Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 16
"Statements of Professional Recognition (SPR)"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.146
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.146

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 the issuance of statements of professional recognition. 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:

Required fees are paid by applicants.

- 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:

Required fees are paid by applicants. Fees are required for all Board operations.

- 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:

The Board bears the cost of compliance.

- 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:

This proposed chapter provides required procedures for the issuance of statements of professional recognition.

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

The Board bears the cost of compliance. Rules for licensure are required.

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 significantly reduced.

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

There is a benefit to the public to have information about licensure requirements.

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 impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 282—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
STATEMENTS OF PROFESSIONAL RECOGNITION (SPR)

282—16.1(256) Statements of professional recognition (SPR).

16.1(1) *SPR.* The following statements of professional recognition may be obtained by first obtaining licensure from the department of inspections, appeals, and licensing and do not permit service as a teacher:

a. School audiologist.
b. Speech-language pathologist.
c. School nurse.
d. School occupational therapist.
e. School physical therapist.
f. School social worker.
g. School behavior analyst.

h. Mental health professional.

16.1(2) *Validity.* The SPR is valid for five years. Applicants will also maintain their license from the department of inspections, appeals, and licensing during the term of the SPR, and this valid license will be required for the issuance and renewal of the SPR.

16.1(3) *Temporary authorization.* A temporary SPR may be issued for one school year if the license from the department of inspections, appeals, and licensing is temporary.

16.1(4) *Request for SPR.* The employer will submit a letter requesting that the SPR be issued.

282—16.2(256) School audiologist. The holder of this SPR is authorized to serve as a school audiologist to pupils from birth to age 21 who are deaf or hard of hearing. The person is required to obtain a professional service license or SPR from the board of educational examiners.

282—16.3(256) Speech-language pathologist. The holder of this SPR is authorized to serve as a speech-language pathologist to pupils from birth to age 21. The person is required to obtain a professional service license or SPR from the board of educational examiners.

282—16.4(256) School nurse. The holder of this SPR is authorized to promote the health and safety of the students, including providing medical treatment as allowed under the authority granted by virtue of holding a license from the department of inspections, appeals, and licensing. Applicants will also pass the registered nurse examination.

282—16.5(256) School occupational therapist. The holder of this SPR can serve as a school occupational therapist to pupils from birth to age 21 who have physical impairments.

282—16.6(256) School physical therapist. The holder of this SPR can serve as a school physical therapist to pupils from birth to age 21 who have physical impairments.

282—16.7(256) School social worker. The holder of this SPR is authorized to serve as a school social worker to pupils from birth to age 21 and will hold a licensed independent social worker (LISW) or licensed master social worker (LMSW) license.

282—16.8(256) School behavior analyst. The holder of this SPR can serve as a school behavior analyst to pupils from birth to age 21.

282—16.9(256) Mental health professional. A mental health professional pursuant to Iowa Code section 228.1 will obtain a SPR from the board of educational examiners to be employed by or provide services to an accredited public or private school. The holder of this authorization can serve as a mental health professional to pupils from birth to age 21. Social workers will instead obtain the professional service license or SPR specific to school social work, which includes the authorization to provide mental health services to an accredited public or private school or area education agency.

These rules are intended to implement Iowa Code chapter 256.