



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XLIV
April 20, 2022

NUMBER 21
Pages 2571 to 2614

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PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rule Making 2022

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
23	Friday, April 29, 2022	May 18, 2022
24	Wednesday, May 11, 2022	June 1, 2022
25	Friday, May 27, 2022	June 15, 2022

PLEASE NOTE:

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

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, May 9, 2022, at 8:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov.

NOTE: See also Supplemental Agenda published in the May 4, 2022, Iowa Administrative Bulletin.

DENTAL BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Licensure, registration, or qualification—reinstatement, fees, amendments to chs 1, 14, 15,
25 Filed **ARC 6303C** 4/20/22

EDUCATION DEPARTMENT[281]

High school programs; flexible student and school support program; accountability
framework, amendments to ch 12 Filed **ARC 6291C** 4/20/22
Gap tuition assistance program, 25.1, 25.24 Notice **ARC 6301C** 4/20/22
School-based youth services programs, rescind ch 66 Notice **ARC 6302C** 4/20/22
Standards for teacher intern preparation programs, 77.8(5)"a," 77.10(7), 77.11(2) Filed **ARC 6293C** 4/20/22
Supplementary weighting plan for operational function sharing—special education director,
97.7(10)"c" Filed **ARC 6292C** 4/20/22

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Air quality—electronic submittal, 20.2, 21.1(3), 22.1(3), 22.105, 22.128(4) Filed **ARC 6271C** 4/6/22

HUMAN SERVICES DEPARTMENT[441]

Appeals and hearings, 7.1 to 7.3, 7.6(3)"b," 7.7(1), 7.9, 7.11, 7.16, 7.19 Notice **ARC 6298C** 4/20/22
Volunteer services, rescind ch 12 Filed **ARC 6272C** 4/6/22
Food assistance program—change of name to supplemental nutrition assistance program
(SNAP), amendments to ch 13 Notice **ARC 6283C** 4/6/22
Autism support program—notice of adverse action, amendments to ch 22 Notice **ARC 6299C** 4/20/22
Mental health institutes, amendments to ch 29 Filed **ARC 6273C** 4/6/22
State resource centers—catchment areas, application for an adult, 30.1, 30.2(1) Filed **ARC 6274C** 4/6/22
Civil commitment unit for sexual offenders—visits, gifts, amendments to ch 31 Filed **ARC 6275C** 4/6/22
Interim assistance reimbursement—forms, 57.2, 57.3(1) Notice **ARC 6297C** 4/20/22
Applied behavior analysis services—registered behavior technicians, 77.26(10) Notice **ARC 6300C** 4/20/22
Medical child care—prior authorization forms, 78.57(6)"c"(12) Notice **ARC 6286C** 4/6/22
State training school—facilities, reporting gifts and bequests, 103.1, 103.9, 103.13(2)"b"
Filed **ARC 6276C** 4/6/22
Child care programs—quality rating system redesign, amendments to ch 118 Filed **ARC 6277C** 4/6/22
Iowa senior living trust fund; nursing facility conversion and long-term care services
development grants; Iowa hospital trust fund, rescind chs 161, 162, 164 Notice **ARC 6282C** 4/6/22

INSPECTIONS AND APPEALS DEPARTMENT[481]

Administrative electronic document management system, ch 16 Filed **ARC 6294C** 4/20/22
Social and charitable gambling—responsible party, raffles, 100.1, 100.3(7), 100.16 Filed **ARC 6296C** 4/20/22

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Review of rules, amendments to chs 10, 35, 76 Notice **ARC 6285C** 4/6/22

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Penalties for occupational safety and health citations, 3.11(1) Filed **ARC 6295C** 4/20/22
Community right to know, rescind ch 110; amend chs 130, 140 Filed **ARC 6289C** 4/6/22
Asbestos removal—ten-day notices, 155.5 Filed **ARC 6288C** 4/6/22

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Collaborative pharmacy practice, 13.4 Notice **ARC 6284C** 4/6/22

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Remote delegation of functions—security, supervision, documentation, patient counseling,
3.5, 3.21, 6.14 Notice **ARC 6279C** 4/6/22
Pharmacy license; nonresident pharmacy practice, 8.35, 19.1 to 19.3 Notice **ARC 6281C** 4/6/22

Precursor substances, 12.1(1) Notice **ARC 6280C** 4/6/22

PUBLIC HEALTH DEPARTMENT[641]

Outpatient diabetes education programs, 9.2 to 9.10 Filed **ARC 6268C** 4/6/22

Personal responsibility education program and Title V state sexual risk avoidance education
grant program funding and restrictions, ch 78 Filed **ARC 6269C** 4/6/22

Local public health services, ch 80 Filed **ARC 6270C** 4/6/22

REVENUE DEPARTMENT[701]

Hoover presidential library tax credit, 42.57, 52.50, 58.25 Filed **ARC 6267C** 4/6/22

TRANSPORTATION DEPARTMENT[761]

Vehicle registration and certificate of title, amendments to ch 400 Filed **ARC 6287C** 4/6/22

Driver education—time allowance for laboratory instruction, 634.4(2)^{“b,”} 634.11(1)
Notice **ARC 6278C** 4/6/22

UTILITIES DIVISION[199]

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Federally registered planning authority transmission projects, 11.14 Filed **ARC 6266C** 4/6/22

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Veterans trust fund, amendments to ch 14 Notice **ARC 6290C** 4/6/22

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Waylon Brown
2415 Highway 218
Osage, Iowa 50461

Representative Mike Boussetot
Ankeny, Iowa
House District 37

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

Representative Megan Jones
4470 Highway 71
Sioux Rapids, Iowa 50585

Senator Jesse Green
2344 360th Street
Harcourt, Iowa 50544

Representative Amy Nielsen
North Liberty, Iowa

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

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

Senator Pam Jochum
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INSURANCE DIVISION[191]

Review of rules, amendments to
chs 10, 35, 76
IAB 4/6/22 **ARC 6285C**

Via conference call
Contact Tracy Swalwell
Email: tracy.swalwell@iid.iowa.gov

May 5, 2022
9 a.m.
(If requested)

PHARMACY BOARD[657]

Remote delegation of
functions—security,
supervision, documentation,
patient counseling, 3.5, 3.21,
6.14
IAB 4/6/22 **ARC 6279C**

Health Professions Board Room
400 S.W. 8th St., Suite H
Des Moines, Iowa
Via Zoom: link available 24 hours in
advance at pharmacy.iowa.gov/meetings

April 27, 2022
10 a.m.

Pharmacy license; nonresident
pharmacy practice, 8.35, 19.1
to 19.3
IAB 4/6/22 **ARC 6281C**

Health Professions Board Room
400 S.W. 8th St., Suite H
Des Moines, Iowa
Via Zoom: link available 24 hours in
advance at pharmacy.iowa.gov/meetings

April 27, 2022
10:30 a.m.

TRANSPORTATION DEPARTMENT[761]

Driver education—time
allowance for laboratory
instruction, 634.4(2)“b,”
634.11(1)
IAB 4/6/22 **ARC 6278C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

April 28, 2022
9 a.m.
(If requested)

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 6301C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to gap tuition assistance program initial assessment and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 25, “Pathways for Academic Career and Employment Program; Gap Tuition Assistance Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 260I.

Purpose and Summary

Items 1 and 3 of this proposed rule making modernize the citations to the Iowa Code in rule 281—25.1(260H,260I) and in the chapter’s implementation sentence, respectively. Item 2 expands the list of allowable assessments for applicants for tuition assistance under the Gap Tuition Assistance Program. All applicants must complete an initial assessment to determine the applicant’s preparedness for the eligible program. The proposed amendment adds to the list of allowable assessments to include those used by a community college to determine academic eligibility for credit programs.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

EDUCATION DEPARTMENT[281](cont'd)

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend rule 281—25.1(260H,260I) as follows:

281—25.1(260H,260I) Scope. The rules in this chapter implement the pathways for academic career and employment (PACE) program under ~~2014~~ Iowa Code Supplement chapter 260H and the gap tuition assistance program under ~~2014~~ Iowa Code Supplement chapter 260I.

