Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 12
"Fees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.155
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.155

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 required fees. The Board is required to cover all operating expenses through fees. The Board proposes removing duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Licensees pay fees established by the Board.

- 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:

Fees are required to cover all operating costs of the Board. Fees are outlined in the proposed rulemaking.

- 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:

Twenty-five percent of fees collected are deposited into the state General Fund.

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

The proposed chapter is required to provide procedures for fees.

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

The proposed chapter is required to provide procedures for fees.

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 but that the language could be reduced.

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

Fees are required to cover all Board operating expenses.

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. Rescind 282—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
FEES

282—12.1(256) Issuance fees. The fee for the issuance of a license, certificate, statement of professional recognition, or authorization will be $85 unless otherwise specified below:

1. A paraeducator certificate will be $40.
2. A behind-the-wheel authorization will be $40.
3. The application fee will be waived for applicants who meet the requirements under 282—subrule 13.1(4).

282—12.2(256) Renewal fees. The fee for the renewal or extension of a license, certificate, statement of professional recognition, or authorization will be $85 unless otherwise specified below:

1. The renewal of the paraeducator certificate will be $40.
2. The renewal of the behind-the-wheel authorization will be $40.
3. A one-year extension of a coaching authorization will be $40.

4. A one-year extension of the temporary initial, initial teaching, or initial administrator license will be $25 if the applicant needs additional time to meet the experience requirement and all standards have been met.

5. The fee for the renewal of a license, certificate, statement of professional recognition, or authorization for practitioners with a master's degree or higher who have ten or more years of experience in education will be $50.

6. A Class E emergency extension license will be $150.

282—12.3(256) Evaluation and endorsement fees.

1. The evaluation fee for applications from out-of-state or out-of-country institutions will be $60.
2. The fee for adding an endorsement will be $50. The fee for a transcript evaluation will be $60.
3. The fee for adding an area of concentration to a paraeducator certificate will be $25.

282—12.4(256) Duplicate fees. The fee for the printed issuance of a practitioner's license, a certificate, a statement of professional recognition, or an authorization will be $15.

282—12.5(256) Late fees.

12.5(1) An additional fee of $25 per calendar month, not to exceed $150, will be imposed if an application is submitted after the date of expiration of a practitioner's license.

12.5(2) An additional fee of $25 per calendar month, not to exceed $150, will be imposed if the practitioner holds a valid Iowa license but does not hold an endorsement for the type of service for which the practitioner is employed.

12.5(3) An additional fee of $100 per calendar month, not to exceed $500, will be imposed if the practitioner does not hold a valid Iowa license or authorization. The fee will begin to be assessed on the first day of the school year for which the practitioner is employed until the practitioner submits a completed application packet for the appropriate license.

12.5(4) Waivers of late fees will be granted only upon a showing of extraordinary circumstances rendering imposition of the fee unreasonable.

282—12.6(256) Retention of incomplete applications.

12.6(1) *Timeline for complete application materials to be submitted.* Upon receipt of an incomplete application, the executive director or designee will send a letter of deficiencies to the applicant stipulating that complete application materials will be submitted to the board office within 45 days of the date the letter is received. If the materials are not received within that timeline, the application process will be closed. If the applicant submits information after the 45-day deadline, the application process requires submission of a complete set of application materials and fees, including late fees if applicable, for practicing with an expired license, without the proper endorsement, or without an Iowa board-issued license.

12.6(2) *Background check.* The background check fee is valid for one year. If a license is not issued within one year of a completed background check, the background check will be considered void.

12.6(3) *Request for additional time.* If the applicant is not able to submit the application materials by the deadline, the applicant may contact the executive director with a request for additional time. The executive director will review the request and provide a written decision either approving or denying the request.

282—12.7(256) Fees for processing complaints and conducting hearings.

12.7(1) *Administrator licensure sanction.* If an administrator is a respondent in a complaint for violation of the code of professional conduct and ethics and the final board action results in a sanction, the administrator will be required to pay the fees that were related to processing the complaint and conducting the hearing. Such fees may include a fee for personal service by a sheriff, a fee for legal

notice when placed in a newspaper, a fee for transcription service or court reporter fee, and other fees assessed as costs by the board.

12.7(2) *Timeline for payment and board order.* Fees will be submitted to the board office within 45 days from the issuance of the letter outlining the required fees. Payment of fees may be imposed as a board order.

These rules are intended to implement Iowa Code chapter 256.