefundable contribution to the trust fund can be made by, but is not limited to, the following organizations: community agencies, hospitals, medical groups, municipalities, community foundations, local government entities, or other community entities. Locations and distances between cities will be consistently measured and verified by calculating the straight-line distance between main post offices.

283—25.3(261) Eligibility requirements.

25.3(1) The commission will annually determine and communicate the number of recommendations that can be funded in each physician assistant studies degree program or doctorate of nursing practice degree program at each eligible university. The intent of this determination will be to ensure that an equal number of students in each program at an eligible university are able to enter into an agreement. Priority will be given to applicants who are Iowa residents upon enrolling in the eligible university. The criteria used by the state board of regents to determine residency for tuition purposes, Iowa Administrative Code rule 681—1.4(262), are adopted for this program. If fewer than the maximum number of recommendations of students in either a physician assistant studies degree program or doctorate of nursing practice degree program is recommended at one eligible university, the commission may obtain additional recommendations from the other eligible university to award the remaining agreements.

25.3(2) An applicant must enter into an agreement with the commission when the applicant begins curriculum leading to a doctor of nursing practice degree or a master’s degree in physician assistant studies.

25.3(3) An applicant must remain enrolled on a full-time basis in each term of enrollment and graduate with a doctor of nursing practice degree or a master’s degree in physician assistant studies from an eligible university. The commission may waive the full-time enrollment requirement for a temporary time frame only in the instance of a leave of absence approved by an eligible university. The applicant must request a waiver from the commission in writing.

25.3(4) Within nine months of graduating with a doctor of nursing practice degree or a master’s degree in physician assistant studies from an eligible university, an applicant must receive a permanent license to practice nursing or to work as a physician assistant in the state of Iowa and engage in full-time practice, as defined by the service commitment area, as a nurse or physician assistant for a period of 60 consecutive months in a service commitment area.

25.3(5) An applicant must annually complete and return to the commission an affidavit of full-time enrollment at an eligible university and, when applicable, an affidavit of completion of the employment obligation in a service commitment area.

25.3(6) Prior to or upon engagement in full-time employment in a service commitment area, the advanced registered nurse practitioner or physician assistant must contract with the service commitment area to provide a nonrefundable \$2,000 contribution for deposit in the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. Payment must be received by the commission from the service commitment area prior to payment of any loan repayment awards to the advanced registered nurse practitioner or physician assistant.

25.3(7) Failure by the applicant to meet all eligibility requirements under these rules and in the agreement will result in forfeiture of all remaining unpaid payments.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

283—25.4(261) Awarding of funds.

25.4(1) Prior to accepting an offer of employment, the advanced registered nurse practitioner or physician assistant must notify the commission of the service commitment area in which the advanced registered nurse practitioner or physician assistant will be employed, and the commission will verify the eligibility of the service commitment area.

25.4(2) The maximum award will be paid to the advanced registered nurse practitioner or physician assistant's eligible loan lender in one installment, upon successful completion of the 60-month employment obligation. Failure to complete all, or any portion, of the 60-consecutive-month employment obligation will result in the forfeiture of all payments. An advanced registered nurse practitioner or physician assistant who fails to meet the requirements of these rules may also be subject to repayment of moneys advanced by the service commitment area as provided in any contract between the advanced registered nurse practitioner or physician assistant and the service commitment area.

25.4(3) No loan repayment amounts will be paid until the service commitment area provides the nonrefundable \$2,000 contribution for deposit into the rural Iowa advanced registered nurse practitioner and physician assistant trust fund.

283—25.5(261) Waivers.

25.5(1) *Service commitment area.* The commission may waive the requirement that the advanced registered nurse practitioner or physician assistant practice in the same service commitment area for all 60 months. The advanced registered nurse practitioner or physician assistant must request a waiver from the commission in writing.

25.5(2) *Full-time employment.* The commission may waive the requirement that the advanced registered nurse practitioner or physician assistant be employed full-time if the advanced registered nurse practitioner or physician assistant demonstrates exceptional circumstances. The advanced registered nurse practitioner or physician assistant must request a waiver from the commission in writing. If a waiver request is granted by the commission, the agreement will be amended to provide an allowance for part-time employment. The 60-month employment obligation will be proportionally extended to ensure the advanced registered nurse practitioner or physician assistant is employed in a service commitment area for the equivalent of 60 full-time months.

25.5(3) *Postponement of advanced registered nurse practitioner or physician assistant employment.* The advanced registered nurse practitioner or physician assistant obligation to engage in practice in accordance with 25.3(4) may be postponed for no more than two years from the time full-time practice was to commence. The advanced registered nurse practitioner or physician assistant must request a waiver from the commission in writing for one of the following purposes:

- a. Active duty service in the armed forces, the armed forces military reserve, or the national guard.
- b. Service in Volunteers in Service to America or the federal Peace Corps.
- c. A service commitment to the United States Public Health Service Commissioned Corps.
- d. A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

The advanced registered nurse practitioner or physician assistant obligation to engage in practice in accordance with 25.3(4) may be postponed for a period exceeding two years for any period of temporary medical incapacity, including leave approved under the Family and Medical Leave Act, during which the advanced registered nurse practitioner or physician assistant is unable to engage in full-time practice. The advanced registered nurse practitioner or physician assistant must request a waiver from the commission in writing.

25.5(4) *Satisfaction of advanced registered nurse practitioner or physician assistant employment.* All obligations under the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program are considered to be satisfied when any of the following conditions are met:

- a. All terms of the agreement are met.
- b. The person who entered into the agreement dies.

COLLEGE STUDENT AID COMMISSION[283](cont'd)

c. The person who entered into the agreement, due to permanent disability, is unable to meet the requirements of these rules.

d. The person who entered into the agreement has no remaining eligible loan balance to repay.

283—25.6(261) Loan repayment cancellation.

25.6(1) Within 30 days following withdrawal from an eligible university, or termination of employment from a residency program or as an advanced registered nurse practitioner or physician assistant in a service commitment area, the applicant must notify the commission.

25.6(2) The applicant is responsible for notifying the commission immediately of a change in contact information including, but not limited to, name, telephone number, e-mail address, and place of employment.

283—25.7(261) Restrictions. An advanced registered nurse practitioner or physician assistant who is in default on a Federal Stafford Loan, Grad PLUS Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan repayment. Eligibility may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code section 261.114.

[Filed 1/20/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1328C

EDUCATIONAL EXAMINERS BOARD[282]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," and Chapter 27, "Issuance of Professional Service Licenses," Iowa Administrative Code.

Under the new American School Counseling Association national model, the term "guidance counselor" has been replaced with "professional school counselor." These amendments address both the name change and a move in the model from individual and small group counseling to classroom and large group counseling.

The amendments correct a misstatement in Chapter 13 regarding Class G licenses. Current rules require that the individual be in an approved program for a Class G license. Only programs within the state are approved. In practice, Board staff issues Class G licenses to individuals in out-of-state counseling programs.

The amendments also correct an error in paragraphs 13.28(26)"a" and 13.28(27)"a" which states that the holder of the endorsement has not completed the professional education core. Endorsements under Chapter 13 are issued to teachers who have completed the professional education core.

The amendments also incorporate cross references to eliminate unnecessary repetition of text in the rules.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1236C** on December 11, 2013. A public hearing was held on January 8, 2014, with written comment accepted until January 10, 2014. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on January 16, 2014.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 282—13.15(272) as follows:

282—13.15(272) Specific requirements for a Class G license. A nonrenewable Class G license valid for one year may be issued to an individual who must complete a school ~~guidance~~ counseling practicum or internship in an approved program in preparation for the professional school guidance counselor endorsement. The Class G license may be issued under the following limited conditions:

1. Verification of a baccalaureate degree from a regionally accredited institution.
2. Verification from the institution that the individual is admitted and enrolled in ~~an approved a~~ school ~~guidance~~ counseling program.
3. Verification that the individual has completed the coursework and competencies required prior to the practicum or internship.
4. Written documentation of the requirements listed in “1” to “3” above, provided by the official at the institution where the individual is completing the approved school ~~guidance~~ counseling program and forwarded to the Iowa board of educational examiners with the application form for licensure.

ITEM 2. Amend subrule 13.28(26) as follows:

13.28(26) Elementary professional school counselor.

a. *Authorization.* The holder of this endorsement ~~has not completed the professional education core (subrule 13.18(4)) but~~ is authorized to serve as a professional school guidance counselor in kindergarten and grades one through eight.

b. *Program requirements.*

(1) Master’s degree from an accredited institution of higher education.

(2) ~~Completion of an approved human relations component.~~

(3) ~~Completion of an approved exceptional learner component.~~

c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

(1) to (6) No change.

(7) Professional orientation.

1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.

2. Maintain a high level of professional knowledge and skills.

3. Apply knowledge of professional and ethical standards to the practice of school counseling.

4. Articulate the professional school counselor role to school personnel, parents, community, and students.

(8) School counseling skills.

1. Design, implement, and evaluate a comprehensive, developmental school ~~guidance~~ counseling program.

2. Implement and evaluate specific strategies designed to meet program goals and objectives.

3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.

4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.

5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.

6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of school counseling and ~~guidance~~ educational and career planning activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in delivery of classroom guidance and large group ~~guidance lessons~~ school counseling curriculum.

2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) to (12) No change.

ITEM 3. Amend subrule 13.28(27), catchwords, as follows:

13.28(27) Secondary professional school counselor.

ITEM 4. Amend paragraphs **13.28(27)**“a” and “b” as follows:

a. *Authorization.* The holder of this endorsement ~~has not completed the professional education core (subrule 13.18(4)) but~~ is authorized to serve as a professional school ~~guidance~~ counselor in grades five through twelve.

b. *Program requirements.*

(1) Master’s degree from an accredited institution of higher education.

(2) ~~Completion of an approved human relations component.~~

(3) ~~Completion of an approved exceptional learner component.~~

ITEM 5. Rescind paragraph **13.28(27)**“c” and adopt the following **new** paragraph in lieu thereof:

c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

(1) The competencies listed in subparagraphs 13.28(26) “c”(1) to (11).

(2) The teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with middle and secondary school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group work, developmental classroom guidance, and consultation.

ITEM 6. Amend subrule 27.3(1), catchwords, as follows:

27.3(1) Elementary professional school counselor.

ITEM 7. Amend paragraph **27.3(1)**“a” as follows:

a. *Authorization.* The holder of this endorsement has not completed the professional education core (282—subrule 13.18(4)) but is authorized to serve as a professional school ~~guidance~~ counselor in kindergarten and grades one through eight.

ITEM 8. Rescind paragraph **27.3(1)**“c” and adopt the following **new** paragraph in lieu thereof:

c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

(1) The competencies listed in 282—subparagraphs 13.28(26) “c”(1) to (11).

(2) The teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with elementary and middle school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group counseling, developmental classroom guidance, and consultation.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

ITEM 9. Amend subrule **27.3(2)**, catchwords, as follows:

27.3(2) *Secondary professional school counselor.*

ITEM 10. Amend paragraph **27.3(2)“a”** as follows:

a. Authorization. The holder of this endorsement has not completed the professional education core (282—subrule 13.18(4)) but is authorized to serve as a professional school guidance counselor in grades five through twelve.

ITEM 11. Rescind paragraph **27.3(2)“c”** and adopt the following **new** paragraph in lieu thereof:

c. Content. Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

(1) The competencies listed in 282—subparagraphs 13.28(26) “c”(1) to (11).

(2) The teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with middle and secondary school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group work, developmental classroom guidance, and consultation.

[Filed 1/23/14, effective 3/26/14]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1324C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

Currently, Iowa graduates after January 1, 2013, who do not pass the required assessments are not eligible for a substitute license (only a substitute authorization). Out-of-state graduates are currently eligible for a substitute license because they have completed a teacher preparation program and have obtained licensure in another state. This amendment creates equity for both Iowa graduates and out-of-state graduates by requiring out-of-state graduates to also pass the required assessments for substitute licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1182C** on November 13, 2013. A public hearing was held on December 4, 2013, with written comment accepted until December 6, 2013. No one attended the hearing, and no written comments were received. This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

This amendment will become effective March 26, 2014.

The following amendment is adopted.

Amend subrule 13.16(1) as follows:

13.16(1) *Substitute teacher requirements.* A substitute teacher’s license may be issued to an individual who provides verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and who:

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

- a.* Has completed a traditional teacher preparation program and been the holder of, or presently holds, a license in Iowa; or holds or held a regular teacher's license or certificate in another state, exclusive of temporary, emergency, or substitute certificate or license; or
- b.* Has successfully completed all requirements of an approved teacher education program, but did not apply for an Iowa teacher's license at the time of completion of the approved program; or
- c.* Holds a valid or expired teaching certificate based on a nontraditional teacher preparation program, is able to verify three years of teaching experience, and provides passing scores on tests mandated by the state that issued the certificate. The license issued will contain a disclaimer stating that the holder of this license may not be eligible for full Iowa teaching licensure.

[Filed 1/23/14, effective 3/26/14]

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ARC 1323C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," Iowa Administrative Code.

The Board has encountered several teachers who come to Iowa under the auspices of exchanges arranged through either the U.S. Department of Education or the U.S. Department of State. In past years, Board staff members have been able to evaluate these teachers' transcripts and issue regional exchange licenses. Due to changes in the out-of-country rules that now require successful completion of both content and pedagogy Praxis testing, the staff is no longer able to license these teachers. This amendment allows these teachers to be licensed using the international exchange license rules, which do not require testing. If individuals desire to stay beyond their exchange period, they would then have to meet the requirements for the out-of-country licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1181C** on November 13, 2013. A public hearing was held on December 4, 2013, with written comment accepted until December 6, 2013. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective March 26, 2014.

The following amendment is adopted.

Amend paragraph **13.17(3)"a"** as follows:

a. A nonrenewable international exchange license may be issued to an applicant under the following conditions:

(1) to (3) No change.

(4) The applicant is a participant in a teacher exchange program administered through the Iowa department of education, the U.S. Department of Education, or the U.S. Department of State.

[Filed 1/23/14, effective 3/26/14]

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ARC 1327C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," Iowa Administrative Code.