ITEM 2. Amend rule 281—25.24(260I) as follows:

281—25.24(260I) Initial assessment. An eligible applicant for tuition assistance under Division III of this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant’s readiness to complete an eligible certificate program. The assessment shall include the areas of reading and mathematics. In assessing an applicant under this division, a community college shall use the national career readiness certificate, ~~or~~; an assessment eligible under the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73, and approved by the department for use in an adult education and literacy program; or an established process utilizing valid measures for determining preparedness for the eligible certificate program, which may include processes for measuring academic preparedness used by the community college for placement of students into credit coursework. An applicant shall complete any additional assessments and occupation research required by the gap tuition assistance program or an eligible certificate program, or both.

ITEM 3. Amend **281—Chapter 25**, implementation sentence, as follows:

These rules are intended to implement ~~2014~~ Iowa Code chapters 260H and 260I.

ARC 6302C**EDUCATION DEPARTMENT[281]****Notice of Intended Action****Proposing rule making related to school-based youth services programs and providing an opportunity for public comment**

The State Board of Education hereby proposes to rescind Chapter 66, “School-Based Youth Services Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2000 Iowa Acts, House File 2496.

EDUCATION DEPARTMENT[281](cont'd)

Purpose and Summary

The statutory authority for this chapter was repealed in 2000. The chapter has not been funded and is entirely obsolete. This proposed rule making therefore rescinds the chapter.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Rescind and reserve **281—Chapter 66**.

ARC 6298C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to appeals and hearings and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 7, “Appeals and Hearings,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

As part of the five-year rules review process, the Department’s appeal rules were reviewed.

This rule making reflects changes in the new service standards implemented for first-class mail by the United States Postal Service (USPS). Proposed amendments ensure consistency with other state agencies regarding the use of the Rules of Civil Procedure for abandoned appeals. Further clarification has been added when an appeal hearing cannot be granted in specific situations.

In October 2021, the USPS implemented new service standards for first-class mail. Mail traveling within a local area will continue to be two-day delivery. A local area is defined as a three-hour drive (or less than 140 miles) between an originating facility and destination-processing facility. However, mail that must travel greater distances will take longer to deliver. Mail pieces can take up to five days for delivery.

Due to the new service standards, the USPS recommends mail or correspondence that requires a deadline be sent early. Federal and state regulations dictate time frames for appeals from start to finish, as well as for specific steps throughout the process. These same regulations restrict the early issuance of appeal correspondence. Based on this change, the Department proposes to amend the time frame for requesting a review or submitting a motion to vacate from 10 days to 14 days.

When a party fails to appear for an appeal hearing, an Abandonment Order may be issued and the party is given an opportunity to file a motion to vacate stating the good cause reasons the party missed the appeal hearing. These proposed amendments revise the definition of “good cause” for setting aside a default judgment to match the definition used in the Iowa Rule of Civil Procedure 1.971 and make the definition consistent with definitions used by other departments within state government.

A hearing may not be granted when the appeal involves patient treatment interventions outlined in the patient handbook of the Civil Commitment Unit for Sexual Offenders. The proposed amendments reflect that a hearing cannot be granted in this circumstance.

For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative’s written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. The proposed amendments reflect that the form is required for appeals that are handled through the expedited and standard appeals processes and allows for an appeal to be denied if a completed form is not provided.

Language regarding dates for adoption of federal law or regulation is added in this rule making.

As part of this review, the Department reached out to Iowa Legal Aid and Disability Rights Iowa as stakeholders in the appeals process. Iowa Legal Aid suggested a clarification be made in subrule 7.16(3) indicating attorneys are not required to submit a completed Form 470-5526 to represent an appellant during a managed care organization state fair hearing. The Department concurs with this suggestion. This is a positive change for parties-in-interest.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

- ITEM 1. Adopt the following **new** definition of “In-person hearing” in rule **441—7.1(17A)**:
“*In-person hearing*” means an appeal hearing where the administrative law judge and appellant are physically present in the same location but witnesses are not required to be physically present.
- ITEM 2. Amend rule **441—7.1(17A)**, definition of “Good cause,” as follows:
“*Good cause,*” ~~means an intervening cause, not attributable to the negligence of a party, reasonably resulting in a delay or failure to attend, for purposes of subrules 7.4(3) and 7.9(2) for purposes of this rule, shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.971.~~

ITEM 3. Amend rule 441—7.2(17A) as follows:

441—7.2(17A) Governing law and regulations. In the absence of an applicable rule in this chapter, the DIA rules found at 481—Chapter 10 govern department appeals. Notwithstanding the foregoing and

HUMAN SERVICES DEPARTMENT[441](cont'd)

the rules contained in this chapter, to the extent that federal or state law (including regulations and rules) related to a specific program is more specific than or contradicts these rules or the applicable DIA rules, the program-specific federal or state law shall control. For example, Supplemental Nutrition Assistance Program (SNAP) appeals shall be conducted in accordance with 7 CFR 273.15 and 7 CFR 273.16 as amended to December 8, 2021, and medical assistance appeals shall be conducted in accordance with 42 CFR Part 431, subpart E, and Part 438, subpart F, as both are amended to December 8, 2021.

ITEM 4. Renumber subrules **7.3(2)** to **7.3(4)** as **7.3(4)** to **7.3(6)**.

ITEM 5. Adopt the following **new** subrules 7.3(2) and 7.3(3):

7.3(2) Refusal to process an application. Unless otherwise provided by law, when an appellant seeks a contested case hearing after the department refuses to process an application for benefits or services, a hearing shall be granted.

7.3(3) When a hearing is not granted. A hearing shall not be granted when one of the following issues is appealed:

a. Patient treatment interventions outlined in the patient handbook of the civil commitment unit for sexual offenders.

b. Children have been removed from or placed in a specific foster care setting or preadoptive placement.

ITEM 6. Amend paragraph **7.6(3)“b”** as follows:

b. *Additional designation of issues.* If any party believes additional issues should be designated, ~~on or before the tenth day following the date of the notice of hearing,~~ the party shall identify ~~those~~ the additional issues within the following timelines. The presiding officer shall determine whether all issues have properly been preserved.

(1) Child abuse and dependent adult abuse registry appeals. For child abuse and dependent adult abuse registry appeals, the party shall identify additional issues at least 30 days before the date of hearing.

(2) Appeals set on or before the tenth day following the notice of hearing. If the hearing is ~~within ten days of~~ on or before the tenth day following the date of the notice of hearing, the party shall identify any additional issues at the hearing.

(3) All other appeals. For all other appeals not identified in this paragraph, the party shall identify the additional issues on or before the tenth day following the date of the notice of hearing.

ITEM 7. Amend subrule 7.7(1) as follows:

7.7(1) Medical assistance. In cases involving the determination of medical assistance, the contested case hearing shall be held within a time frame such that the final administrative action is timely pursuant to 42 CFR 431.244(f) as amended to December 8, 2021.

ITEM 8. Renumber subrules **7.9(5)** and **7.9(6)** as **7.9(6)** and **7.9(7)**.

ITEM 9. Adopt the following **new** subrule 7.9(5):

7.9(5) Standard of review. In child abuse appeals, the criteria and level of deference by which the presiding officer shall render a decision is based on a preponderance of evidence.

