Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 9
"Background Checks and Issuance"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.146, 256.152 and 272C.12

State or federal law(s) implemented by the rulemaking: Iowa Code sections 256.146, 256.152 and 272C.12

Public Hearing

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

September 11, 2024 9 a.m.	Board Room, Suite A 701 East Court Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Board of Educational Examiners no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Beth Myers, Attorney
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50309
Phone: 515.242.6506
Email: beth.myers@iowa.gov

Purpose and Summary

This proposed chapter provides procedures for background checks and the issuance of licenses. The Board is proposing to centralize this language into one chapter to eliminate redundancies.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

The Board bears the cost of compliance.

- Classes of persons that will benefit from the proposed rulemaking:

Iowans in general will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

The Board discerns no quantitative impact.

- Qualitative description of impact:

The Board discerns no qualitative impact.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no known costs or effects on state revenue.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board determined that the chapter is required and that adopting this chapter will reduce the amount of text in other Iowa Administrative Code chapters.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The public benefits from having information about required background checks.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no effect on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 282—Chapter 9:

CHAPTER 9
BACKGROUND CHECKS AND ISSUANCE

282—9.1(256) Background checks. Licenses, authorizations, certificates, and statements of professional recognition are issued upon the filing of an application with the board of educational examiners and upon completion of the following:

9.1(1) *National criminal history background check.* An initial applicant will be required to complete fingerprinting for a national criminal history background check.

9.1(2) *Division of criminal investigation background check.* A division of criminal investigation (DCI) background check will be conducted on initial applicants.

9.1(3) *Registries and records check.* A check of the following registries and records will be conducted on initial applicants: the sex offender registry under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central

registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the information in the Iowa court information system available to the general public.

282—9.2(256) Renewals. Every applicant for renewal or conversion is required to submit a completed application with the applicant's signature to facilitate a check of the sex offender registry information under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the Iowa court information system.

282—9.3(256) Fees. Fees for all background check processes will be assessed to the applicant.

282—9.4(256) Temporary permits. The executive director may issue a temporary permit to an applicant after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check and registries and records check set forth in subrules 9.1(2) and 9.1(3). The temporary permit will expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

282—9.5(256) Issue and expiration dates, corrections, and fraud.

9.5(1) *Issue and expiration dates on original license.* A license is valid only from and after the date of issuance. Licenses, authorizations, certificates, and statements of professional recognition will expire on the last day of the practitioner's birth month after the term of the license unless otherwise specified. If the expiration date is changed by rule, the change may be retroactive.

9.5(2) *Correcting licenses.* If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's issuance of a license, a corrected license will be issued without charge to the licensee.

9.5(3) *Fraud in procurement or renewal of licenses.* Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board.

282—9.6(256) Degrees and coursework. Required degrees and college semester hour coursework will be earned through a college or university accredited by an institutional accrediting agency as recognized by the U.S. Department of Education. Licenses require the completion of a program that is approved for state licensure.

282—9.7(256) Reciprocity. Reciprocity will be granted pursuant to Iowa Code sections 256.152 and 272C.12. Endorsements will be granted based on comparable Iowa endorsements, and endorsement requirements may be waived in order to grant the most comparable endorsement.

These rules are intended to implement Iowa Code chapter 256.