This amendment updates the current family and consumer sciences language to reflect 21st century skills and capacities. The amendment also reflects updated career pathways and national standards for family and consumer sciences in career and technical education.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1235C** on December 11, 2013. A public hearing was held on January 8, 2014, with written comment accepted until January 10, 2014. No one attended the public hearing, and no written comments were received.

One change from the Notice has been made. The amendment to Chapter 17 related to family and consumer sciences was not adopted because the Board intends to undertake a more comprehensive review of Chapter 17 in the future.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective March 26, 2014.

The following amendment is adopted.

Amend subrule 13.28(9) as follows:

13.28(9) Family and consumer sciences—general. 5-12. Completion of 24 semester hours in family and consumer sciences to include coursework in human lifespan development, parenthood parenting and child development education, family studies, consumer resource management, textiles and or apparel design and merchandising, housing, and foods and nutrition, and foundations of career and technical education as related to family and consumer sciences.

[Filed 1/23/14, effective 3/26/14]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1326C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 18, "Issuance of Administrator Licenses and Endorsements," Iowa Administrative Code.

Current rules provide for issuing an initial administrator license only to an applicant who is assuming an administrative position. The amendment eliminates this requirement. This change allows an applicant to obtain a license right after completing an administrative program, regardless of whether the applicant has found an administrative position. If the applicant waits to obtain licensure until a significant amount of time has passed since completion of the administrative program, it is possible that licensure requirements could change and the applicant would then have to complete additional coursework.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1234C** on December 11, 2013. A public hearing was held on January 8, 2014, with written comment accepted until January 10, 2014. No one attended the hearing, and no written comments were received. This amendment is identical to that published under Notice of Intended Action.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

This amendment will become effective March 26, 2014.

The following amendment is adopted.

Amend rule 282—18.4(272) as follows:

282—18.4(272) General requirements for an administrator license.

18.4(1) No change.

18.4(2) *Specific requirements for an initial administrator license for applicants who have completed a teacher preparation program.* An initial administrator license valid for one year may be issued to an applicant who:

- a. Is the holder of or is eligible for a standard license; and
- b. Has three years of teaching experience; and
- c. Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and
- ~~d. Is assuming a position as a PK-12 principal and PK-12 supervisor of special education (see subrule 18.9(1)) for the first time or has one year of out-of-state or nonpublic administrative experience; and~~

~~e. d.~~ Has completed an approved human relations component; and

~~f. e.~~ Has completed an exceptional learner component; and

~~g. f.~~ Has completed an evaluator approval program.

18.4(3) and **18.4(4)** No change.

[Filed 1/23/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1322C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 22, “Authorizations,” Iowa Administrative Code.

Currently, the Iowa Jobs for America’s Graduates (iJAG) program employs both certified and noncertified staff throughout the state. High school credit is given in most cases. This authorization allows all iJAG employees to have some level of certification. The required education coursework is offered by iJAG annually through mandatory training, and iJAG will be seeking a credit option. The Board will assist to ensure that the coursework meets the stated requirements. Candidates complete 18 days of training in their first year and 7 to 10 days annually in subsequent years.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1180C** on November 13, 2013. A public hearing was held on December 4, 2013, with written comments accepted until December 6, 2013. No one attended the public hearing, and no written comments were received.

Subrules 22.7(4), 22.7(5) and 22.7(6) regarding validity, renewal, and revocation and suspension have been added to the rule that was published under Notice of Intended Action to mirror rules regarding other authorizations offered by the Board.

An agencywide waiver provision is available at 282—Chapter 6.

The Board of Educational Examiners adopted this rule on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This rule is intended to implement Iowa Code section 272.2(1)“a.”

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

This rule will become effective March 26, 2014.

The following amendment is adopted.

Adopt the following new rule 282—22.7(272):

282—22.7(272) iJAG authorization.

22.7(1) Authorization. The Iowa jobs for America's graduates (iJAG) authorization is provided to noneducators entering the education profession to teach iJAG coursework in grades 7-12.

22.7(2) Application process. Any person interested in the iJAG authorization shall submit the application to the board of educational examiners for an evaluation. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov>.

22.7(3) Requirements.

a. The applicant must have completed a baccalaureate degree.

b. Iowa division of criminal investigation background check. The applicant must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.

c. National criminal history background check. The applicant must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.

d. The applicant must have completed a board of educational examiners-approved iJAG training program consisting of the following components and totaling a minimum of 40 clock hours annually:

(1) Instructional methods. Develop skills to effectively deliver project-based instruction in the iJAG core competencies.

(2) Curriculum. Develop skills to effectively develop curriculum, projects and other educational opportunities consistent with the goals of iJAG.

(3) Measurement and evaluation of programs and students. Analyze student data, administer testing, and monitor the following: basic skills, individualized development plans, attendance, graduation requirements, and course enrollment.

(4) Code of ethics. Develop an understanding of how to foster relationships with parents, students, school colleagues, and organizations in the larger community to support students' learning and development and become aware of the board's rules of professional practice and code of ethics.

(5) Diversity training for educators. Develop an understanding of and sensitivity to the values, beliefs, lifestyles and attitudes of individuals and the diverse groups found in a pluralistic society, including preparation that contributes to the education of individuals with disabilities and the gifted and talented.

e. The applicant must obtain a recommendation from an iJAG administrator verifying that the organization wishes to hire the applicant.

f. The applicant must be assigned a mentor by the hiring school district. The mentor must have four years of teaching experience.

22.7(4) Validity. This authorization is valid for five years. No Class B license or license based on administrative decision may be issued to an applicant holding the iJAG authorization unless a teaching license is additionally obtained. No additional endorsement areas may be added to the iJAG authorization.

22.7(5) Renewal. An applicant for renewal of the iJAG authorization must provide verification of completion of the following:

a. Required iJAG training as verified through an iJAG administrator.

b. Child and dependent adult abuse training as stated in 282—subrule 20.3(4).

22.7(6) Revocation and suspension. Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holder of the iJAG authorization.

[Filed 1/23/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1325C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 24, "Paraeducator Certificates," Iowa Administrative Code.

The amendments are based on a review of current national standards and expectations in the field. Changes are based on input from Iowa's paraeducator preparation programs, Iowa Department of Education staff, teachers, administrators, and practicing paraeducators. In addition to updating the paraeducator rules to reflect current needs in the field, the amendments strike redundant language regarding reasons for which applicants may be disqualified. These disqualifiers are found elsewhere in the Board's rules.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1233C** on December 11, 2013. A public hearing was held on January 8, 2014, with written comment accepted until January 10, 2014.

No one attended the hearing, and one written comment was received. The comment stated that a paraeducator should not assist with special health services under the supervision of a licensed teacher because only a licensed nurse should supervise special health services. In response, subparagraph 24.3(4)"b"(4) was changed to read as follows:

"(4) Assist with special health services, under the supervision of a licensed health care provider."

In addition, language that was inadvertently retained in the introductory paragraph of subrule 24.4(2) has been stricken to provide consistency within the chapter.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on January 16, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)"a."

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 282—24.3(272) as follows:

282—24.3(272) Prekindergarten through grade 12 paraeducator generalist certificate.

24.3(1) Applicants must possess a minimum of a high school diploma or a graduate equivalent diploma.

~~**24.3(2)** Applicants shall be disqualified for any of the following reasons:~~

~~a.—The applicant is less than 18 years of age.~~

~~b.—The applicant has been convicted of child abuse or sexual abuse of a child.~~

~~c.—The applicant has been convicted of a felony.~~

~~d.—The applicant's application is fraudulent.~~

~~e.—The applicant's certification from another state is suspended or revoked.~~

~~f.—The applicant fails to meet board standards for application for an initial or renewed certificate.~~

~~**24.3(3)**~~ **24.3(2)** Qualifications or criteria for the granting or revocation of a certificate or the determination of an individual's professional standing shall not include membership or nonmembership in any teacher or paraeducator organization.

~~**24.3(4)**~~ **24.3(3)** Applicants shall have successfully completed at least 90 clock hours of training in the areas of behavior management, exceptional child and at-risk child behavior, collaboration skills, interpersonal relations skills, child and youth development, technology, and ethical responsibilities and behavior.

~~**24.3(5)**~~ **24.3(4)** Applicants shall have successfully completed the following list of competencies, so that, under the direction and supervision of a qualified classroom teacher, the paraeducator will be able to:

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a. Foundations. Support a safe, positive teaching and learning environment including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:

(1) Follow prescribed health, safety, and emergency school and classroom policy and procedures. Recognize the different developmental stages of students.

(2) As directed, prepare and organize materials to support teaching and learning. Believe every student can learn.

(3) Use strategies and techniques for facilitating the integration of individuals with diverse learning needs in various settings. Recognize that each learner has unique learning needs that may require accommodations.

(4) Assist with special health services. Demonstrate knowledge of the common core, including competence in reading, writing and math.

(5) Assist in adapting instructional strategies and materials according to the needs of the learner in content areas including, but not limited to, reading, writing and mathematics. Function in a manner that demonstrates a positive regard for the distinction between roles and responsibilities of paraeducators and other professionals, including respecting the teacher as supervisor and seeing the teacher as ultimately responsible for the education and behavior of the students.

(6) Assist in gathering and recording data about the performance and behavior of individuals.

(7) Assist in maintaining a motivational environment.

(8) Assist in various instructional arrangements (e.g., large group, small group, tutoring).

(9) Demonstrate knowledge in the content areas of reading, writing and mathematics.

b. Learning environment. Assist in the development of physical and intellectual development including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:

(1) Assist with the activities and opportunities that encourage curiosity, exploration, and problem solving that are appropriate to the development levels and needs of all children. Follow the prescribed health, safety, and emergency school and classroom policy and procedures.

(2) Actively communicate with children and provide opportunities and support for children to understand, acquire, and use verbal and nonverbal means of communicating thoughts and feelings. Organize materials to support teaching and learning.

(3) Actively communicate and support high expectations that are shared, clearly defined and appropriate. Facilitate the integration of students with diverse needs in various settings.

(4) Make and document observations appropriate to the individual with specific learning needs. Assist with special health services, under the supervision of a licensed health care provider.

(5) Use strategies that promote the learner's independence. Promote a safe and positive learning environment.

(6) Assist in monitoring progress and providing feedback to the appropriate person. Function in various instructional settings (e.g., large group, small group, tutoring).

c. Content and instruction. Support social, emotional, and behavioral development including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:

(1) Provide a supportive environment in which all children, including children with disabilities and children at risk of school failure, can begin to learn and practice appropriate and acceptable behaviors as individuals and groups. Assist with learning activities and opportunities to accomplish instructional objectives.

(2) Assist in developing and teaching specific behaviors and procedures that facilitate safety and learning in each unique school setting. Support high expectations that are shared, clearly defined and appropriate.

(3) Assist in the implementation of individualized behavior management plans, including behavior intervention plans for students with disabilities. Monitor progress and document and report objective observations that inform instructional decisions.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~(4) Model and assist in teaching appropriate behaviors as a response to inappropriate behaviors. Effectively use verbal and nonverbal forms of communication with students.~~

~~(5) Use appropriate strategies and techniques in a variety of settings to assist in the development of social skills. Assist with the implementation and use of instructional and assistive technology.~~

~~(6) Assist in modifying the learning environment to manage behavior.~~

~~d. *Emotional and behavioral.* Establish positive and productive relations including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:~~

~~(1) Demonstrate a commitment to a team approach to interventions. Assist in modeling and teaching specific appropriate behaviors, social skills, and procedures that facilitate safety and learning in various environments.~~

~~(2) Maintain an open, friendly, and cooperative relationship with each child's family, sharing information in a positive and productive manner. Assist in the implementation of individualized behavior management plans.~~

~~(3) Communicate with colleagues, follow instructions and use problem-solving skills that will facilitate working as an effective member of the school team. Document and report objective observations on student behaviors.~~

~~(4) Foster respectful and beneficial relationships between families and other school and community personnel. Assist in modifying the learning environment to manage behavior and social skills.~~

~~(5) Function in a manner that demonstrates a positive regard for the distinctions among roles and responsibilities of paraprofessionals, professionals, and other support personnel. Recognize that there is a cause or reason for misbehavior and assist in determining the cause or reason.~~

~~(6) Recognize, address, and report bullying.~~

~~(7) Recognize and report atypical emotional behavior.~~

~~e. *Professional relationships.* Integrate effectively the technology to support student learning including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:~~

~~(1) Establish an environment for the successful use of educational technology. Demonstrate a commitment to work as an effective team member.~~

~~(2) Support and strengthen technology planning and integration. Foster a professional and caring relationship with each student's family.~~

~~(3) Improve support systems for technical integration. Develop and maintain positive and professional relationships with students.~~

~~(4) Operate computers and use technology effectively.~~

~~f. *Ethical and professional practice.* Practice ethical and professional standards of conduct on an ongoing basis including the following competencies: Under the supervision of a licensed education professional, the paraeducator will:~~

~~(1) Demonstrate a commitment to share information in a confidential manner. Follow ethical practices for confidential information.~~

~~(2) Demonstrate a willingness to participate in ongoing staff development and self-evaluation, and apply constructive feedback. Participate in ongoing professional development.~~

~~(3) Abide by the criteria of professional practice and rules of the board of educational examiners. Accept and apply constructive feedback.~~

~~(4) Abide by the Iowa code of ethics and professional practice rules of the board of educational examiners and rules of the Iowa department of education.~~

~~(5) Demonstrate the ability to separate personal issues from one's responsibilities in the workplace.~~

~~(6) Maintain a high level of competency and integrity.~~

~~(7) Share information regarding students' performance, behavior, or program with students' parents or guardians only as directed by the supervising teacher or educator.~~

~~(8) Be aware of personal biases and beliefs and refrain from discriminatory practices based on a student's disability, race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.~~

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(9) Demonstrate ethical behavior when supporting students with graded activities, quizzes, and tests.

(10) Abide by Iowa law regarding the use of restraint and seclusion.

(11) Recognize that the paraeducator may not be given primary responsibility for the education of an individual student(s).