ITEM 10. Amend paragraph **7.11(1)“a”** as follows:

a. A request for director’s review shall be in writing and postmarked or received within ~~ten~~ 14 calendar days of the date on which the proposed decision was issued, except as provided for under paragraph 7.11(1)“b.” A request for director’s review may be accompanied by a brief written summary of the arguments in favor of director’s review.

ITEM 11. Amend subrule 7.11(2) as follows:

7.11(2) Grant or denial of review. The department has full discretion to grant or deny a request for review. In addition, the director may initiate review of a proposed decision on the director’s own motion at any time on or before the ~~tenth~~ fourteenth day following the issuance of the proposed decision.

When the department grants a request for director’s review, the appeals section shall notify the parties to the appeal of the review request and enclose a copy of the request. All other parties shall have ~~ten~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

14 calendar days from the date of notification to submit further written arguments or objections for consideration upon review.

ITEM 12. Amend subrule 7.11(3) as follows:

7.11(3) *Cross-appeal.* When a party requests director's review in accordance with subrule 7.11(1), the remaining parties shall have ~~ten~~ 14 calendar days from that date to submit cross-requests for director's review. The party originally seeking director's review shall have ~~ten~~ 14 calendar days from the date of the cross-request for director's review to submit further written arguments or objections for consideration upon review.

ITEM 13. Amend subrule 7.16(3) as follows:

7.16(3) *Written designation.* For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative's written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. This form is required for all managed care appeals, including those handled through the expedited appeals process. Failure to provide the form or legal documentation may result in denial of the appeal request.

ITEM 14. Amend rule 441—7.19(17A), introductory paragraph, as follows:

441—7.19(17A) Supplemental Nutrition Assistance Program (SNAP) administrative disqualification hearings. The department acts on alleged intentional program violations either through an administrative disqualification hearing or referral to a court of appropriate jurisdiction. An individual accused of an intentional program violation may waive the individual's right to an administrative disqualification hearing in accordance with the procedures outlined in this rule and in 7 CFR 273.16(e) and (f) as amended to December 8, 2021.

ARC 6299C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to notice of adverse action
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 22, "Autism Support Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.6.

Purpose and Summary

This proposed rule making is part of the Department's five-year rules review process. Requirements for notices of adverse action were moved from Chapter 7 to Chapter 16, effective April 15, 2020. This chapter is updated to reflect that change. The Chapter 22 preamble is also updated to replace the reference to 2013 Iowa Acts with a reference to the Iowa Code.

Fiscal Impact

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 22**, preamble, as follows:

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~~ Iowa Code chapter 225D. 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.

ITEM 2. Amend rule 441—22.8(225D) as follows:

441—22.8(225D) Appeal. Notice of adverse action ~~and~~ shall be given in accordance with 441—Chapter 16. The right to appeal shall be given in accordance with 441—Chapter 7.

ARC 6297C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to interim assistance reimbursement forms
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 57, “Interim Assistance Reimbursement,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4.

Purpose and Summary

This proposed rule making is part of the Department’s five-year rules review process. Form names are proposed to be removed from this chapter as the names are outdated. This change will reduce confusion for individuals who obtain assistance through this program.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

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

Public Hearing

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subrule 57.2(1) as follows:

57.2(1) Agreement. The county agency shall enter into a written agreement with the department of human services on Form 470-1948, ~~Interim Assistance Reimbursement Agreement~~.

ITEM 2. Amend subrule 57.2(2) as follows:

57.2(2) Authorization. The county agency shall secure written authorization from the person seeking interim assistance. By signing Form 470-1950, ~~Authorization for Reimbursement of Interim Assistance~~, the person:

- a. Indicates the intent to apply for SSI benefits.
- b. Authorizes the Social Security Administration to:
 - (1) Withhold the amount of interim assistance from the person's initial payment or initial posteligibility payment, and
 - (2) Make this amount payable to the county agency.

ITEM 3. Amend subrule 57.3(1) as follows:

57.3(1) The county agency shall submit the information requested on ~~the Certificate of Authority~~, Form 470-1947, to the Social Security Administration at the address given on the form:

- a. Before the date the agency first participates in the program, and
- b. Subsequently when changes in the list of authorized officials occur.

ARC 6300C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to applied behavior analysis services delivered by registered behavior technicians and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 77, "Conditions of Participation for Providers of Medical and Remedial Care," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4.

Purpose and Summary

This proposed rule making allows registered behavior technicians to deliver applied behavior analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the licensed supervisor.

ABA services are covered as a benefit under Medicaid. This proposed rule making recognizes a new level of certification to provide a pathway for staff under the supervision of a board-certified behavior

HUMAN SERVICES DEPARTMENT[441](cont'd)

analyst (BCBA) to provide services to enrolled members. BCBA's must directly supervise individuals working in this new provider class.

This proposed rule making outlines the qualifications for a registered behavior technician, the treatment limitations, and how claims must be submitted. It will also position providers to expand their organizations by creating positions for registered behavior technicians.

Fiscal Impact

ABA services are provided today by BCBA's and assistant BCBA's. A limited number of ABA providers practice in the state currently, and expanding that workforce could increase the utilization of services, but it is unknown what the increase in utilization would be. ABA services are currently covered under Medicaid as a benefit. The proposed subrule recognizes a new level of certification to provide a pathway for staff under the supervision of a BCBA. BCBA's must directly supervise individuals working in this new provider class. The number of BCBA's practicing across the state would limit overall utilization. The fiscal impact is expected to be minimal. Any expenditures will be absorbed within the medical assistance appropriation.

Jobs Impact

This proposed rule making will position providers to expand their organizations by creating positions for registered behavior technicians. Specific projections are not available.

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 10, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

The following rule-making action is proposed:

Adopt the following **new** subrule 77.26(10):

77.26(10) Registered behavior technicians.

a. A person is eligible to participate as a registered behavior technician when the person holds:

(1) A current certification from the Behavior Analyst Certification Board as a registered behavior technician; or

(2) A bachelor’s degree in education, psychology, social work, physical therapy, occupational therapy, or speech language pathology.

b. A registered behavior technician must provide treatment under the supervision of a behavior analyst or assistant behavior analyst licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the supervising licensed behavior analyst.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for April is 4.00%.

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 April 9, 2022, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .10%

TREASURER OF STATE(cont'd)

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

May 1, 2021 — May 31, 2021	3.50%
June 1, 2021 — June 30, 2021	3.75%
July 1, 2021 — July 31, 2021	3.50%
August 1, 2021 — August 31, 2021	3.50%
September 1, 2021 — September 30, 2021	3.25%
October 1, 2021 — October 31, 2021	3.25%
November 1, 2021 — November 30, 2021	3.25%
December 1, 2021 — December 31, 2021	3.50%
January 1, 2022 — January 31, 2022	3.50%
February 1, 2022 — February 28, 2022	3.50%
March 1, 2022 — March 31, 2022	3.75%
April 1, 2022 — April 30, 2022	4.00%
May 1, 2022 — May 31, 2022	4.25%

ARC 6303C**DENTAL BOARD[650]****Adopted and Filed****Rule making related to licensure fees and requirements**

The Dental Board hereby amends Chapter 1, “Administration,” Chapter 14, “Renewal and Reinstatement,” Chapter 15, “Fees,” and Chapter 25, “Continuing Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 147.10, 147.11 and 147.80.

Purpose and Summary

These amendments reduce the requirements and fees necessary to reinstate a lapsed or inactive license, registration or qualification. These amendments are intended to simplify the options related to renewal and streamline the process for reinstatement of a lapsed license, registration or qualification.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 23, 2022, as **ARC 6210C**. The Board accepted written comments through March 15, 2022.