(12) Recognize that instructional decisions are made by the individualized education program (IEP) team for students with disabilities and that any changes to instruction, accommodations, supports, and services cannot be made outside the IEP team.

~~24.3(6)~~ **24.3(5)** An applicant for a certificate under these rules shall demonstrate that the requirements of the certificate have been met, and the burden of proof shall be on the applicant.

ITEM 2. Amend subrule 24.4(2) as follows:

24.4(2) *Special needs—prekindergarten through grade 12.* The paraeducator shall successfully complete the following list of competencies. ~~so that, under the direction and supervision of a qualified classroom teacher, the paraeducator will be able to:~~

~~a. *Foundations.* Understand and implement the goals and objectives in an individualized education plan (IEP). Under the supervision of a licensed education professional, the paraeducator will demonstrate an understanding of an IEP.~~

~~b. *Learning environment.* Demonstrate an understanding of the value of serving children and youth with disabilities and special needs in inclusive settings. Under the supervision of a licensed education professional, the paraeducator will demonstrate an understanding of the value of serving children and youth with disabilities and special needs in inclusive settings.~~

~~c. *Content and instruction.* Assist in academic subjects using lesson plans and instructional strategies developed by teachers and other professional support staff. Under the supervision of a licensed education professional, the paraeducator will:~~

~~(1) Implement the activities assigned by a teacher to meet the goals and objectives in an IEP.~~

~~(2) Assist in academic subjects through use of lesson plans and instructional strategies developed by teachers and other professional support staff.~~

~~(3) Gather and maintain data about the performance of individual students and confer with special and general education practitioners about student schedules, instructional goals, progress, and performance.~~

~~(4) Operate computers and use assistive technology and adaptive equipment that will enable students with special needs to participate more fully in general education.~~

~~d. *Emotional and behavioral.* Gather and maintain data about the performance and behavior of individual students and confer with special and general education practitioners about student schedules, instructional goals, progress, and performance. Under the supervision of a licensed education professional, the paraeducator will:~~

~~(1) Gather and maintain data about the behavior of individual students and confer with special and general education practitioners about student schedules, instructional goals, progress, and performance.~~

~~(2) Use appropriate instructional procedures and reinforcement techniques as specified in the IEP or by the behavior team.~~

~~e. *Professional relationships.* Use appropriate instructional procedures and reinforcement techniques. Under the supervision of a licensed education professional, the paraeducator will, if asked, participate as a member of the IEP team responsible for developing service plans and educational objectives.~~

~~f. Operate computers and use assistive technology and adaptive equipment that will enable students with special needs to participate more fully in general education.~~

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[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1330C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 1, "Organization and Operation," Iowa Administrative Code.

These amendments align the rules with 2013 Iowa Acts, House File 454 (the Department of Education Code correction bill), which included an expansion of the length of service of the student member of the State Board of Education for a term of one or two years. In addition, these amendments make minor adjustments to the review process for student applicants by reducing paperwork and eliminating a submission step.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 11, 2013, Iowa Administrative Bulletin as **ARC 1244C**. Public comments were allowed until 4:30 p.m. on January 3, 2014. A public hearing was held on that date, and no one attended. These amendments are identical to those published under Notice.

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

These amendments are intended to implement 2013 Iowa Acts, House File 454, section 1.

These amendments shall become effective on March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 1.2(1) as follows:

1.2(1) Term. The nonvoting student member shall serve a ~~one-year~~ term, from May 1 to April 30. ~~The student may apply for and serve a second term if the student will not graduate from high school prior to the end of the second term.~~ The student member may serve a second year as the nonvoting student member without having to reapply for the position if the student has another year of high school eligibility remaining before graduation. A vacancy in the membership of the nonvoting student member shall not be filled until the expiration of the term.

ITEM 2. Amend subrule 1.2(3) as follows:

1.2(3) Application process. The application process for the nonvoting student member is as follows:

a. The department shall, on behalf of the state board, prepare and disseminate application forms to all school districts in Iowa. In addition to the application itself, the student shall submit all of the following:

- (1) A consent form signed by the student's parent or guardian.
- (2) An approval of the application signed by the superintendent of the student's district of enrollment or the superintendent's designee.
- (3) A letter of recommendation from a high school teacher from whom the student received instruction.
- (4) A letter of recommendation from a person in the community familiar with the student's community activities.

~~(5) A letter of recommendation from any third person.~~

b. to d. No change.

e. The applications of the semifinalists shall be reviewed by a committee appointed by the president of the state board. The committee shall submit a list of two to five finalists to ~~the state board for approval and submission to the governor,~~ who shall appoint the student member from the list submitted by the committee on behalf of the state board of education.

[Filed 1/25/14, effective 3/26/14]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1331C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby adopts new Chapter 62, "State Standards for Progression in Reading," Iowa Administrative Code.

The purpose of this new chapter is to implement Iowa Code sections 256.7(31) and 279.68. All rules in this chapter shall be construed and applied to meet the following standard: all actions under this chapter must provide reasonable expectation that a student's progress toward reading proficiency is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four. Enactment of funding for reading programs by the General Assembly in 2013 Iowa Acts, House File 604, triggered the provisions of the law, requiring the need for rules on this subject.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 11, 2013, Iowa Administrative Bulletin as **ARC 1245C**. Public comments were allowed until 4:30 p.m. on January 3, 2014. A public hearing was held on that date, and 45 persons attended. Written testimony of 168 pages was received, and 17 citizens spoke at the public hearing. Advocates of families with dyslexic children wanted to include dyslexia by name in the rules. Educational organizations and other commenters wanted the rules to be less prescriptive on reading interventions. Also, commenters from both groups expressed dissatisfaction with the law that allows retention to take place.

These rules are modified from the Notice. Changes in subrules 62.3(6) and 62.6(3) and paragraph 62.6(1)"a" and new subrule 62.10(4) reflect public comment that requested less prescriptive measures in some areas of the rules.

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

These rules are intended to implement Iowa Code sections 256.7(31) and 279.68.

These rules shall become effective March 26, 2014.

The following amendment is adopted.

Adopt the following **new** 281—Chapter 62:

CHAPTER 62

STATE STANDARDS FOR PROGRESSION IN READING

281—62.1(256,279) Purpose. The purpose of this chapter is to implement Iowa Code section 279.68. All rules in this chapter shall be construed and applied to meet the following standard: all actions under this chapter must provide reasonable expectation that a student's progress toward reading proficiency is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

281—62.2(256,279) Assessment of reading proficiency. All school districts shall assess reading proficiency of all students, as required by this rule.

62.2(1) Assessment at beginning of school year. A school district shall assess all students enrolled in kindergarten through grade three at the beginning of each school year for the students' level of reading or reading readiness.

62.2(2) Subsequent assessments throughout school year. A school district shall provide to all students additional, brief assessments of reading achievement in a manner required by the department, using assessments that meet the standards described in subrule 62.2(5).

62.2(3) Progress-monitoring instruments. For students identified as having a substantial deficiency in reading, as well as students who are at risk of a substantial deficiency in reading, a school district shall monitor the students' progress in reading with instruments that meet the standards in subrule 62.2(5), in at least a frequency required by the department.

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62.2(4) *Statewide or locally determined assessments.* Assessments may be locally determined or statewide, provided that all assessments for purposes of implementing this chapter meet the standards described in subrule 62.2(5).

62.2(5) *Standards for approval for assessments.* Any assessment of reading or reading readiness required by this rule and used to implement this chapter shall meet the following minimum standards before use by a school district.

a. Standards for all assessments. Any assessment used under this chapter, including instruments described in paragraphs 62.2(5) “b” and “c,” shall meet department-adopted minimum standards for reliability and validity, at the appropriate grade level and for the skills assessed. In addition, all assessments must have information available concerning administration time per student, access to student data after completion, and amount of teacher training required.

b. Standards for universal-screening instruments. Any assessment used for universal-screening purposes under this chapter shall meet department-adopted minimum standards for the following statistical measures: area under the curve and specificity/sensitivity.

c. Standards for progress-monitoring instruments. Any assessment used for progress-monitoring purposes under this chapter shall meet department-adopted standards for number of forms of demonstrated equivalence and for the following statistical measure: reliability of slope.

d. Department publication of approved assessments. The department shall annually publish or update a list of assessments approved pursuant to this subrule. Approved assessments will have a demonstrated ability to predict future reading performance.

62.2(6) *Basic levels of reading proficiency on approved assessments.* The department shall determine benchmarks for basic levels of reading proficiency to be used with approved assessments based on the ability to predict meaningful future outcomes of a student’s reading performance that is sufficient to master appropriate grade four reading skills prior to the student’s promotion to grade four.

62.2(7) *Assessment measures.* Assessments administered to implement this chapter, when taken as a whole, shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

62.2(8) *Noncompliant assessments.* Assessments that do not meet the requirements of this rule shall not be used by any school district to implement this chapter.

281—62.3(256,279) Tools for evaluating and reevaluating reading proficiency. The department identifies the following attributes of tools that may be used in evaluating and reevaluating reading proficiency.

62.3(1) *Locally determined or statewide assessments.* In evaluating and reevaluating students who are or may be deficient in reading, school districts shall use assessments that meet the standards referenced in subrule 62.2(5).

62.3(2) *Alternative assessments.* If a school district determines, based on the clear and unique facts of a particular student’s case, that a particular student requires an alternative assessment to determine proficiency in reading, in addition to the assessments referred to in rule 281—62.2(256,279) and subrule 62.3(1), the alternative assessment shall be founded on scientifically based research and shall be reasonably calculated to provide equivalent information about the student’s reading, in addition to information provided by the assessments referred to in rule 281—62.2(256,279) and subrule 62.3(1).

62.3(3) *Portfolio reviews.* School districts may review a portfolio of a student’s work to determine reading proficiency. Portfolio reviews must be conducted using standard review criteria that are founded on scientifically based research. A portfolio review may be used along with assessments required in rule 281—62.2(256,279) and subrule 62.3(1) but shall not be used in lieu of such assessments. The department shall maintain a list of portfolio review criteria that are adequate under this subrule.

62.3(4) *Teacher observation.* A student may initially be identified as having a substantial deficiency in reading proficiency based on teacher observation. A teacher observation under this subrule shall be based on department-approved observation criteria. Teacher observation shall not be used to determine that a student continues to have a substantial deficiency in reading.

62.3(5) *Other tools.* The department may identify additional tools for use in evaluating and reevaluating reading proficiency, so long as those tools are founded on scientifically based research.

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62.3(6) *Alternate assessment.* If an individual with a disability has been determined to require an alternate assessment aligned to alternate academic achievement standards in reading, pursuant to rule 281—41.320(256B,34CFR300), that individual shall receive such alternate assessment. The progress monitoring required by the alternate assessment in reading required for such an individual shall be deemed to satisfy the universal screening and progress monitoring requirements of rule 281—62.2(256,279).

62.3(7) *Noncompliant tools.* Tools that do not meet the requirements of this rule shall not be used by any school district to implement this chapter.

281—62.4(256,279) Identification of a student as having a substantial deficiency in reading. A school district shall follow this rule in determining whether a student in kindergarten through grade three has a substantial deficiency in reading.

62.4(1) *Definition of “substantial deficiency in reading.”* A school district shall determine that a student has a “substantial deficiency in reading” if, based on the requirements of this chapter, the student’s reading is below a standard set on an approved assessment pursuant to subrule 62.2(6) and the student’s progress on a measure that meets the requirements of this chapter is minimal.

62.4(2) *Determination of a substantial deficiency in reading.*

a. In initially determining whether a student has a substantial deficiency in reading as defined in subrule 62.4(1), the school district shall consider assessments referred to in rule 281—62.2(256,279) and subrule 62.3(1) or teacher observations that meet the criteria referenced in subrule 62.3(4).

b. In determining whether a student continues to have a substantial deficiency in reading, a school district shall consider assessments referred to in rule 281—62.2(256,279) and subrule 62.3(1), with specific attention given to progress-monitoring results under subrule 62.2(3).

62.4(3) *Services offered to all students with a substantial deficiency in reading.* A school district shall provide intensive reading instruction to any student who exhibits a substantial deficiency in reading, as defined in subrule 62.4(1). A school district shall continue to provide the student with intensive reading instruction until the reading deficiency is remediated. All services provided under this subrule shall comply with rule 281—62.6(256,279).

62.4(4) *Notice to parents.* The parent or guardian of any student in kindergarten through grade three identified as having a substantial deficiency in reading, as defined in subrule 62.4(1), shall be notified at least annually in writing of the following:

- a.* That the child has been identified as having a substantial deficiency in reading;
- b.* A description of the services currently provided to the child;
- c.* A description of the proposed supplemental instructional services and supports that the school district will provide to the child that are designed to remediate the identified area of reading deficiency; and
- d.* Strategies for parents and guardians to use in helping the child succeed in reading proficiency, including but not limited to the promotion of parent-guided home reading.

281—62.5(256,279) Intensive summer reading program.

62.5(1) *General.* Beginning May 1, 2017, unless the school district is granted a waiver pursuant to subrule 62.5(5), if a student’s reading deficiency is not remediated by the end of grade three, as demonstrated by scores on a locally determined or statewide assessment as provided in subrule 62.4(2), the school district shall notify the student’s parent or guardian that the parent or guardian may enroll the student in an intensive summer reading program offered in accordance with this rule.

62.5(2) *Parent or guardian does not enroll child in intensive summer reading program.* If the parent or guardian does not enroll the student in the intensive summer reading program and the student is ineligible for the good-cause exemption under rule 281—62.8(256,279), the student shall be retained in grade three pursuant to rule 281—62.7(256,279).

62.5(3) *Student exempt from or completes program and is not reading proficient.* If the student is exempt from participating in an intensive summer reading program for good cause pursuant to rule 281—62.8(256,279) or completes the intensive summer reading program but is not reading proficient

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upon completion of the program as determined under subrule 62.4(2), the student may be promoted to grade four, but the school district shall continue to provide the student with intensive reading instruction pursuant to subrule 62.4(3) until the student is proficient in reading as demonstrated by scores on locally determined or statewide assessments pursuant to subrule 62.4(2).

62.5(4) *Nature of intensive summer reading program.* The intensive summer reading program offered by a school district shall comply with the program criteria and guidelines for implementation contained in 281—Chapter 61.

62.5(5) *Waiver of intensive summer reading program.* The department may grant a school district a waiver of the requirement to offer an intensive summer reading program for the summer of 2017 only. A school district must demonstrate good cause and that the requested waiver is in keeping with the objectives of Iowa Code section 279.68 and these rules.

281—62.6(256,279) Successful progression for early readers. Each school district shall provide the following.

62.6(1) *Intensive instructional services.* A school district shall provide students who are identified as having a substantial deficiency in reading under subrule 62.4(2) with intensive instructional services and supports, free of charge, to remediate the identified areas of reading deficiency. The intensive instructional services are further described in subrule 62.6(2).

a. Intensive instructional services under this subrule shall include a minimum of 90 minutes daily of scientific research-based reading instruction, which shall be core instruction.

b. In addition to the instruction described in paragraph 62.6(1) “*a.*,” a school district shall prescribe other strategies, which may include but are not limited to the following:

- (1) Small group instruction.
- (2) Reduced teacher-student ratios.
- (3) More frequent progress monitoring.
- (4) Tutoring or mentoring.
- (5) Extended school day, week, or year.
- (6) Summer reading programs.

62.6(2) *Reading enhancement and acceleration development initiative.* The intensive instructional services described in subrule 62.6(1) shall be provided to all students in kindergarten through grade three who are identified as having a substantial deficiency in reading, as determined pursuant to subrule 62.4(2). The services shall meet the following requirements:

a. A school district shall provide intensive instructional services during regular school hours, in addition to the regular reading instruction.

b. A school district shall provide a reading curriculum that meets the standards of subrule 62.6(3).

62.6(3) *Reading curriculum for students with substantial deficiencies in reading.* A curriculum that does not meet the standards of this subrule shall not be used to implement this chapter. To implement this subrule, a school district shall provide a curriculum that meets the following guidelines and specifications:

a. Assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level.

b. Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

c. Is supported by scientifically based research in reading.

d. Is implemented by certified instructional staff with appropriate training and professional development. Such training and professional development shall meet the requirements of rule 281—83.6(284).

e. Is implemented by certified instructional staff with fidelity, which shall meet such standards for fidelity of implementation that the department may adopt.

f. Includes a scientifically based and reliable assessment, which shall meet the requirements of rule 281—62.1(256,279).

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g. Provides initial and ongoing analysis of each student's reading progress, which shall meet the requirements of rule 281—62.1(256,279), with notice provided to parents pursuant to subrule 62.6(4).

h. Is implemented during regular school hours.

i. Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

62.6(4) Parent notice, involvement and support. At a minimum and in addition to other requirements of this chapter, school districts shall provide the following to all parents or guardians of students who have been identified as having a substantial deficiency in reading:

a. At regular intervals, a school district shall apprise the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information.

b. In addition to required reading enhancement and acceleration strategies provided to students, a school district shall provide parents or guardians of students who are identified as having a substantial deficiency in reading under subrule 62.4(2) with a plan outlined in a parental contract, including participation in regular parent-guided home reading.

62.6(5) Report to the department. Each school district shall report to the department the specific intensive reading interventions and supports implemented by the school district pursuant to this chapter. The department shall annually prescribe the components of required or requested reports.

281—62.7(256,279) Promotion to grade four.

62.7(1) General. In determining whether to promote a student in grade three to grade four, a school district shall place significant weight on any reading deficiency identified pursuant to subrule 62.4(2) that is not yet remediated.

62.7(2) Mandatory retention. A student described in subrule 62.5(2) shall be retained pursuant to this rule.

62.7(3) Additional factors. In addition to the significant weight required by subrule 62.7(1), the school district shall also weigh the student's progress in other subject areas, as well as the student's overall intellectual, physical, emotional, and social development.

62.7(4) Consultation with parent or guardian. A decision to retain a student in grade three shall be made only after direct personal consultation with the student's parent or guardian.

62.7(5) Plan of action required. A decision to retain a student in grade three shall be made only after the formulation of a specific plan of action to remedy the student's reading deficiency.

281—62.8(256,279) Good-cause exemption. A school district shall exempt students from the retention requirements of rule 281—62.7(256,279) and intensive summer reading program requirements of rule 281—62.5(256,279) for good cause.

62.8(1) "Good cause" defined. Good-cause exemptions shall be limited to the following:

a. Limited English proficient students who have had less than two years of instruction in an English language learners program.

b. Students requiring special education whose individualized education program indicates that participation in a locally determined or statewide assessment required by this chapter is not appropriate, consistent with the requirements of rules adopted by the state board of education for the administration of Iowa Code chapter 256B.

c. Students who demonstrate an acceptable level of performance on an alternative performance measure approved pursuant to subrule 62.3(2).

d. Students who demonstrate mastery through a student portfolio under alternative performance measures approved pursuant to subrule 62.3(3).

e. Students who have received intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade one, grade two, or grade three. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist attendance centers and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

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62.8(2) *Additional documentation required.* Requests for good-cause exemptions from the retention requirement of subrule 62.5(2) and rule 281—62.7(256,279) for a student described in paragraphs 62.8(1) “c” and “d” shall include documentation from the student’s teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student’s academic record. Such documentation shall include but not be limited to the individualized education program, if applicable, report card, or student portfolio.

281—62.9(256,279) Ensuring continuous improvement in reading proficiency.

62.9(1) *Reading proficiency addressed in comprehensive school improvement plan.* To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency as part of its comprehensive school improvement plan, drawing upon information about children from assessments conducted pursuant to this chapter and the prevalence of deficiencies identified by classroom, elementary school, and other student characteristics.

62.9(2) *Review of chronic early absenteeism.* As part of its comprehensive school improvement plan, each school district shall review chronic early elementary absenteeism for its impact on literacy development.

62.9(3) *Attendance centers with lower levels of reading proficiency.* If more than 15 percent of an attendance center’s students are not proficient in reading by the end of third grade, the comprehensive school improvement plan shall include strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are proficient in reading. Strategies adopted under this subrule shall meet the requirements of this chapter.

62.9(4) *Professional development.* Each school district, subject to an appropriation of funds by the general assembly, shall provide professional development services to enhance the skills of elementary teachers in responding to children’s unique reading issues and needs and to increase the use of evidence-based strategies.

62.9(5) *Relationship between this chapter and the department’s general accreditation standards.* In addition to the requirement in subrule 62.9(1), the department shall consider compliance with and performance under this chapter in its enforcement of the general accreditation standards and school improvement process described in 281—Chapter 12.

281—62.10(256,279) Miscellaneous provisions.

62.10(1) *Services beyond third grade.* Students who are identified as having a substantial deficiency in reading that is not remediated at the end of third grade remain entitled to intensive reading instruction. Nothing in this chapter shall be construed to prevent a school district from offering scientific research-based instruction in reading to students above third grade. Nothing in this chapter shall be construed to prohibit a school district from determining a student above third grade as having a substantial deficiency in reading or from providing services to a student so identified.

62.10(2) *Database.* In implementing subrule 62.6(5), the department may require school districts to enter assessment and progress monitoring data into a statewide database.

62.10(3) *Accredited nonpublic schools.* Nothing in this chapter shall be construed to prevent an accredited nonpublic school from voluntarily complying with this chapter. Nothing in this chapter shall be construed to prevent the department from offering universal screening or progress monitoring instruments to accredited nonpublic school students or to prevent the department from allowing inclusion of those students’ data in the database described in subrule 62.10(2).

EDUCATION DEPARTMENT[281](cont'd)

62.10(4) Rule of construction. Nothing in this chapter shall be construed to require a school district to select a particular assessment, instrument, tool, curriculum, or program, so long as the assessment, instrument, tool, curriculum, or program used meets the requirements of this chapter.

These rules are intended to implement Iowa Code sections 256.7(31) and 279.68.

[Filed 1/25/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1349C

**ENGINEERING AND LAND SURVEYING
EXAMINING BOARD[193C]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board hereby amends Chapter 3, "Application and Renewal Process," and Chapter 4, "Engineering Licensure," Iowa Administrative Code.

These amendments to Chapter 3 and Chapter 4 are necessitated by the transition to computer-based testing beginning in January 2014. Prior to publication of the Notice of Intended Action, stakeholder feedback was solicited via registered lobbyist David Scott, whose clients include the Iowa Engineering Society and the Society of Land Surveyors of Iowa. No negative feedback was received.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 25, 2013, as **ARC 1254C**. A public hearing was held on Wednesday, January 15, 2014, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, Des Moines, Iowa. No comments were received. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Board on January 29, 2014.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact toward jobs.

These amendments are intended to implement Iowa Code section 542B.13.

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 3.2(1) as follows:

3.2(1) Fundamentals of Engineering examination application components and due dates. Applications for the Fundamentals of Engineering examination are submitted directly to the examination service selected by the board to administer the examinations, ~~and must be received on or before September 1 of each year for the examination given in the fall and on or before March 1 of each year for the examination given in the spring.~~ Applications from the following applicants are submitted on forms provided by the examination service: any applicant who has an ABET/EAC or Canadian Engineering Accreditation Board (CEAB) accredited engineering degree; any applicant who is enrolled as a senior student in an ABET/EAC or CEAB accredited engineering curriculum; or any applicant who has a master's degree in engineering from an institution in the United States with an accredited bachelor's degree in the same curriculum. Applicants who do not meet the criteria above must submit an application for approval to the board on forms provided by the board. ~~The components of this application include: the completed, notarized application form; references; and transcripts.~~

ITEM 2. Amend subrule 3.2(2) as follows:

3.2(2) Fundamentals of Land Surveying examination application components and due dates. The components of this application include: the completed, notarized application form; references pursuant to 193C—paragraph 5.1(5) "b"; and transcripts. Fundamentals of Land Surveying examination

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C](cont'd)

~~applications require a detailed review and must, therefore, be submitted to the board office, postmarked on or before July 15 of each year for the examination given in the fall and on or before January 15 of each year for the examination given in the spring. Examinations are offered during four two-month testing periods throughout the year. Applications must be postmarked on or before October 15 for the January/February window, February 15 for the April/May window, April 15 for the July/August window, and August 15 for the October/November window.~~

ITEM 3. Amend subparagraph **4.1(1)“a”(1)** as follows:

(1) If an applicant did not graduate from an Accreditation Board of Engineering and Technology/Engineering Accreditation Commission (ABET/EAC)- or Canadian Engineering Accreditation Board (CEAB) ~~approved~~ accredited curriculum, the applicant must also complete, in addition to the engineering degree, a one extra year of practical experience satisfactory to the board after receiving the engineering degree ~~and prior to taking the Fundamentals of Engineering examination.~~

ITEM 4. Amend subrule 4.1(2) as follows:

4.1(2) Second, the applicant must successfully complete the Fundamentals of Engineering examination (FE exam).

a. An applicant may take the ~~Fundamentals of Engineering examination~~ FE exam any time after the educational requirements as specified above are completed, but the applicant must successfully complete the ~~Fundamental of Engineering examination~~ FE exam prior to taking the Principles and Practice of Engineering examination.

b. College seniors studying an ABET/EAC- or CEAB ~~approved~~ accredited curriculum may take the ~~Fundamentals of Engineering examination~~ FE exam during the final academic year. Applicants will be permitted to take the examination during the testing period which most closely precedes anticipated graduation. ~~However, an official transcript from the applicant's college or university verifying that the applicant graduated must be sent by the registrar to the board office before an applicant's examination results will be released.~~

c. An applicant who graduated from a satisfactory engineering program and has 25 years or more of work experience satisfactory to the board shall not be required to take the ~~Fundamentals of Engineering examination~~ FE exam.

d. An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, shall not be required to take the ~~Fundamentals of Engineering examination~~ FE exam.

e. Commencing with the computer-based FE exams in 2014, all FE exam candidates will apply directly to the National Council of Examiners for Engineering and Surveying (NCEES) and will self-attest as to the candidate's eligibility to sit for the FE exam. At that time, NCEES will cease its prior practice of receiving and verifying college transcripts for candidates with ABET/EAC- or CEAB-accredited engineering degrees and for candidates in their senior years of such programs. The board will also cease its practice of processing FE exam applications for those candidates who hold engineering degrees from nonaccredited programs who must have one year of experience in order for the degrees to be accepted by the board. The board will instead verify acceptable education and experience at the time an applicant applies to sit for the Principles and Practice of Engineering examination or applies for an Engineer Intern (EI) number. The board shall apply the education and experience standards set forth in this rule, but will allow reasonable flexibility in timing in the event an applicant sat for and passed the FE exam at a point earlier than provided in this rule. The board will not, however, issue an EI number unless all required experience has been satisfied at the time of the EI application.

[Filed 1/29/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1337C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.173, the Environmental Protection Commission (Commission) hereby adopts amendments to Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

These amendments reduce from two to one the number of proofs of public notice, also known as the Notice of Intent, required to be submitted to the Department of Natural Resources (Department) as part of the application to obtain storm water general permit coverage. This reduction implements changes in recent legislation, 2013 Iowa Acts, House File 311, which modified Iowa Code section 455B.103A(1)“b” by reducing the public noticing requirements from two newspapers to one newspaper.

These amendments also remove the requirement that storm water permit holders submit to the Department transfer agreements executed when building lots in developments are transferred. When building lots are transferred and storm water permit coverage will be required for further building activities, the buyer and seller may decide together if the lots are to be covered under the seller’s permit authorization for the development or if the buyer will obtain permit coverage for the lots. An agreement is then signed in which the buyer’s and seller’s intent is specified, as required by subrule 64.6(6). Currently, this agreement is required to be submitted to the Department.

This requirement has proven to be an unnecessary regulatory burden on the public. Therefore, the Commission is removing this requirement from both the Iowa Administrative Code and the storm water general permits which are adopted in rule 567—64.15(455B). The transfer agreements are still required to be retained by the permittee(s).

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 13, 2013, as **ARC 1176C**. Comments were accepted from November 13, 2013, to December 12, 2013. A public hearing was held on December 12, 2013. No comments were received. These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code chapter 455B, division I.