The Board received one comment. The registrant, while unopposed to the proposed rule making, asked that a retroactive period be established and partial refunds be issued to applicants who paid fees in excess of the proposed reductions to the cost for reinstatement. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on April 1, 2022.

Fiscal Impact

This rule making will have minimal fiscal impact to the State of Iowa. Currently, the Board receives approximately \$10,000 in revenue from past due reinstatement fees per fiscal year. This amount will be reduced since the maximum past due renewal fees will be reduced to a single renewal fee as opposed to the currently allowed maximums.

Jobs Impact

After analysis and review of this rule making, there will be a positive impact on jobs in Iowa since the rule making lowers the fees and requirements for the purposes of reinstating a lapsed license, registration or qualification.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 650—7.4(17A,147,153).

The amendments to Chapter 15 are not subject to request for waiver.

DENTAL BOARD[650](cont'd)

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **650—1.1(153)**, definitions of “Board” and “Dental hygiene committee,” as follows:

“*Board*” means the dental board of dental examiners.

“*Dental hygiene committee*,” as defined in Iowa Code section 153.33A, means the dental hygiene committee of the dental board of dental examiners.

ITEM 2. Rescind the definition of “Inactive status” in rule **650—1.1(153)**.

ITEM 3. Amend rule 650—1.5(17A,153) as follows:

650—1.5(17A,153) Information. Members of the public may obtain information from or submit requests relating to the practice of dentistry, dental hygiene, or dental assisting, continuing education, or any other matter to the Executive Director, Iowa Board of Dental Examiners Board, 400 SW S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

ITEM 4. Amend rule 650—14.1(147,153,272C), introductory paragraph, as follows:

650—14.1(147,153,272C) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed prior to the expiration date of the license. Dental hygiene licenses expire on August 31 of every odd-numbered year. Dental licenses expire August 31 of every even-numbered year. ~~A licensee who is not engaged in practice in the state of Iowa may place the license on inactive status by submitting a renewal form and paying the required renewal fee. No continuing education hours are required to renew a license on inactive status until application for reactivation is made. A request to place a license on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive licenses.~~

ITEM 5. Amend rule 650—14.2(153), introductory paragraph, as follows:

650—14.2(153) Renewal of registration as a dental assistant. A certificate of registration as a registered dental assistant must be renewed biennially. Registration certificates shall expire on August 31 of every odd-numbered year. ~~A registrant who is not engaged in practice in the state of Iowa may place the registration on inactive status by submitting a renewal form and paying the required renewal fee. No continuing education hours are required to renew a registration on inactive status until application for reactivation is made. A request to place a registration on inactive status shall also contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all rules governing reactivation of inactive registrations.~~

ITEM 6. Amend subrule 14.6(1) as follows:

14.6(1) A licensee or a registrant who allows a license or registration to lapse by failing to renew may have the license or registration reinstated at the discretion of the board by submitting the following:

a. A completed application for reinstatement of a lapsed license or registration to practice dentistry, dental hygiene or dental assisting, on forms provided by the board, ~~in addition to the required fee or application for reinstatement of a lapsed registration on the form provided by the board.~~

DENTAL BOARD[650](cont'd)

b. and *c.* No change.

~~*d.* Reasons for seeking reinstatement and why the license or registration was not maintained.~~

~~*e. d.* Payment of all a renewal fees past due fee, as specified in 650—Chapter 15, plus the reinstatement application fee as specified in 650—Chapter 15.~~

~~*f. e.* Evidence of completion of a total of 15 the hours of continuing education for each lapsed year or part thereof required for renewal of a license or registration in accordance with 650—Chapter 25 taken within the previous two-year period, up to a maximum of 75 hours. Dental assistants shall be required to submit evidence of completion of a total of 10 hours of continuing education for each lapsed year or part thereof in accordance with 650—Chapter 25, up to a maximum of 30 hours, or evidence of the full-time or part-time practice of the profession in another state of the United States or the District of Columbia, for a minimum of two years within the previous five-year period, and a statement verifying that continuing education requirements in that state of practice have been met.~~

~~*g. f.* If licensed or registered in another state, the licensee or registrant shall provide certification by the state board of dentistry or equivalent authority of such state that the licensee or registrant has not been the subject of final or pending disciplinary action.~~

~~*h. g.* A statement disclosing and explaining any disciplinary actions, investigations, claims, complaints, judgments, settlements, or criminal charges.~~

~~*i. h.* Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.~~

~~*j. i.* For reinstatement of a lapsed license, a completed fingerprint packet to facilitate a criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), including the fee for the evaluation of the fingerprint packet and the criminal history background checks by the DCI and FBI, as specified in 650—Chapter 15.~~

ITEM 7. Amend subrules 14.7(4) and 14.7(5) as follows:

14.7(4) If the radiography qualification has been lapsed for less than ~~four~~ five years, proof of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period.

14.7(5) If the radiography qualification has been lapsed for more than ~~four~~ five years, the dental assistant shall be required to retake and successfully complete an examination in dental radiography. A dental assistant who presents proof of a current radiography qualification issued by another state and who has engaged in dental radiography in that state is exempt from the examination requirement.

ITEM 8. Rescind and reserve rule **650—14.8(153)**.

ITEM 9. Amend subrules 15.4(7) and 15.4(8) as follows:

15.4(7) ~~Reactivation of an inactive license or~~ Reinstatement of a lapsed dental assistant registration. The fee for a ~~reactivation~~ reinstatement application for ~~inactive practitioners a lapsed dental assistant registration~~ is \$50.

15.4(8) ~~Reinstatement of an inactive a lapsed dental hygiene license or registration.~~ The fee for a reinstatement application for a lapsed dental hygiene license ~~or registration~~ is ~~\$150~~ \$100.

ITEM 10. Renumber subrules **15.4(9)** to **15.4(17)** as **15.4(10)** to **15.4(18)**.

ITEM 11. Adopt the following **new** subrule 15.4(9):

15.4(9) Reinstatement of a lapsed dental license. The fee for a reinstatement application for a lapsed dental license is \$150.

ITEM 12. Amend subrules 15.5(1) and 15.5(2) as follows:

15.5(1) Dental license renewal. The fee for renewal of a license to practice dentistry for a biennial period is \$315 ~~for an active practitioner and \$315 for an inactive practitioner.~~

15.5(2) Dental hygiene license renewal. The fee for renewal of a license to practice dental hygiene for a biennial period is \$150 ~~for an active practitioner and \$150 for an inactive practitioner.~~

DENTAL BOARD[650](cont'd)

ITEM 13. Amend rule 650—15.7(147,153) as follows:

650—15.7(147,153) Reinstatement fees. If a license, registration or permit lapses ~~or is inactive~~, a licensee, registrant or permit holder may submit an application for reinstatement. Licensees, registrants or permit holders are subject to reinstatement fees as described in this rule.

15.7(1) Reinstatement of a dental license. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(9), the applicant must pay ~~all-back~~ a renewal fees ~~(not to exceed \$750)~~ fee as specified in subrule 15.5(1) and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(2) Reinstatement of a dental hygiene license. In addition to the reinstatement application fee specified in subrule 15.4(8), the applicant must pay ~~all-back~~ a renewal fees ~~(not to exceed \$750)~~ fee as specified in subrule 15.5(2) and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(3) Reinstatement of a dental assistant registration. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(7), the applicant must pay ~~all-back~~ a renewal fees ~~(not to exceed \$115)~~ fee as specified in subrule 15.5(6) to reinstate a registration as a registered dental assistant.

15.7(4) Combined reinstatement application—dental assistant registration and qualification in radiography. In addition to the reinstatement application fee specified in subrule ~~15.4(8)~~ 15.4(7), the applicant must pay ~~all-back~~ a renewal fees ~~(not to exceed \$175)~~ fee as specified in subrule 15.5(7) for a combined application to reinstate both a registration as a registered dental assistant and a radiography qualification.