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend subparagraph **64.6(1)“c”(1)**, introductory paragraph, as follows:

(1) General Permits No. 1, No. 2 and No. 3. A demonstration that a public notice was published in at least ~~two newspapers~~ one newspaper with the largest circulation in the area in which the facility is located or the activity will occur. ~~If a facility or activity authorized by General Permit No. 3 is to be relocated to a site not included in the original notice, a public notice need be published in only one newspaper.~~ The newspaper ~~notifies~~ notice shall, at the minimum, contain the following information:

ITEM 2. Amend subrule 64.6(6) as follows:

64.6(6) Transfer of ownership—construction activity part of a larger common plan of development. For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in the event a permittee transfers ownership of all or any part of property subject to NPDES General Permit No. 2, both the permittee and transferee shall be responsible for compliance with the provisions of the general permit for that portion of the project which has been transferred, including when the transferred property is less than one acre in area, ~~from and after the date the department receives written notice of the transfer,~~ provided that:

a. The transferee is notified in writing of the existence and location of the general permit and pollution prevention plan, and of the transferee’s duty to comply, and proof of such notice is included with the notice to the department of the transfer.

b. If the transferee agrees, in writing, to become the sole responsible permittee for the property which has been transferred, then the transferee shall be solely responsible for compliance with the

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provisions of the general permit for the transferred property ~~from and after the date the department receives written notice of the transferee's assumption of responsibility.~~

c. If the transferee agrees, in writing, to obtain coverage under NPDES General Permit No. 2 for the property which has been transferred, then the transferee is required to obtain coverage under NPDES General Permit No. 2 for the transferred property ~~from and after the date the department receives written notice of the transferee's assumption of responsibility for permit coverage.~~ After the transferee has agreed, in writing, to obtain coverage under NPDES General Permit No. 2 for the transferred property and the department has received written notice of the transferee's assumption of responsibility for permit coverage for the transferred property, the authorization issued under NPDES General Permit No. 2 to the transferor for the transferred property shall be considered by the department as not providing NPDES permit coverage for the transferred property and the transferor's authorization issued under NPDES General Permit No. 2 for, and only for, the transferred property; shall be deemed by the department as being discontinued without further action of the transferor.

d. All notices ~~sent to the department~~ as described in this subrule shall contain the name of the development as submitted to the department in the original Notice of Intent and as modified by any subsequent written notices of name changes submitted to the department, the authorization number assigned to the authorization by the department, the legal description of the transferred property including lot number, if any, and any other information necessary to precisely locate the transferred property and to establish the legality of the document.

ITEM 3. Amend subrules 64.15(1) to 64.15(3) as follows:

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective October 1, 2012, to October 1, 2017, as amended on March 26, 2014. Facilities assigned Standard Industrial Classification 1442, 2951, or 3273, and those facilities assigned Standard Industrial Classification 1422 or 1423 which are engaged primarily in rock crushing are not eligible for coverage under General Permit No. 1.

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective October 1, 2012, to October 1, 2017, as amended on March 26, 2014.

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities, NPDES General Permit No. 3, effective October 1, 2012, to October 1, 2017, as amended on March 26, 2014. General Permit No. 3 authorizes storm water discharges from facilities primarily engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing Portland cement concrete and which are classified under Standard Industrial Classification 3273, those facilities assigned Standard Industrial Classification 1422 or 1423 which are primarily engaged in the crushing, grinding or pulverizing of limestone or granite, and construction sand and gravel facilities which are classified under Standard Industrial Classification 1442. General Permit No. 3 does not authorize the discharge of water resulting from dewatering activities at rock quarries.

[Filed 1/28/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1336C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 466.8, 455B.291 and 455B.299, the Environmental Protection Commission hereby adopts amendments to Chapter 93, "Nonpoint Source Pollution Control Set Aside Programs," Iowa Administrative Code.

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These amendments are intended to implement 2013 Iowa Acts, House File 311, section 4, passed by the Legislature and signed by the Governor on April 24, 2013. 2013 Iowa Acts, House File 311, section 4, amended Iowa Code section 466.8 to allow homeowners inside city limits and without a public sewer connection to access the low-interest loan program known as the Onsite Wastewater Assistance Program to repair or replace failing septic systems. This rule making is necessary to implement the revised law.

Prior to the passage of 2013 Iowa Acts, House File 311, only homeowners outside city limits could utilize the Onsite Wastewater Assistance Program for repair and replacement of failing septic systems. However, a significant number of homes inside city limits are served by septic systems. These homes often do not have a sewer connection available because of cost or location. With the legislative change, homeowners inside city limits now have access to the Onsite Wastewater Assistance Program for repair or replacement of failing septic systems. This loan program provides low-interest loans, typically 3 percent, for a term as long as ten years, which provides affordable payments to homeowners. The loans are linked deposit loans provided by local lenders and administered by the Iowa Finance Authority.

Notice of Intended Action was published in the November 13, 2013, Iowa Administrative Bulletin as **ARC 1177C**. Comments regarding these amendments were accepted during the comment period ending December 12, 2013, and at a public hearing held in Des Moines on December 4, 2013. No comments were received from the public regarding these amendments. The adopted amendments are identical to those published under Notice.

After analysis and review of this rule making, a positive impact on jobs should result.

These amendments are intended to implement Iowa Code section 466.8.

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 93.3(1) as follows:

93.3(1) *Onsite wastewater treatment and disposal systems set-aside.* The purpose of this set-aside is to assist ~~rural~~ homeowners to rehabilitate or improve existing onsite wastewater treatment and disposal systems.

ITEM 2. Amend paragraph **93.4(1)“a”** as follows:

a. Location restrictions. Assistance is available for the improvement or rehabilitation of onsite wastewater treatment systems ~~located outside of corporate boundaries. Assistance cannot be provided for improvements to or rehabilitation of onsite systems located within incorporated limits serving homes that do not have a connection to a publicly owned treatment works.~~

[Filed 1/28/14, effective 3/26/14]

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ARC 1329C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 225D.2, the Department of Human Services rescinds Chapter 22, “Standards for Services to Persons with Mental Illness, Chronic Mental Illness, Mental Retardation, Developmental Disabilities, or Brain Injury,” and adopts new Chapter 22, “Autism Support Program,” Iowa Administrative Code.

Existing Chapter 22 does not conform with the legislative intent consistent with the state’s mental health and disability redesign process. As a direct result, the existing chapter is rescinded and a new chapter is adopted.

In Iowa Code chapter 225D, the 2013 Iowa General Assembly established a new Autism Support Program to provide funding for applied behavioral analysis (ABA) services to children under the age of nine with a diagnosis of autism who are not otherwise eligible for such services through Medicaid

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or private health insurance. In developing the rules, the Department consulted with an expert panel including parents of children with a diagnosis of autism, providers of services, and other stakeholders. The rules identify financial and diagnostic eligibility standards, application and authorization processes, provider network qualifications, and appeal processes for the program.

Notice of Intended Action for these rules was published in the Iowa Administrative Bulletin as **ARC 1184C** on November 13, 2013.

The Department received comments from one group of respondents during the public comment period. The comments and corresponding responses from the Department are as follows:

The first comment addressed eligibility and application requirements found in rule 441—22.2(225D). The comment stated that the administrative rules should include language that clarifies who can provide diagnostic assessments. The rules should also address whether providers that make diagnostic assessments can also provide treatment services under the Autism Support Fund.

Department response: Iowa Code section 225D.1 provides a definition of “diagnostic assessment of autism” that specifically identifies the types of providers who may provide a diagnosis of autism for purposes of eligibility for the Autism Support Program. If the provider who provides diagnostic services meets the qualifications of an autism service provider and joins the provider network, there is nothing in law or rule that would prohibit the person who provides the diagnosis from also providing applied behavioral analysis under the Autism Support Program. No changes were made as a result of this comment.

The second comment pertained to use of the term “integrated health home” in the rules and stated that clarity is needed regarding the term. The respondent suggested that “pediatric integrated health home” would be more appropriate terminology.

Department response: The term “pediatric integrated health home” is not defined in the Iowa Administrative Code or the Iowa Code. Iowa Code section 225D.2 refers to “integrated health home.” To preserve consistency between the statute and the rules, the Department did not make any changes as a result of this comment.

The third comment asked if it was the intent of the Legislature to allow for families to be served by other types of integrated health homes (such as integrated health homes for children with complex chronic health conditions), if such other types are developed. As currently stated, it is unclear as to whether or not the language restricts the types of integrated health homes to only pediatric integrated health homes for children with a serious emotional disorder (SED).

Department response: The Department does not know the intent of the Legislature regarding future utilization of different types of integrated health homes in the Autism Support Program. The rules are written to reflect that eligible individuals utilizing an integrated health home for care coordination would utilize an integrated health home for children with an SED. Currently, there are no other integrated health home programs for children. No changes were made as a result of this comment.

The fourth comment concerned rule 441—22.5(225D), initial service authorization and renewal of service authorization, and stated that clarity is needed regarding acceptable methodology/tools to obtain a baseline standardized assessment score and show progress. Reference in the rules is needed to require consultation with the Iowa Expert Panel for recommendations regarding assessment tools and processes to measure a child’s progress.

Department response: The Department has placed responsibility for selection of an appropriate standardized assessment tool with the Administrator of the Autism Support Program to be selected through a Request for Proposal (RFP). The standardized assessment tool must be approved by the Department prior to program implementation. No changes were made as a result of this comment.

The fifth comment concerned rule 441—22.6(225D), provider network, and stated that due to the extreme shortage of Board Certified Behavior Analyst (BCBA) providers in Iowa, latitude should be given to allow providers under the supervision of a BCBA provider to also provide services. More language is needed to allow licensed health professionals who do not hold a current certification as BCBA’s but who can provide evidence of appropriate training in ABA to be allowed to oversee treatment services. The commenter recommended adding the following statement to the end of the first sentence in

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subrule 22.5(5): “or who is a licensed health professional with ABA training as described in paragraph 22.6(1)‘b.’”

Department response: The rule allows the treatment plans to include services to be provided by non-BCBA staff under the supervision of a BCBA. The Department finds it is important to the fidelity of the program that individuals not credentialed as BCBA are supervised by individuals who have the credentials of a BCBA. No changes were made as a result of this comment.

The sixth comment stated that clarity is needed regarding the following paragraph in subrule 22.6(1): “A provider shall be deemed eligible to participate in the autism support program provider network if the autism service provider meets the standards in paragraph 22.6(1)‘a’ or ‘b’ and the provider is approved to provide applied behavioral analysis services through Medicaid.”

Department response: The purpose of the proposed paragraph was to streamline inclusion of providers in the provider network by allowing a provider to be deemed eligible to participate in the Autism Support Program provider network if the provider is already approved to provide Medicaid-funded ABA and either holds a BCBA certification or is licensed as a health professional as defined under Iowa Code chapter 147 and also meets the other stated requirements. Public comments indicate that it appeared that a provider had to be approved by Medicaid in order to join the Autism Support Program provider network, which is not accurate. In response, subrule 22.6(1) was revised for clarity.

The seventh comment stated that specificity is needed to determine which licensed health professionals are appropriate to serve children and youth with autism spectrum disorder (ASD). Not all health professions listed under Iowa Code chapter 147 are appropriate.

Department response: Iowa Code section 225D.1(3) states that a health professional licensed under Iowa Code chapter 147 who provides applied behavioral analysis services and is approved as a member of the provider network by the Department meets the qualifications of an autism service provider. The Department agrees that not all health professionals licensed under Iowa Code chapter 147 are qualified to provide ABA services. The Department specified in the proposed rules the following requirement for inclusion of a health professional in the Autism Support Program provider network: a health professional licensed under Iowa Code chapter 147 must also provide evidence of training in ABA and meet criteria of a mental health professional under Iowa Code section 228.1. No changes were made as a result of this comment.

The eighth comment concerned rates to be paid for applied behavioral analysis services by the Autism Support Program. The comment stated that in rule 441—22.7(225D), financial management of the program, the text “contracted rate currently paid by Medicaid for applied behavioral analysis services” requires clarification. Medicaid currently pays different rates for ABA services delivered through a variety of programs. Information about Medicaid reimbursement rates should be accessible to providers, and the rates should reflect the type of ABA services provided. For example, the ABA procedures that are reimbursed by the Autism Support Fund should not be restricted to daily skill acquisition, but rather should also include functional analysis and function-based treatment for reducing challenging behaviors.

Department response: The Department is not aware of any rates in the Medicaid program specifically established for the reimbursement of ABA services other than those established through the managed care behavioral health program. Medicaid rates are public information. There is nothing in the rules that limits the type of ABA procedures provided under the Autism Support Program. No changes were made as a result of this comment.

The ninth comment concerned qualifications for decisions regarding authorization of services. The comment stated that the Administrator of the program should be required to utilize staff who exhibit knowledge of ASD and ABA in order to make sound decisions regarding payment.

Department response: The Department expects the Administrator of the program, selected through the RFP process, to provide sufficiently trained and experienced staff to administer all aspects of the Autism Support Program. No changes were made as a result of this comment.

The tenth comment stated that although there is mention of telehealth in 2013 Iowa Acts, Senate File 446, there is no mention of telehealth in the administrative rules. Telehealth should be recognized as an acceptable method of delivery of services as specified in the law. If the intent of the legislation was to

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limit telehealth service providers in the program to Iowa autism service providers, the rules should also reflect that.

Department response: Telehealth is referenced in Iowa Code section 225D.2(2) as an acceptable method of service coordination and delivery for the Autism Support Program. There is nothing in the statute or rules that would restrict the use of telehealth services in the Autism Support Program or that limits providers of such services to Iowa autism service providers. A member of the Autism Support Program provider network is required to meet the standards identified in the Iowa Code and in the rules for autism service providers regardless of the method of service delivery. It is the responsibility of the Administrator of the program to ensure that all providers meet standards in the Iowa Code and the rules for provision of services to eligible individuals. No changes were made as a result of this comment.

The Mental Health and Disability Services Commission adopted these rules on January 16, 2014.