15.7(5) Reinstatement of qualification in radiography. In addition to the reinstatement application fee of \$40, the applicant must pay ~~all-back~~ a renewal fees ~~(not to exceed \$60)~~ fee as specified in subrule 15.5(8) to reinstate a qualification in dental radiography without registration as a dental assistant.

ITEM 14. Amend rule 650—15.14(147,153,272C) as follows:

650—15.14(147,153,272C) Copies of the laws and rules. Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available from the board office for the following fees.

1. Iowa Code and Iowa Administrative Code access, no fee, available at www.state.ia.us/dentalboard dentalboard.iowa.gov.

2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, \$10.

3. Printed copies of dental board rules in the Iowa Administrative Code, \$15.

ITEM 15. Rescind rule **650—25.11(153)**.

ITEM 16. Renumber rules **650—25.12(153)** to **650—25.15(153)** as **650—25.11(153)** to **650—25.14(153)**.

ITEM 17. Amend renumbered rule 650—25.12(153) as follows:

650—25.12(153) Review of programs or sponsors. The board on its own motion or at the recommendation of the advisory committee on continuing education may monitor or review any continuing education program or sponsors already approved by the board. Upon evidence of a failure to meet the requirements of rule ~~650—25.12(153)~~ 650—25.11(153), the board may revoke the approval status of the sponsor. Upon evidence of significant variation in the program presented from the program approved, the board may deny all or any part of the approved hours granted to the program. A provider that wishes to appeal the board's decision regarding revocation of approval status or denial of continuing education credit shall file an appeal within 30 days of the board's decision. A timely appeal shall initiate a contested case proceeding. The contested case shall be conducted pursuant to Iowa Code chapter 17A and 650—Chapter 51. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action.

DENTAL BOARD[650](cont'd)

ITEM 18. Amend renumbered rule 650—25.14(153) as follows:

650—25.14(153) Dental hygiene continuing education. The dental hygiene committee, in its discretion, shall make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The dental hygiene committee may utilize the continuing education advisory committee as needed. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 1. The following items pertaining to dental hygiene shall be forwarded to the dental hygiene committee for review.

1. Dental hygiene continuing education requirements and requests for approval of programs, activities and sponsors.
2. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.
3. ~~Requests for exemptions from inactive dental hygiene practitioners.~~
4. 3. Requests for reinstatement from ~~inactive~~ lapsed dental hygiene practitioners.
5. ~~4.~~ Appeals of denial of dental hygiene continuing education and conduct of hearings as necessary.

[Filed 4/1/22, effective 5/25/22]

[Published 4/20/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6291C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to high school programs, school accreditation, and flexible student and school support program

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House Files 793, 847, and 868, and 2021 Iowa Acts, Senate File 517.

Purpose and Summary

2021 Iowa Acts, Senate File 517 and House File 793, altered the physical education requirements and other academic requirements for students participating in the Legislative Page program and the Junior Reserve Officers' Training Corps, respectively. Division I of House File 847 comprehensively revised the process by which schools seek flexibility from general accreditation standards. Division III of House File 868 comprehensively revised and modernized the Department of Education's accountability framework for accreditation, accountability, and improvement for school districts and accredited nonpublic schools. These amendments implement the above changes.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6182C**. A public hearing was held on March 1, 2022, at 10 a.m. at the Grimes

EDUCATION DEPARTMENT[281](cont'd)

State Office Building, with an option for videoconference participation. Two people attended but did not provide comment. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on March 24, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to Chapter 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 12.5(14) as follows:

12.5(14) Unit. A unit is a course which meets one of the following criteria: it is taught for at least 200 minutes per week for 36 weeks; it is taught for the equivalent of 120 hours of instruction; it requires the demonstration of proficiency of formal competencies associated with the course according to the State Guidelines for Competency-Based Education or its successor organization; or it is an equated requirement as a part of ~~an innovative~~ a flexible student and school support program filed as prescribed in rule 281—12.9(256). A fractional unit shall be calculated in a manner consistent with this subrule. Unless the method of instruction is competency-based, multiple-section courses taught at the same time in a single classroom situation by one teacher do not meet this unit definition for the assignment of a unit of credit. However, the third and fourth years of a world language may be taught at the same time by one teacher in a single classroom situation, each yielding a unit of credit.

ITEM 2. Adopt the following **new** subrule 12.5(22):

12.5(22) Additional provisions related to the high school program.

a. Legislative page program. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall each establish a policy to award credit toward graduation to a student if the student participates in the legislative page program at the state capitol for a regular session of the general assembly. The student shall be excused from the physical education requirements of paragraph 12.5(5) "f," and is exempt from the physical activity requirements of subrule 12.5(19), while participating in the legislative page program. The student must complete the graduation requirements of subrule 12.3(5) and the introductory paragraph of subrule 12.5(5), but participation in the legislative page program for a complete regular session of the general assembly shall count as one-half unit of social studies credit required for purposes of the introductory paragraph of subrule 12.5(5).

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b. Junior reserve officers' training corps. A student who is enrolled in a junior reserve officers' training corps shall not be required to participate in physical education activities under paragraph 12.5(5) "f," or to meet the physical activity requirements of subrule 12.5(19), but shall receive one-eighth unit of physical education credit for each semester, or the equivalent, of junior reserve officers' training corps the student completes.

ITEM 3. Amend subrule 12.8(2) as follows:

12.8(2) *Submission of a comprehensive school improvement plan.* A school or school district shall submit to the department and respective area education agency a multiyear comprehensive school improvement plan on or before September 15, 2000. Beginning July 1, 2001, a school or school district shall submit a revised five-year comprehensive school improvement plan by September 15 of the school year following the comprehensive site visit specified in Iowa Code section 256.11 which incorporates, when appropriate, areas of improvement noted by the school improvement visitation team as described ~~in~~ pursuant to subrule 12.8(4). A school or school district may, at any time, file a revised comprehensive school improvement plan with the department and respective area education agency.

ITEM 4. Rescind subrule 12.8(4) and adopt the following **new** subrule in lieu thereof:

12.8(4) *Accreditation, monitoring, and enforcement.* The state board shall establish, and the department shall use, for the school year commencing July 1, 2021, and each succeeding school year, an accreditation, monitoring, and enforcement process for school districts and nonpublic schools seeking accreditation pursuant to this chapter. The process established shall include all of the following requirements.

a. Phase I monitoring.

(1) Phase I monitoring shall consist of annual monitoring by the department of all accredited schools and school districts for compliance with state and federal school laws, regulations, and rules adopted by the state board under Iowa Code chapter 17A, including but not limited to the following:

1. Accreditation standards adopted by the state board as provided in this chapter.
2. Fiscal compliance.
3. Federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965, and the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended.

4. The federal Civil Rights Act of 1964 and Iowa Code chapter 216.

5. All other requirements of this chapter applicable to accredited schools and school districts.

(2) Phase I monitoring may include but shall not be limited to the following:

1. One or more desk audits requiring submission of information to the department in a manner and on forms prescribed by the department.

2. One or more remote or on-site visits to schools or school districts to address accreditation issues identified in a desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other subject-matter professionals.

3. A review of district finances by department staff or a neutral third party.

4. A review of local school board policies and procedures by department staff or a neutral third party.

(3) The department shall provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district. The purpose of the phase I process is to bring schools and school districts into minimum compliance with federal and state laws, regulations, and rules, and no citation or corrective action may be designed to require more than minimum compliance.

(4) The department shall provide a written report annually to the state board of any monitoring review resulting in multiple or substantial findings of noncompliance or noncompliance findings that remain uncorrected for more than 30 days past the deadline set by the department for correction.

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(5) The department shall eliminate duplicative reporting on the part of schools and school districts for phase I monitoring, and is prohibited from collecting information not specifically permitted by federal or state law, regulation, or rule.

(6) Enforcement actions under phase I monitoring are limited to actions permitted pursuant to subparagraphs 12.8(4)“c”(2) and 12.8(4)“c”(3). Violations of federal legal requirements shall follow the procedures and limitations of the governing federal statute and regulations.

b. Phase II monitoring.

(1) Phase II monitoring shall take place when any of the following conditions are present:

1. When either the annual monitoring or the biennial on-site visit of phase I indicates that an accredited school or school district is deficient and fails to be in compliance with accreditation standards.

2. In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by eligible electors residing in the school district equal in number to at least 20 percent of the registered voters of the school district.

3. In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by 20 percent or more of the parents or guardians who have children enrolled in the school or school district.

4. At the direction of the state board.

5. When the school budget review committee submits to the department a recommendation for a fiscal review pursuant to Iowa Code section 257.31(18).

(2) Phase II monitoring shall consist of a full desk audit of all monitoring requirements and an on-site visit to the school or school district for the purpose of determining the extent of noncompliance; the reason for lack of correction, if applicable; and a recommendation for corrective action to the director and the state board.

(3) Phase II monitoring requires the use of an accreditation committee appointed by the director. The accreditation committee shall be made up primarily of department staff but may request the assistance of third-party specialists at the discretion of the director. An accreditation committee visit to a nonpublic school requires membership on the committee from nonpublic school instructional or administrative staff or board members. A member of a committee shall not have a direct interest in the school district or nonpublic school being visited.

(4) After visiting the school district or nonpublic school, the accreditation committee shall, within 30 days, determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation on what enforcement actions, if any, should be recommended to the state board.

c. Enforcement.

(1) The department shall enforce the laws, regulations, and rules applicable to school districts and nonpublic schools consistent with the process outlined in this subrule. The department shall coordinate its enforcement of Iowa Code chapter 216 with the Iowa state civil rights commission to reduce duplication of efforts.

(2) If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965; the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended; the federal Civil Rights Act of 1964; or Iowa Code chapter 216; or Iowa Code section 279.73 or 279.74, the director shall recommend, and the state board may do, one of the following within 30 days of the finding of noncompliance:

1. Impose conditions on funding provided to a school district, including directing the use of school district funds and designating the school district a high-risk grantee under 2 CFR §200.207.

2. Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for a period of 60 calendar days, after which it is subject to approval of the state board every 60 calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.

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(3) The director may use any of the following permitted enforcement mechanisms and shall exercise discretion to ensure that enforcement actions are proportionate to school district or nonpublic school noncompliance:

1. Advise the school district or nonpublic school on the availability of appropriate technical assistance.

2. Require the school district or nonpublic school to complete a corrective action plan or plan for improvement by a reasonable deadline.

3. Recommend a phase II visit to the school district or nonpublic school to the state board.

4. Refer conduct of school district or nonpublic school staff or school board members, or school authorities, to the office of the attorney general for investigation.

5. Refer financial concerns to the auditor of state for investigation.

6. Recommend removal of accreditation of the school district or school to the state board.

7. Take any other enforcement mechanism available to the director.

(4) The department shall focus enforcement activities on all of the following:

1. Improving educational results for children, families, and students.

2. Ensuring that public agencies and their governing boards meet requirements of state and federal laws.

ITEM 5. Adopt the following **new** subrule 12.8(5):

12.8(5) Loss of accreditation.

a. If the recommendation pursuant to subrule 12.8(4) is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report. The director shall review the accreditation committee's report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation committee's report, the response to the accreditation committee's report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.

b. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.

c. The accreditation team shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.

d. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

e. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to deaccredit the school district or to place the district under receivership shall be based

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upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

f. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may deaccredit the nonpublic school. The deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is deaccredited.

ITEM 6. Amend **281—Chapter 12**, Division IX, heading, as follows:

EXEMPTION REQUEST FLEXIBLE STUDENT AND SCHOOL SUPPORT PROGRAM PROCESS

ITEM 7. Rescind rule 281—12.9(256) and adopt the following new rule in lieu thereof:

281—12.9(256) Flexible student and school support program.

12.9(1) General. The state board shall establish a flexible student and school support program to be administered by the director. Under the program, upon request of the board of directors of a public school district or the authorities in charge of an accredited nonpublic school, the director may, for a period not to exceed three years, grant the applicable board of directors or the authority in charge of the nonpublic school the ability to use the flexible student and school support program to implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success.

12.9(2) Exemptions available. Approval to participate in the flexible student and school support program shall exempt the school district or nonpublic school from one or more of the requirements of the educational program specified in subrule 12.5(3), 12.5(4), 12.5(5), 12.5(12), 12.5(13), 12.5(19), or 12.5(20), or the minimum school calendar requirements in subrule 12.1(7). An exemption shall be granted only if the director deems that the request made is an essential part of an educational program to support student learning, well-being, and postsecondary success; is necessary for the success of the program; and is broadly consistent with the intent of the requirements of the educational program specified in subrule 12.5(3), 12.5(4), 12.5(5), 12.5(12), 12.5(13), 12.5(19), or 12.5(20), or the minimum school calendar requirements in subrule 12.1(7).

12.9(3) Use of funds. Approval to participate in the flexible student and school support program shall include authority for a school district to use funds from the school district's flexibility account under Iowa Code section 298A.2(2) to implement all or part of the flexible student and school support program.

12.9(4) Application. The application for the flexible student and school support program shall include all of the following and be submitted on forms and in a format prescribed by the department:

a. A description of the proposed educational program, including evidence used to design the program and evidence of involvement of board members, parents, students, community members, and staff in development of the program.

b. Program goals and measures of program effectiveness and success, including student success and performance.

c. A plan for program administration, including the use of personnel, facilities, and funding.

d. A plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions, if necessary.

e. The estimated financial impact of the program on the school district or nonpublic school.

12.9(5) Exemptions not available. Approval to participate in the program does not exempt the school district or nonpublic school from federal law or any other requirements of state law that are not specifically exempted by the director.

12.9(6) Annual report to the department. Each school district or nonpublic school approved to participate in the flexible student and school support program shall file an annual report with the department on the status of the program on forms and in a format prescribed by the department.

12.9(7) Renewal. Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three years. The director may revoke approval of all or part of any application or approved education program if the annual report or any other information

EDUCATION DEPARTMENT[281](cont'd)

available to the department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account under Iowa Code section 298A.2(2). Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.

[Filed 3/28/22, effective 5/25/22]

[Published 4/20/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6293C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to teacher intern preparation program standards

The State Board of Education hereby amends Chapter 77, "Standards for Teacher Intern Preparation Programs," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 256.7(3) and 256.16(3).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 256.16(3).

Purpose and Summary

Chapter 77 outlines the standards and program requirements that all alternative licensure educator preparation programs must meet in order to be approved to prepare educators in Iowa. Compliance with these standards is required and is evaluated during each educator preparation program's approval review. The standards are also applied in an annual reporting system. This rule making updates the standards to align with legislatively mandated changes and Board of Educational Examiners rules for licensure.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6183C**. A public hearing was held on March 1, 2022, at 9:30 a.m. in the State Board Room, Second Floor, Grimes State Office Building, with an option for videoconference participation.

Five people attended, and two people provided public comment concerning whether the rule making would apply to their individual circumstances. The Department received one written comment, which was of the same character. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on March 24, 2022.