These rules do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, there could be an impact on private sector jobs. Due to the limited number of professionals who can provide applied behavioral analysis services, it is expected that the demand for such services will exceed the system's current ability to provide those services. This could lead to greater employment opportunities for individuals trained to provide and supervise applied behavioral analysis services. The impact is expected to be statewide, although rural areas have more limited access to professionals who provide applied behavioral analysis than urban areas.

These rules are intended to implement 2013 Iowa Acts, Senate File 446, sections 82 to 85 [Iowa Code chapter 225D].

These rules will become effective April 1, 2014.

The following amendment is adopted.

Rescind 441—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22 AUTISM SUPPORT PROGRAM

PREAMBLE

These rules provide for definitions of diagnostic and financial eligibility, provider qualifications, and appeal procedures related to the autism support program created in 2013 Iowa Acts, Senate File 446, division XVII. The purpose of the autism support program is to provide funding for applied behavioral analysis services and care coordination for children with a diagnosis of autism who meet certain financial and clinical eligibility criteria.

441—22.1(225D) Definitions.

“Administrator” means the entity selected by the department through a request for proposal process or other contractual arrangement to administer the autism support program.

“Applicant” means an individual on whose behalf an application has been submitted but who has not been identified as an eligible individual, or an individual who has received a denial of eligibility for the program.

“Applied behavioral analysis” or *“ABA”* means the same as defined in Iowa Code section 225D.1.

“Autism” means autism spectrum disorders as defined in Iowa Code section 514C.28.

“Autism service provider” means a person providing applied behavioral analysis, who meets the following criteria:

1. Is certified as a behavior analyst by the Behavior Analyst Certification Board or is a health professional licensed under Iowa Code chapter 147.
2. Is approved as a member of the provider network by the department.

“Autism support fund” or *“fund”* means the autism support fund created in Iowa Code section 225D.2.

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“*Autism support program*” or “*program*” means the program created in Iowa Code section 225D.2 to provide funding for applied behavioral analysis and care coordination for eligible individuals with a diagnosis of autism.

“*Clinically relevant*” means medically necessary and resulting in the development, maintenance, or restoration, to the maximum extent practicable, of the functioning of an individual.

“*Department*” means the department of human services.

“*Diagnostic assessment of autism*” means medically necessary assessment, evaluations, or tests performed by a licensed child psychiatrist, developmental pediatrician, or clinical psychologist.

“*Eligible individual*” means a child less than nine years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment under the medical assistance program, Iowa Code section 514C.28, or private insurance coverage, and whose household income does not exceed 400 percent of the federal poverty level.

“*Federal poverty level*” means the most recently revised poverty income guidelines published by the United States Department of Health and Human Services.

“*Household income*” means household income as determined using the modified adjusted gross income methodology pursuant to Section 2002 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

“*Integrated health home*” means the same as defined in 441—subrule 78.53(1).

“*Maximum amount of treatment*” means a maximum of 24 months of applied behavioral analysis funded by the autism support program. Months of service are not required to be consecutive.

“*Maximum annual benefit*” means a maximum annual benefit amount of \$36,000 per year for autism support program services for an eligible individual. For the purposes of this program, the annual benefit is calculated by using as a starting date the date the first service is reimbursed by the program and an ending date 12 months from the starting date. Expenditures included in the calculation of the maximum annual benefit include reimbursements to autism service providers for provision of applied behavioral analysis and reimbursements to integrated health homes for costs of care coordination. Cost-sharing paid by the eligible individual is not included in the calculation of the individual’s annual benefit.

“*Medical assistance*” or “*Medicaid*” means assistance provided under the medical assistance program pursuant to Iowa Code chapter 249A and Title XIX of the Social Security Act.

“*Month of service*” means any month in which an individual receives at least one billable unit of applied behavioral analysis service funded by the autism support program.

“*Provider network*” means a network of autism service providers approved by the department to provide services to eligible individuals through the autism support program.

“*Regional autism assistance program*” or “*RAP*” means the regional autism assistance program created in Iowa Code section 256.35.

“*Treatment plan*” means a plan for the treatment of autism developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient’s representative.

441—22.2(225D) Eligibility and application requirements. To be determined eligible for funding for services through the autism support program, an individual must meet the following requirements:

22.2(1) An individual shall submit an application to the administrator of the program using a standardized application form available through the administrator’s and the department’s Web sites, members of the provider network, the regional autism assistance program, and advocacy organizations.

22.2(2) An applicant for autism program services shall be less than the age of nine at the time of application for the program. Proof of age must be provided at the time of application. An individual who reaches the age of nine prior to receipt of the maximum benefits of the program may continue to receive services from the program in accordance with the individual’s treatment plan, up to a maximum of 24 months of applied behavioral analysis treatment.

22.2(3) An individual shall have a diagnosis of autism based on a diagnostic assessment of autism dated 24 months or less from the date of application for the program.

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22.2(4) An individual shall be determined ineligible for coverage of applied behavioral analysis services under the medical assistance program, Iowa Code section 514C.28, or private insurance coverage. Proof of insurance coverage and noneligibility for coverage for applied behavioral analysis shall be provided at the time of application.

22.2(5) An individual shall have a household income equal to or less than 400 percent of the federal poverty level. Information needed to determine household income using modified adjusted gross income methodology shall be identified on the program application. The information shall be provided at the time of application.

22.2(6) The administrator shall provide to the parent or guardian a written notice of decision determining initial eligibility or denial within 30 calendar days of receipt of the application.

22.2(7) The administrator shall refer an applicant determined to be an eligible individual to care coordination services. The referral will occur within 5 business days of determination of eligibility for the program. Care coordination services will be provided by the University of Iowa regional autism assistance program (RAP) or an integrated health home. Eligible individuals who reside in counties where integrated health homes for children with a serious emotional disturbance are operational may choose to receive care coordination through the University of Iowa RAP program or an integrated health home that serves residents of the eligible individual's county of residence. Care coordination is not required as a condition of receiving services through the autism support program.

22.2(8) For individuals determined eligible for the program but unable to access services due to lack of available providers, the administrator shall maintain a list of such individuals and shall work to connect eligible individuals on the list to network providers.

22.2(9) The administrator shall stop processing applications at the point where available funds are fully obligated for eligible individuals and additional eligible individuals would cause expenditures in excess of the funds available to the program. The administrator shall maintain a waiting list of individuals denied access to the program due to lack of available funds. If additional funds become available, the administrator shall contact individuals on the list in order of the earliest date and time of the receipt of the original application. The applicant shall be allowed 30 calendar days to submit an updated application and any required information needed to determine eligibility. If the applicant does not submit required information, the applicant will be denied eligibility and removed from the waiting list maintained for individuals denied access to the program due to lack of funding. The age of the applicant at the time of the most recent application will be used when determining eligibility for the program.

441—22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing.

22.3(1) An individual with a household income equal to or greater than 200 percent of the federal poverty level, up to a maximum of 400 percent of the federal poverty level, shall be subject to cost-sharing requirements. Cost sharing shall be implemented incrementally up to a maximum of 10 percent of the costs of the services provided through the program for an individual with a household income equal to 400 percent of the federal poverty level. The following is a chart of the cost-sharing requirements:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Family income as a % of FPL	% of cost-sharing of service costs	Family income as a % of FPL	% of cost-sharing of service costs
200%	.476%	310%	5.712%
210%	.952%	320%	6.188%
220%	1.428%	330%	6.664%
230%	1.904%	340%	7.14%
240%	2.38%	350%	7.616%
250%	2.856%	360%	8.092%
260%	3.332%	370%	8.568%
270%	3.808%	380%	9.04%
280%	4.284%	390%	9.516%
290%	4.76%	400%	9.992%
300%	5.236%		

22.3(2) An individual may request an exemption from cost sharing due to financial hardship. To qualify for an exemption, an individual shall submit written documentation to the administrator that the individual or the individual's family does not have the financial means to fulfill cost-sharing requirements.

22.3(3) Criteria to determine financial hardship include, but are not limited to, a change in income, change in employment of the parent or guardian, additional medical expenditures, other family members' health conditions, or other conditions which may affect the ability to fulfill cost-sharing requirements. The administrator shall provide a written determination regarding eligibility for exemption from cost-sharing requirements. Eligibility for exemption from cost sharing expires at the end of the financial eligibility period.

441—22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program.

22.4(1) An eligible individual's continued financial eligibility for the program, cost-sharing requirements, and exemption from cost sharing shall be determined on an annual basis.

22.4(2) The administrator shall request needed information from the eligible individual's parent or guardian for redetermination of financial eligibility, cost-sharing requirements, and exemption from cost sharing at least 30 days prior to the expiration of the eligible individual's eligibility period. The notice requesting information needed for renewal of eligibility shall include the ending date of eligibility for services.

22.4(3) The administrator shall provide a written notice of decision determining ongoing eligibility or denial within 15 calendar days of receipt of the continued financial eligibility documentation.

22.4(4) If the signed application and verification of continuing eligibility are not received by the administrator by the last working day of the renewal month, the individual's eligibility for the program shall be terminated.

22.4(5) Reasons for disenrollment in the autism support program include:

- a. Death of the eligible individual.
- b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—22.2(225D).
- c. The parent or legal guardian has failed to provide information required for redetermination of eligibility.
- d. The eligible individual has failed to access authorized services for a period of three consecutive months and has not made arrangements with the autism service provider or administrator to access authorized services.
- e. No funds are appropriated for the autism support program.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—22.5(225D) Initial service authorization and renewal of service authorization.

22.5(1) All services reimbursed through the program shall be prior-authorized by the administrator.

22.5(2) An autism service provider shall submit an initial treatment plan to the administrator specifying a plan of treatment for a period of no more than six months. The initial treatment plan shall specify the amount of units of applied behavioral analysis services requested for the eligible individual and include a baseline standardized assessment score.

22.5(3) Family engagement and participation are required for participation in the autism support program. Treatment plans shall identify specific activities and responsibilities of parents or guardians in the treatment plan.

22.5(4) The treatment plan shall reflect the autism service provider's engagement with the school in which the eligible individual is enrolled. Treatment plans shall identify specific actions taken by the autism service provider to engage the eligible individual's school and the results of such actions.

22.5(5) The treatment plan may include services provided by staff with a minimum of a bachelor's degree in a human services or education field, working under the supervision of an autism service provider who is board-certified as a behavior analyst. The treatment plan shall identify which services shall be provided directly by the autism service provider and which services shall be provided by staff under the supervision of the autism service provider.

22.5(6) For renewal or modification of service authorizations, the autism service provider shall submit an updated plan of treatment with a request for the number of units of applied behavioral analysis the provider believes is medically necessary to address the eligible individual's ongoing treatment needs. The autism service provider shall also provide evidence of the eligible individual's progress on identified treatment goals. The administrator shall consider the eligible individual's updated standardized assessment score along with other clinical information when reviewing requests for renewal or modification of service authorizations. Ongoing service authorization requests shall not exceed six months in duration.

22.5(7) The administrator shall provide approval, request for modification, or denial within five business days of receipt of all service authorization requests.

441—22.6(225D) Provider network. The administrator shall establish and maintain a network of department-approved autism service providers so that applied behavioral analysis services are available to eligible individuals statewide to the maximum extent possible.

22.6(1) A provider shall be approved to participate in the autism support program provider network if the provider meets one of the following standards in paragraph 22.6(1) "a," "b" or "c":

a. The autism service provider is certified as a behavior analyst by the Behavior Analyst Certification Board; or

b. The autism service provider is a health professional licensed under Iowa Code chapter 147. A health professional licensed under Iowa Code chapter 147 who does not hold a current certification as a board-certified behavior analyst shall provide evidence of training in applied behavioral analysis and be licensed as a mental health professional under Iowa Code section 228.1(6); or

c. A provider shall be deemed eligible to participate in the autism support program provider network if the autism service provider meets the standards in paragraph 22.6(1) "a" or "b" and the provider is approved to provide applied behavioral analysis services through Medicaid.

22.6(2) The administrator's provider network shall accept the rate established by the department through the department's contract with the administrator as payment in full for the services rendered and will not charge eligible individuals any additional fees for services rendered, except for those eligible individuals who are required to pay a portion of the cost of services due to cost-sharing requirements.

22.6(3) The administrator is responsible for calculating the cost-sharing amount according to standards established in this chapter.

22.6(4) The autism service provider is responsible for collecting the cost-sharing amount from the eligible individual and will only be reimbursed by the administrator for the balance of the service fee minus the amount of cost sharing.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—22.7(225D) Financial management of the program. The autism support program administrator shall:

1. Not take new applications for the program that would cause expenditures of the program to exceed the budgeted amount.
2. Limit expenditure of program funds to services for those individuals determined to be eligible individuals and for related administrative costs.
3. Limit annual expenditures for each eligible individual to the amount identified in Iowa Code section 225D.2(2)“a.”
4. Limit length of service through the program to the amount identified in Iowa Code section 225D.2(2)“b.”
5. Allocate available funds for eligible individuals’ services in a manner that allows for funding for all eligible individuals’ services authorized by the administrator without exceeding the department’s funding limits.
6. Limit payment for applied behavioral analysis services to an hourly or equivalent quarter-hour unit rate that is equal to the contracted rate currently paid by Medicaid for applied behavioral analysis services.
7. Limit payment for integrated health home services to an amount consistent with the monthly per-member per-month amount paid by Medicaid to approved providers of integrated health home services for children with a serious emotional disturbance.
8. Not provide financial compensation to the University of Iowa regional autism assistance program for care coordination services.

441—22.8(225D) Appeal. Notice of adverse action and right to appeal shall be given in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code chapter 225D.

[Filed 1/24/14, effective 4/1/14]

[Published 2/19/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1334C

INSURANCE DIVISION[191]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 505.8, 509.3, 509.13, 509.16, 514A.3, and 515A.19A, the Insurance Division hereby adopts an amendment to Chapter 20, “Property and Casualty Insurance,” Iowa Administrative Code.

The rules in Chapter 20, among other things, prescribe the requirements for filing rates and forms with the Iowa Insurance Division. This amendment rescinds subrule 20.4(2) because so many insurance transactions now take place electronically that the requirements of the subrule are no longer practicable.