Fiscal Impact

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

Jobs Impact

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

EDUCATION DEPARTMENT[281](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **77.8(5)“a”** as follows:

a. An offer of employment to a teacher intern candidate in the program in one of the endorsements identified on the department's website at www.educateiowa.gov/pk-12/educator-quality/practitioner-preparation;

ITEM 2. Amend paragraph **77.10(7)“b”** as follows:

b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement;

ITEM 3. Amend paragraph **77.10(7)“e”** as follows:

e. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse.

ITEM 4. Amend subparagraph **77.11(2)“a”(2)** as follows:

(2) Completion of coursework that meets the state minimum requirements for at least one of the BOEE's secondary endorsement areas, unless the endorsement area requirements are embedded in the teacher intern professional core; and

ITEM 5. Adopt the following **new** subparagraph **77.11(2)“c”(3)**:

(3) Recommendation for an intern license for one or more of the endorsements identified on the department's teacher preparation website at www.educateiowa.gov/pk-12/educator-quality/practitioner-preparation.

[Filed 3/28/22, effective 5/25/22]

[Published 4/20/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6292C**EDUCATION DEPARTMENT[281]****Adopted and Filed****Rule making related to supplementary weighting**

The State Board of Education hereby amends Chapter 97, “Supplementary Weighting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 847.

Purpose and Summary

This rule making adds a position, which was inadvertently omitted from recent amendments, to the supplementary weighting assignments for operational function sharing.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6185C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on March 24, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making action is adopted:

EDUCATION DEPARTMENT[281](cont'd)

Amend paragraph **97.7(10)“c”** as follows:

c. A school district that shares the operational functions of a curriculum director, master social worker, independent social worker, school counselor, work-based learning coordinator, special education director, or mental health professional shall be assigned a supplementary weighting of three pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be two pupils.

[Filed 3/28/22, effective 5/25/22]

[Published 4/20/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6294C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to the electronic filing system

The Inspections and Appeals Department hereby adopts new Chapter 16, “Administrative Electronic Document Management System,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 10A.802.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 10A.802.

Purpose and Summary

The adoption of Chapter 16 implements Iowa Code section 10A.802. It establishes an electronic filing system for contested case and other administrative proceedings conducted by the Administrative Hearings Division (Division) of the Department.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6176C**. The Department received one public comment, which made recommendations to increase usability of the administrative electronic document management system (AEDMS) for pro se parties.

The following changes from the Notice were made in association with the public comment received: Paragraph 16.3(1)“a” was revised to clarify that individuals filing, viewing, or downloading documents “in the AEDMS” must register as a registered user of the AEDMS; subrule 16.4(1) was revised to specifically reference the Department’s rule regarding the traditional filing of paper or other electronic documents, which can be found in 481—paragraph 10.12(3)“a”; subrule 16.5(2) was revised to delete the reference to rejection of nonconforming paper documents; subrule 16.6(3) was revised to state that a filer will be electronically notified of a rejected filing and the reason for the rejection; subrule 16.10(2) was revised to delete the requirement that all subsequent filings made by a registered user be electronically filed by the AEDMS; and subrule 16.10(3) was revised to clarify that no other service to those registered users is required unless ordered by the Division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Adoption of Rule Making

This rule making was adopted by the Department on March 31, 2022.

Fiscal Impact

This rule making does not have a fiscal impact to the State of Iowa in excess of the amounts set forth in Iowa Code section 17A.4.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6. Furthermore, use of the AEDMS is not required. Individuals may continue to utilize paper filing and document management.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making action is adopted:

Adopt the following **new** 481—Chapter 16:

CHAPTER 16

ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

481—16.1(10A) Scope. This chapter governs the filing of documents through the division of administrative hearings' administrative electronic document management system (AEDMS). To the extent the rules in this chapter are inconsistent with any other administrative rule of the division, the rules in this chapter shall govern. Pursuant to Iowa Code section 10A.802, these rules shall prevail over any other law, including Iowa Code chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision.

481—16.2(10A) Definitions.

"AEDMS" means the administrative electronic document management system, the division's electronic filing and case management system.

"Agency record" means for all cases the electronic files maintained in AEDMS, filings the division maintains in paper form, and exhibits and other materials filed with or delivered in relation to a contested case hearing.

"Confidential" means agency files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

“*Division*” means the division of administrative hearings in the department of inspections and appeals.

“*Electronic filing*” means the receipt of a document submitted to AEDMS for filing, as confirmed by the transmission of the notice of electronic filing.

“*Electronic record*” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

“*Electronic service*” means the AEDMS electronic transmission of a link where registered users of AEDMS who are entitled to receive notice of the filing may view and download filed documents.

“*File stamp*” means the date and time that is affixed at the top of the first page of a document when it is filed in AEDMS.

“*Nonelectronic filing*” means a process by which a paper document or other nonelectronic item is filed with the division.

“*Notice of electronic filing*” means a document generated by AEDMS when a document is electronically filed.

“*PDF*” means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

“*Protected information*” means personal information, the nature of which warrants protection from unlimited public access, including but not limited to:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

“*Public*” refers to agency files, documents, or information that is not confidential or protected.

“*Registered user*” means an individual who has registered for an electronic filing account through AEDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password.

“*Signature*” means the following:

1. For a registered user electronically filing a document in AEDMS, “signature” means the registered user’s username and password accompanied by one of the following approved signature representations:

- “Digitized signature” means an electronically embeddable image of a person’s handwritten signature;
- “Electronic signature” means an electronic symbol (“/s/” or “/registered user’s name/”) executed or adopted by a person with the intent to sign the document; or
- “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, “signature” means the signatory’s name affixed to the document as a digitized or nonelectronic signature.

481—16.3(10A) Registration, username, and passwords.

16.3(1) Registration.

a. *Registration.* Every individual filing documents or viewing or downloading filed documents in the AEDMS must register as a registered user of AEDMS.

b. *Changes in registered user’s contact information.* If a registered user’s email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user’s information contained in AEDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

c. Duties of registered user. Each registered user shall ensure that the user's email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

d. Division-initiated registration. The division may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the division completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for the AEDMS account.

16.3(2) Use of username and password. A registered user is responsible for all documents filed with the user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

16.3(3) Username and password security. If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the division promptly.

16.3(4) Denial of access. The agency may refuse to allow an individual to electronically file or download information in AEDMS due to misuse, fraud, or other good cause.

481—16.4(10A) Electronic filing not mandatory.

16.4(1) Electronic filing not mandatory. Registration and filing through AEDMS, although encouraged, is not mandatory, and the division shall still accept the traditional filing of paper or other electronic documents as set forth in 481—paragraph 10.12(3) "a."

16.4(2) What constitutes filing. The electronic transmission of a document to AEDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

16.4(3) Electronic file stamp. Documents filed through AEDMS are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

481—16.5(10A) Filing of paper documents.

16.5(1) Conversion of paper or other electronic documents filed. When a party files a document other than through AEDMS, the division will convert the filed documents to an electronic format viewable to registered users of AEDMS. The original of converted documents need not be retained by the division.

16.5(2) Form of paper documents. Each document must be printed on only one side and be delivered to the division with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the division in an appropriate file folder.

481—16.6(10A) Date and time of filing.

16.6(1) Date of filing. An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day AEDMS is available.

16.6(2) Time of filing. A document is timely filed if it is filed before midnight on the date the filing is due.

16.6(3) Rejected filing. The division may reject electronic filings that do not meet the requirements of this chapter. A rejected electronic filing is not filed. When an electronic filing is rejected, the filer will be electronically notified of the rejection and the reason for the rejection. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved.

481—16.7(10A) Signatures.

16.7(1) Registered user. A username and password accompanied by a digitized, electronic, or nonelectronic signature shall serve as the registered user's signature on all electronically filed documents.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

16.7(2) *Format.* Any AEDMS filing requiring a signature must be signed with either a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person's signature:

- a. Name;
- b. Name of firm or governmental agency;
- c. Mailing address;
- d. Telephone number; and
- e. Email address.