Notice of Intended Action for this amendment was published in the October 16, 2013, Iowa Administrative Bulletin as **ARC 1127C**.

A public hearing was held on November 5, 2013, at the offices of the Iowa Insurance Division, Two Ruan Center, 601 Locust Street, 4th Floor, Des Moines, Iowa. The Division also accepted written comments on the proposed amendment through November 5, 2013. No comments were received. One person appeared at the public hearing but did not submit any comments. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code chapters 505, 509, 514A, 515, 515A and 515F. This amendment will become effective March 26, 2014.

The following amendment is adopted.

INSURANCE DIVISION[191](cont'd)

Rescind and reserve subrule **20.4(2)**.

[Filed 1/27/14, effective 3/26/14]

[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1348C

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby amends Chapter 2, "Investment Board," Chapter 4, "Employers," Chapter 9, "Refunds," Chapter 11, "Application for, Modification of, and Termination of Benefits," Chapter 12, "Calculation of Monthly Retirement Benefits," Chapter 13, "Disability for Regular and Special Service Members," Chapter 14, "Death Benefits and Beneficiaries," and Chapter 16, "Domestic Relations Orders and Other Assignments," Iowa Administrative Code.

These amendments apply suggested language from tax counsel regarding group trusts; implement contribution rates for regular and special service members beginning July 1, 2014; implement new spousal signature requirements for refund applications; remove the requirement for a notary public on retirement applications; clarify requirements of a completed retirement or disability retirement application when submitted by a member; update a rule to conform with the language of its controlling statute; remove language regarding "same gender spouse" and "administrable domestic relations order (ADRO)" and any related definitions and provisions; conform IPERS with IRS reporting requirements for distributions to nonspouse successor alternate payees; and update several rules regarding IPERS' administration of qualified domestic relations orders (QDROs).

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 25, 2013, as **ARC 1256C**. A public hearing was held on January 14, 2014, at 9 a.m. in Conference Room G at IPERS, 7401 Register Drive, Des Moines, Iowa. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15.

These amendments will become effective March 26, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** rule 495—2.2(97B):

495—2.2(97B) Group trusts. Assets of the fund may be invested in a tax-exempt group trust that has been determined by the Internal Revenue Service to be a pooled fund arrangement pursuant to Revenue Ruling 81-100, as modified by Revenue Rulings 2004-67 and 2011-1, and that is operated or maintained exclusively for the commingling and collective investment of moneys. In such case, the terms of the group trust shall be adopted as part of this plan.

ITEM 2. Amend paragraph **4.6(1)“b”** as follows:

b. Effective July 1, 2012, and every year thereafter, the contribution rates for regular members shall be publicly declared by IPERS staff no later than the preceding December as determined by the annual valuation of the preceding fiscal year. The public declaration of contribution rates will be followed by rule making that will include a notice and comment period and that will become effective July 1 of the next fiscal year. Contribution rates for regular members are as follows.

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	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014
Combined rate	14.45%	14.88%	<u>14.88%</u>
Employer	8.67%	8.93%	<u>8.93%</u>
Employee	5.78%	5.95%	<u>5.95%</u>

ITEM 3. Amend subrule 4.6(2) as follows:

4.6(2) Contribution rates for sheriffs and deputy sheriffs are as follows.

	Effective July 1, 2009	Effective July 1, 2010	Effective July 1, 2011	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014
Combined rate	15.24%	17.88%	19.66%	19.80%	19.76%	<u>19.76%</u>
Employer	7.62%	8.94%	9.83%	9.90%	9.88%	<u>9.88%</u>
Employee	7.62%	8.94%	9.83%	9.90%	9.88%	<u>9.88%</u>

ITEM 4. Amend subrule 4.6(3) as follows:

4.6(3) Contribution rates for protection occupations are as follows.

	Effective July 1, 2009	Effective July 1, 2010	Effective July 1, 2011	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014
Combined rate	15.34%	16.59%	16.62%	17.11%	16.90%	<u>16.90%</u>
Employer	9.20%	9.95%	9.97%	10.27%	10.14%	<u>10.14%</u>
Employee	6.14%	6.64%	6.65%	6.84%	6.76%	<u>6.76%</u>

ITEM 5. Amend subrule 9.4(1) as follows:

9.4(1) To obtain a refund, a member must file a refund application form, which is available directly from IPERS or which can be reprinted from IPERS' Web site: www.ipers.org. Effective December 31, 2002, refund application forms shall only be available from IPERS. If the member is married, election of a refund under this chapter requires the written acknowledgment of the member's spouse. However, the system may accept a married member's election of a refund under this chapter without the written acknowledgment of the member's spouse if the member submits a notarized statement indicating that, after reasonable diligent efforts, the member has been unable to locate the member's spouse to obtain the written acknowledgment of the spouse. The member's election of a refund shall become effective upon filing the necessary forms, including the notarized statement, with the system. The system shall not be liable to the member, the member's spouse, nor to any other person affected by the member's election of a refund based upon an election of a refund accomplished without the written acknowledgment of the member's spouse.

ITEM 6. Amend subrule 11.1(1) as follows:

11.1(1) *Form used.* It is the responsibility of the member to notify IPERS of the intention to retire. This should be done 60 days before the expected retirement date. The application for monthly retirement benefits is obtainable from IPERS, 7401 Register Drive, P.O. Box 9117, Des Moines, Iowa 50306-9117. The printed application form shall be completed by each member applying for benefits and shall be mailed, sent by fax or brought in person to IPERS. An application that is incomplete or incorrectly completed will be returned to the member. To be considered complete, an application must include the following:

- a. Proof of date of birth for the member.
- b. Option selected, and
 - (1) If Option 1 is selected, the death benefit amount.
 - (2) If Option 4 or 6 is selected, the contingent annuitant's name, ~~gender~~, social security number, proof of date of birth, and relationship to member.
 - (3) If Option 1, 2, or 5 is selected, a list of beneficiaries.

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~~e.~~ If the member is disabled, a copy of the award letter from social security or railroad retirement and a statement that the member is retiring due to disability.

~~d. c.~~ If the member has been terminated less than one year, or is applying for disability benefits, the employer certification page must be completed by the employer.

~~e. d.~~ Signature of member and spouse, both properly notarized unless witnessed by an authorized employee of the system.

~~f. e.~~ If the member has no spouse, "NONE" must be designated.

~~f.~~ If the member is applying for regular disability benefits, a copy of the award letter from the Social Security Administration or railroad retirement.

A retirement application is deemed to be valid and binding ~~when~~ on the date the first payment is paid. Members shall not cancel their applications, change their option choice, or change an IPERS option containing contingent annuitant benefits after that date.

ITEM 7. Amend subrule 11.1(3) as follows:

11.1(3) *Benefits estimates.* Prior to submitting an application for benefits, a member may request IPERS to prepare estimates of projected benefits under the various options as described under Iowa Code section 97B.51. A benefit estimate shall not bind IPERS to payment of the projected benefits under the various options specified in Iowa Code chapter 97B. A member cannot rely on the benefit estimate in making any retirement-related decision or taking any action with respect to the member's account, nor shall IPERS assume any liability for such actions. An estimate will not include deductions for a QDRO or any other legal assignments or orders on a member's account, unless specifically requested by the member. A member's actual benefit can only be known and officially calculated when an eligible member applies for benefits.

ITEM 8. Rescind and reserve subrule **11.2(6)**.

ITEM 9. Amend subrule 12.1(1) as follows:

12.1(1) *Formula benefit versus money purchase benefit.* If a member ~~has four or more~~ is vested by complete years of service credit in IPERS, a monthly payment allowance will be paid in accordance with the formulas set forth in Iowa Code sections 97B.49A through 97B.49I, the applicable paragraphs of this chapter, and the option the member elects pursuant to Iowa Code section 97B.51(1). IPERS shall determine on the applicable forms which designated fractions of a member's monthly retirement allowance payable to contingent annuitants shall be provided as options under Iowa Code section 97B.51(1). Any option elected by a member under Iowa Code section 97B.51(1) must comply with the requirements of the Internal Revenue Code that apply to governmental pension plans, including but not limited to Internal Revenue Code Section 401(a)(9) ~~and federal laws governing the tax treatment of distributions from a tax-qualified retirement plan to same gender spouses and same gender former spouses.~~ If a member ~~has less than~~ does not have four complete years of service credit, the benefit receivable will be computed on a money purchase basis, with reference to annuity tables used by IPERS in accordance with the member's age and option choice.

ITEM 10. Amend subrule 13.1(1) as follows:

13.1(1) For IPERS regular class members retiring because of a disability:

~~a.~~ ~~The member must indicate on the application for retirement that the retirement is due to an illness, injury or similar condition.~~

~~b. a.~~ The member must be awarded federal social security benefits due to a disability which existed ~~at the time the application for retirement was filed on or before the member's first month of entitlement.~~

~~e. b.~~ Effective July 1, 1990, the member may also qualify for the IPERS disability provision by being awarded, and commencing to receive, disability benefits through the federal Railroad Retirement Act, 45 U.S.C. Section 231 et seq., due to a disability which existed at the time of retirement.

~~d. c.~~ The period for which up to 36 months of retroactive payments under Iowa Code section 97B.50(2) shall be paid is for up to 36 months preceding the month in which such completed application for IPERS disability is received by IPERS. In no event shall retroactive disability benefits payments under Iowa Code section 97B.50(2) precede the month the member actually receives the member's first

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social security or railroad retirement disability payment. The member shall provide IPERS with a copy of the Social Security Administration or railroad retirement award letter showing dates of eligibility.

e. d. Continued qualification monitoring.

(1) For a member retiring due to a disability under Iowa Code section 97B.50(2), on or after January 1, 2009, ~~in order to continue qualification for disability benefits~~, the member shall provide IPERS with proof of continuing eligibility for federal social security disability benefits or railroad retirement disability benefits by June 30 of each calendar year, in order to continue qualification for IPERS disability benefits.

(2) For a member retiring due to a disability under Iowa Code section 97B.50A, the member shall provide IPERS ~~may also require~~ complete copies of the member's state and federal income tax returns, including all supporting schedules, by June 30 of each calendar year, in order to continue qualification for IPERS disability benefits.

IPERS ~~may~~ shall suspend the disability benefits of any ~~such~~ member if ~~these~~ the records required under these subparagraphs are not timely provided.

ITEM 11. Amend rule 495—14.1(97B) as follows:

495—14.1(97B) Internal Revenue Code limitations. The death benefits payable under Iowa Code sections 97B.51 and 97B.52 shall not exceed the maximum amount possible under Internal Revenue Code Section 401(a)(9).

To ensure that the limit is not exceeded, a member's combined lump sum death benefit under Iowa Code sections 97B.52(1) and 97B.52(2) shall not exceed 100 times the Option 2 amount that would have been payable to the member at the member's earliest normal retirement age. If a beneficiary of a special service member is eligible for an in-the-line-of-duty death benefit, any reduction required under this rule shall be taken first from a death benefit payable under Iowa Code section 97B.52(1). The "100 times" limit shall apply to active and inactive members. The death benefits payable under this chapter for a period of reemployment for a retired reemployed member who dies during the period of reemployment shall also be subject to the limits described in this rule.

The maximum claims period for IPERS lump sum death benefits shall not exceed the period required under Internal Revenue Code Section 401(a)(9), which may be less than five years for a member who dies after the member's required beginning date, unless the beneficiary is ~~an opposite gender~~ a spouse. The claims period for all cases in which the member's death occurs during the same calendar year in which a claim must be filed under this rule shall end April 1 of the year following the year of the member's death.

A member's beneficiary or heir may file a claim for previously forfeited death benefits. Interest, if any, for periods prior to the date of the claim will only be credited through the quarter that the death benefit was required to be forfeited by law. Interest for periods following the quarter of forfeiture will accrue beginning with the quarter that the claim for reinstatement is received by IPERS. For death benefits required to be forfeited in order to satisfy Section 401(a)(9) of the federal Internal Revenue Code, in no event will the forfeiture date precede January 1, 1988. IPERS shall not be liable for any excise taxes imposed by the Internal Revenue Service on reinstated death benefits.

Effective January 14, 2004, all claims for a previously forfeited death benefit shall be processed under the procedure set forth at rule 495—14.13(97B).

The system recognizes the validity of same gender marriages consummated in Iowa on or after April 27, 2009. The Iowa Supreme Court decision recognizing same gender marriages in Iowa specifically states that this recognition does not extend to same gender marriages of other states. The following special rules apply to same gender marriages in Iowa. IPERS shall administer marital property and support orders of same gender spouses married in Iowa on or after April 27, 2009, if the orders otherwise meet the system's minimum requirements for such orders, ~~but shall modify the tax treatment of distributions under such orders as required by the federal laws governing such distributions~~. ~~IPERS shall adopt such rules and procedures as are deemed necessary to fully implement the provisions of this subrule.~~

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ITEM 12. Rescind and reserve rule **495—14.18(97B)**.

ITEM 13. Rescind the definitions of “Administrable domestic relations order” and “Same gender spouse” in subrule **16.2(1)**.

ITEM 14. Amend subrule **16.2(1)**, definition of “Successor alternate payee,” as follows:

“*Successor alternate payee*” means a nonspouse person or persons named in a domestic relations order to receive the amounts payable to the former spouse alternate payee under the QDRO ~~or ADRDRO~~ if the alternate payee dies before the member. Successor alternate payees must be named individuals, not a class of individuals, a trust or an estate.

ITEM 15. Amend subrule 16.2(2) as follows:

16.2(2) Requirements.

a. Mandatory provisions. A domestic relations order is a QDRO ~~or an ADRDRO~~ if such order:

- (1) Clearly specifies the member’s name and last-known mailing address, member identification number or social security number, and the names and last-known mailing addresses and social security numbers of alternate payees. This information shall be provided to IPERS ~~in a cover letter or a court’s on IPERS’ Confidential Information Form form~~;
- (2) Clearly specifies a fixed dollar amount or a percentage, but not both, of the member’s benefits to be paid by IPERS to the alternate payee or the manner in which the fixed dollar amount or percentage is to be determined, provided that no such method shall require IPERS to perform present value calculations of the member’s accrued benefit;
- (3) Clearly specifies the period to which such order applies;
- (4) Clearly specifies that the order applies to IPERS;
- (5) Clearly specifies that the order is for purposes of making a property division; and
- (6) Is clearly signed by the judge and filed with the clerk of court. IPERS will consider an order duly signed if it carries an original signature, a stamp bearing the judge’s signature, electronic clerk of court stamp and judge’s signature page via the electronic data management system (EDMS), or is conformed in accordance with local court rules.

b. Prohibited provisions. A domestic relations order is not a QDRO ~~or an ADRDRO~~ if such order:

- (1) Requires IPERS to provide any type or form of benefit or any option not otherwise provided under Iowa Code chapter 97B;
- (2) Requires IPERS to provide increased benefits determined on the basis of actuarial value;
- (3) Requires the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined by IPERS to be a QDRO ~~or an ADRDRO~~;
- (4) Requires any action by IPERS that is contrary to its governing statutes or plan provisions;
- (5) Awards any future benefit increases that are provided by the legislature, except as provided in subparagraph 16.2(2)“c”(2); or
- (6) Requires the payment of benefits to an alternate payee prior to a trigger event.

c. Permitted provisions. A QDRO ~~or an ADRDRO~~ may also:

- (1) If a trigger event has not occurred as of the date the order is received by IPERS, name an alternate payee as a designated beneficiary or contingent annuitant, or require the payment of benefits under a particular benefit option, or both;
- (2) Specify that the alternate payee shall be entitled to a fixed dollar amount or percentage of dividend payments, or cost-of-living increase or any other postretirement benefit increase to the member (all known as dividend payments), as follows:
 1. If the court order awards a fixed dollar amount of benefits to the alternate payee, the dollar amount of dividend payments to be added or method for determining ~~said~~ the dollar amount shall be stated in the court order or an award of a share of dividend payments shall be given no effect; and
 2. If the court order awards a specified percentage of benefits to the alternate payee, IPERS shall add dividends to the alternate payee’s share of the retirement allowance as necessary to keep the alternate payee’s share of payments at the percentage specified in the court order;
 - (3) Bar a vested member from requesting a refund of the member’s accumulated contributions without the alternate payee’s written consent. If a member applies for a refund, a consent form will

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be sent to the alternate payee at the address of record at IPERS. The completed consent form must be received by IPERS within 60 days. If returned undeliverable or no response is received, the alternate payee's refund amount will be payable to the member. If returned marked "no consent," the refund will not be payable to either the member or alternate payee;

(4) Allow benefits to be paid to an alternate payee based on a period of reemployment for a retired member; and

(5) Name a successor alternate payee to receive the amounts that would have been payable to the member's spouse or former spouse under the order, if the alternate payee dies before the member. The designation of a successor alternate payee in an order shall be void and be given no effect if IPERS does not receive confirmation of the successor's name, social security number, and last-known mailing address ~~in a cover letter or in a copy of the court's confidential information~~ on IPERS' Confidential Information form. A QDRO or an ADRO that lists a series of default successor alternate payees by class or permits a successor alternate payee to designate additional successor alternate payees is not permitted and will be rejected. Once a QDRO or an ADRO is accepted by IPERS for administration, in order to change the designation of successor alternate payees, an amended order is required.

ITEM 16. Amend paragraph **16.2(3)"a"** as follows:

a. IPERS uses the shared payment method for payments under a domestic relations order. IPERS will not create a separate account for the alternate payee or any successor alternate payee(s). Payment to the alternate payee (or successor alternate payee(s)) shall be in a lump sum if the member's benefits are paid in a lump sum distribution or as monthly payments if the member's benefits are paid under a retirement option. A member shall not be able to receive an actuarial equivalent (AE) under Iowa Code section 97B.48(1) unless the total benefit payable with respect to that member meets the applicable requirements. All divisions of benefits shall be based on the gross amount of monthly or lump sum benefits payable. Federal and state income taxes shall be deducted from the member's and former spouse alternate payee's respective shares and reported under their respective federal tax identification numbers. Unrecovered basis shall be allocated on a pro rata basis to the member and alternate payee. Federal and state income taxes shall be deducted from the member's gross payment when a nonspouse successor alternate payee(s) receives a payment. Federal and state income taxes shall be reported under the member's federal tax identification number. Unrecovered basis shall be allocated to the member.

ITEM 17. Amend paragraph **16.2(3)"b"** as follows:

b. The alternate payee shall not be entitled to any share of the member's death benefits except to the extent such entitlement is recognized so provided in a QDRO ~~or an ADRO~~ or in a beneficiary designation filed subsequent to the dissolution.

ITEM 18. Amend paragraph **16.2(3)"c"** as follows:

c. If a QDRO ~~or an ADRO~~ directs the member to name the alternate payee under the order as a designated beneficiary, and the member fails to do so, the provisions of the QDRO ~~or ADRO~~ awarding the alternate payee a share of the member's death ~~benefit~~ benefits shall be deemed, except as revoked or modified in a subsequent QDRO or ADRO, to operate as a beneficiary designation, and shall be given first priority by IPERS in the determination and payment of such member's death benefits. Death benefits remaining after payments required by the QDRO or ADRO, to the extent possible, shall then be made according to the terms of the member's most recent beneficiary designation. If a QDRO or an ADRO does not require the member to select an option, the member is allowed to select any option at retirement, including an option that does not provide for payment of postretirement death benefits.

ITEM 19. Amend paragraph **16.2(3)"e"** as follows:

e. An alternate payee shall not receive a share of dividends or other cost-of-living increases, unless so provided in a QDRO ~~or an ADRO~~.

ITEM 20. Amend paragraph **16.2(3)"f"** as follows:

f. The CEO, or CEO's designee, shall have exclusive authority to determine whether a domestic relations order is a QDRO ~~or an ADRO~~. A final determination by the CEO, or CEO's designee, may be appealed in the same manner as any other final agency determination under Iowa Code chapter 97B.

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ITEM 21. Amend paragraph **16.2(3)“h”** as follows:

h. A domestic relations order shall not become effective until it is approved by IPERS. If a member is receiving a retirement allowance at the time a domestic relations order is received by the system, the order shall be effective only with respect to payments made after the order is determined to be a QDRO or an ADRO. ~~If distributions have already begun at the time that an order is determined by IPERS to be a QDRO or an ADRO, the order shall be deemed to be the alternate payee's application to begin receiving payments under the QDRO or ADRO.~~ Payment to the alternate payee will be paid for withheld from the member's payment the month the order is accepted alternate payee's application is mailed by IPERS. If the member is not receiving a retirement allowance at the time a domestic relations order is approved by IPERS and the member applies for a refund or monthly allowance, or dies, no distributions shall be made until the respective rights of the parties under the domestic relations order are determined by IPERS. If IPERS has placed a hold on the member's account following written or verbal notification from the member, member's spouse, or legal representative of either party of a pending dissolution of marriage, and no further contacts are received from either party or their representatives within the following one-year period, or IPERS has not received and qualified a domestic relations order, IPERS shall release the hold.

ITEM 22. Amend paragraph **16.2(3)“j”** as follows:

j. IPERS has no duty or responsibility to search for alternate payees. Alternate payees must notify IPERS of any change in their mailing addresses. IPERS shall ~~contact~~ mail the alternate payee ~~in writing, notifying the alternate payee that an application once an application for a distribution has been requested by received from the member and considered a complete application by IPERS.~~ IPERS shall send the alternate payee an application to be completed and returned to IPERS. The written notice shall inform the alternate payee that The application mailed by IPERS to the alternate payee states that, if the alternate payee does not return the application to IPERS within 60 days after the materials are application is mailed by IPERS, the amounts otherwise payable to the alternate payee shall be paid to the member or the member's beneficiary(ies). If the member applied for a refund, and the alternate payee's application is not received within the 60 days, the alternate payee's share of the member's lump sum refund shall be paid to the member. If the member applies for a monthly pension payment, unless and until a valid application for the alternate payee's share of the monthly pension payments is received and accepted by IPERS, IPERS shall have no liability to the alternate payee with respect to payment of ~~such~~ monthly amounts, nor will any retroactive payment be made if and when an application is received and accepted. All monthly payments in this case shall be prospective.

ITEM 23. Amend paragraph **16.2(3)“k”** as follows:

k. If a QDRO ~~or an ADRO~~ requires the member to select an option with joint and survivor provisions (Option 4 or 6) and name the alternate payee as contingent annuitant, the order must state the percentage in Option 4 or 6 to be payable to the alternate payee as contingent annuitant (the currently available percentages under Option 4 or 6 are 25, 50, 75 and 100 percent). Acceptable birth proof for the alternate payee as the named contingent annuitant, pursuant to 495—subrule 11.1(2), must also be provided to IPERS prior to approval of the order by IPERS.

ITEM 24. Amend paragraph **16.2(3)“m”** as follows:

m. If an order that is determined to be a QDRO ~~or an ADRO~~ divides a member's account using a service factor formula and the member's IPERS benefits are based on a number of quarters less than the member's total covered quarters, notwithstanding any terms of the order to the contrary, IPERS shall limit the number of quarters used in the numerator and the denominator of the service fraction to the number of quarters actually used in the calculation of IPERS benefits.

ITEM 25. Amend paragraph **16.2(3)“n”** as follows:

n. Service credit that is purchased during the period when the member is married to the alternate payee shall be added to the numerator and the denominator of the service fraction when calculating the service factor pursuant to a domestic relations order. Service credit that is purchased during a period when the member is not married to the alternate payee shall only be added to the denominator of the

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service fraction when calculating the service factor pursuant to a domestic relations order. Under no circumstances shall the number of quarters in the denominator be more than the number of quarters used to calculate the member's benefit. Service purchase after retirement shall not increase or decrease the alternate payee's payment amount that was deducted and was payable at the time of retirement.

ITEM 26. Amend paragraph **16.2(3)“o”** as follows:

o. The parties or their attorneys in a dissolution action involving an IPERS member shall decide between themselves which attorney will submit a proposed domestic relations order to IPERS for review. IPERS shall not review a proposed order that has not been approved as to form by both parties or their counsel by enclosure of the Administrative Rule Compliance for QDROs form. A rejection under this paragraph shall not preclude IPERS from placing a hold on a member's account until the status of a proposed order as a QDRO ~~or an ADRO~~ is resolved: or the hold is released pursuant to the terms of paragraph 16.2(3)“h.”

ITEM 27. Amend paragraph **16.2(3)“p”** as follows:

p. ~~If a domestic relations order has been determined by the system to be an ADRO, before the system will accept the ADRO for current or deferred administration, the alternate payee under that final order shall be required to complete any forms required by IPERS for purposes of determining the proper tax treatment of current or future distributions to that alternate payee in accordance with federal laws governing such distributions. If a retired member has a qualified domestic relations order on the member's account, the parties (the member and the alternate payee or their counsel of record) may execute a waiver of the 30-day appeal period following review and qualification of the retired member's domestic relations order, using a form approved by the system.~~

ITEM 28. Amend paragraph **16.2(3)“q”** as follows:

q. If a member with an IPERS-approved QDRO ~~or ADRO~~ is receiving a distribution according to a qualified benefits arrangement (QBA), the alternate payee shall share in the distribution to the member unless the order specifically states otherwise.

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[Published 2/19/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/19/14.

ARC 1332C

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68 and 2013 Iowa Acts, Senate File 295, the Department of Revenue hereby amends Chapter 80, “Property Tax Credits and Exemptions,” Iowa Administrative Code.

The subject matter of new rule 701—80.49(441) is commercial and industrial property tax replacement. This rule implements Iowa Code section 441.21A, which requires the Department of Revenue to administer counties' commercial and industrial property tax replacement claims.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1028C** on September 18, 2013. No public comments were received. This rule is identical to that published under Notice.

The new rule will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions. However, for a fiscal year beginning on or after July 1, 2017, if an amount appropriated for a fiscal year is insufficient to pay all replacement claims, counties will receive a pro rata percentage of the replacement claims.

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

REVENUE DEPARTMENT[701](cont'd)

The Department of Revenue adopted this rule on October 23, 2013.

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

This rule is intended to implement Iowa Code section 441.21A.

This rule will become effective March 26, 2014.

The following amendment is adopted.

Adopt the following new rule 701—80.49(441):

701—80.49(441) Commercial and industrial property tax replacement—county replacement claims. For each fiscal year beginning on or after July 1, 2014, the department of revenue shall pay to the county treasurer an amount equal to the amount of the commercial and industrial property tax replacement claims in the county. For fiscal years beginning on or after July 1, 2017, if an amount appropriated for a fiscal year is insufficient to pay all replacement claims, the director of revenue shall prorate the payment of replacement claims to the county treasurers and shall notify the county auditors of the pro rata percentage on or before September 30.

80.49(1) For each taxing district, the commercial and industrial property tax replacement claim amount is determined by multiplying the amounts calculated in 80.49(1) “a” and “b” and dividing the resultant amount by \$1,000.

a. The difference between the assessed valuation of all commercial property and industrial property for the assessment year used to calculate taxes which are due and payable in the applicable fiscal year and the actual value of all commercial property and industrial property that is subject to assessment and taxation for the same assessment year; and

b. The tax levy rate per \$1,000 of assessed value of each taxing district for that fiscal year.

80.49(2) Reporting requirements.

a. On or before July 1 of each fiscal year beginning on or after July 1, 2014, the assessor shall report to the county auditor the total actual value of all commercial and industrial property in the county that is subject to assessment and taxation for the assessment year used to calculate the taxes due and payable in that fiscal year.

b. On or before September 1 of each fiscal year beginning on or after July 1, 2014, the county auditor shall, based upon the information in the report required to be provided in paragraph “a” of this subrule, prepare and submit a statement to the department of revenue which lists, for each taxing district in the county, the information required in 80.49(1).

c. The department shall pay the replacement amount to the county treasurer in two installments in September and March of each year.

d. The county treasurer shall apportion the replacement claim payments among the eligible taxing districts in the county.

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