16.7(3) *Multiple signatures.* By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

481—16.8(10A) Redaction of electronic documents.

16.8(1) *Responsibilities of filers generally.*

a. It is the responsibility of the filer to ensure that a confidential document is certified as confidential.

b. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.

c. The division will not review filings to determine whether appropriate omissions or redactions have been made or whether a document has been properly certified as confidential.

16.8(2) *Omission and redaction requirements.*

a. *Protected information that is not material to the proceedings.* A filer may redact protected information from documents filed with the division when the information is not material to the proceedings.

b. *Protected information that is material to the proceedings.* When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the division.

c. *Protected information in a confidential document.* Parties are not required to redact protected information from documents that are certified as confidential.

16.8(3) *Information that may be redacted.* A filer may redact the following information from documents available to the public unless the information is material to the proceedings:

- a. Driver's license numbers.
- b. Information concerning medical treatment or diagnosis.
- c. Employment history.
- d. Personal financial information.
- e. Proprietary or trade secret information.
- f. Information concerning crime victims.
- g. Sensitive security information.
- h. Home addresses.

16.8(4) *Improperly included protected information.* A party may ask the division to restrict access to improperly included protected information from a filed document. The division may order a properly redacted document to be filed.

481—16.9(10A) General requirements when filing documents.

16.9(1) *Format.* All documents must be converted to a PDF before they are filed in AEDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and orientation and having the scanned content of the document be legible.

16.9(2) *Separating documents.* Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

16.9(3) *Selecting document types.* For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into AEDMS, only the division may make corrections to the document type the filer has chosen.

16.9(4) *Correcting errors.* If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the division as soon as possible. If the division discovers an error in the filing or docketing of a document, the division may notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

481—16.10(10A) Case initiation and service.

16.10(1) *Case initiation.* A case may be initiated by an agency or governmental entity via AEDMS by the electronic filing of a transmittal form pursuant to rule 481—10.4(10A).

16.10(2) *Filings by registered user.* To the extent another party to the case is not a registered user, the registered user shall serve those filings upon the nonregistered user pursuant to the applicable rules of contested case procedure and any other controlling law.

16.10(3) *Electronic service and distribution of electronic filings.*

a. When a document is electronically filed, that document will be served automatically through AEDMS to all parties to the proceeding who are registered users. No other service to those registered users is required unless ordered by the division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until they have filed a withdrawal of appearance or document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

16.10(4) *Division-generated documents.* All documents issued by the division shall be electronically filed and served upon registered users. Division-generated documents shall be served upon nonregistered users pursuant to the applicable rules of contested case procedure and any other controlling law.

These rules are intended to implement Iowa Code section 10A.802.

[Filed 3/31/22, effective 5/25/22]

[Published 4/20/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6296C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to raffles and social and charitable gambling

The Inspections and Appeals Department hereby amends Chapter 100, "General Provisions for Social and Charitable Gambling," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 10A.104(10) and 99B.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104(10) and 99B.2.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Purpose and Summary

The amendments to Chapter 100 permit the sale of raffle entries online; require that a purchaser of a raffle entry be provided the location, date, and time of the raffle drawing upon purchase; clarify that raffle entries shall not be purchased by credit card and that the price, including discounts, shall be the same for every purchaser; require that the drawing of a winning entry be done in a manner that allows purchasers to observe the drawing; require that a licensed qualified organization make a reasonable effort to inform a winner of the results of the drawing; and require that an application for a gambling license be submitted by an individual who has the authority to make decisions on behalf of the qualified organization. The amendments also revise a reference to other chapters to align with previous rule makings.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 23, 2022, as **ARC 6214C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on March 31, 2022.

Fiscal Impact

After analysis and review of this rule making, no fiscal impact to the State of Iowa is anticipated.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 481—100.1(99B), introductory paragraph, as follows:

481—100.1(99B) Definitions. In addition to the definitions found in Iowa Code chapter 99B, and unless specifically defined in 481—Chapters 101 to ~~407~~ 106, the following definitions apply to all social and charitable gambling rules.

ITEM 2. Adopt the following **new** subrule 100.3(7):

100.3(7) Responsible party. The responsible party identified on the application shall sign the application or submit the online application. The responsible party shall be a person who is authorized to make decisions on behalf of the qualified organization.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

ITEM 3. Amend subrules 100.16(2) to 100.16(4) as follows:

100.16(2) Raffle entries—sales. Any price may be charged for a raffle entry, and the price, including any discounts, shall be the same for every purchaser. Raffle entries shall not be ~~sold online~~ purchased by credit card. Raffle entries shall not be sold outside the state of Iowa. Organizations shall comply with United States Postal Service regulations restricting the sale of raffle entries through the mail. The purchaser of a raffle entry shall be provided the location, date, and time of the corresponding raffle drawing at the time of purchase.

100.16(3) Raffle entries—discount. A licensee may offer raffle entries for sale at a discounted rate if the discount is applied in a nondiscriminatory manner.

a. Examples. Selling one entry for \$5 or five entries for \$20 is acceptable as long as the discount is available to all purchasers. The amount paid for entries may ~~shall~~ not be determined by a any variable characteristic of the person purchasing entries, such as height, weight or wingspan.

b. Promotion and availability of discount. The discount must be available to all persons throughout the duration of the raffle and must be posted on all promotional material.

100.16(4) Winners. Raffle winners cannot be required to be present to win. The drawing of the winning entry shall be done in a manner that allows the purchasers to observe the drawing.

a. The date by which the prize shall be claimed shall be no fewer than 14 days following the drawing. The licensed qualified organization shall make a reasonable effort to inform the winner of the drawing results during that time frame.

b. If the prize is not claimed, the licensed qualified organization may do one of the following:

(1) Continue to draw until a winner claims the prize. Each drawing must allow the time period specified in paragraph 100.16(4)“a” for claiming the prize.

(2) Donate the unclaimed prize to another qualified organization to be used for an educational, civic, public, charitable, patriotic, or religious use.

[Filed 3/31/22, effective 5/25/22]

[Published 4/20/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.

ARC 6295C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to civil penalties

The Labor Commissioner hereby amends Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

Iowa’s Occupational Safety and Health Administration (OSHA) is required to be at least as effective as the federal OSHA. This amendment to Chapter 3 aligns Iowa’s penalties for occupational safety and health citations with the corresponding federal penalties by making mandatory annual cost-of-living adjustments.

LABOR SERVICES DIVISION[875](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 23, 2022, as **ARC 6204C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on March 30, 2022.

Fiscal Impact

The penalty increases may result in a small increase in OSHA civil penalties that are deposited into the General Fund.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Review by Administrative Rules Review Committee

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

Effective Date

This rule making will become effective on May 25, 2022.

The following rule-making action is adopted:

Amend subrule 3.11(1) as follows:

3.11(1) The civil penalties proposed by the labor commissioner on or after ~~June 26, 2021~~ June 1, 2022, are as follows:

a. Willful violation. The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$9,639~~ \$10,360 and shall not exceed ~~\$136,532~~ \$145,027.

b. Repeated violation. The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$136,532~~ \$145,027.

c. Serious violation. The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$13,653~~ \$14,502.

d. Other-than-serious violation. The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$13,653~~ \$14,502.

e. Failure to correct violation. The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$13,653~~ \$14,502 per day.

LABOR SERVICES DIVISION[875](cont'd)

f. Posting, reporting, or record-keeping violation. The penalty for each posting, reporting, or record-keeping violation under Iowa Code section 88.14(9) shall not exceed ~~\$13,653~~ \$14,502.

[Filed 3/31/22, effective 5/25/22]

[Published 4/20/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/22.