HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: 605—Chapter 13
"School Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 423F.3(6) as enacted by 2024 Iowa Acts, House File 2652, section 5

State or federal law(s) implemented by the rulemaking: Iowa Code section 423F.3(6) as enacted by 2024 Iowa Acts, House File 2652, section 5

Public Hearing

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

November 20, 2024
9 a.m.

Suite 500
7900 Hickman Road
Windsor Heights, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This Regulatory Analysis begins required rulemaking associated with the enactment of 2024 Iowa Acts, House File 2652, regarding school safety, including weapons detection software and a grant program. As required by legislation, this rulemaking establishes:

- Security standards related to the transmission and storage of video and data.
- Model data retention policies related to the storage of video and data.
- A process to develop a list of organizations that is designed to detect and alert school district employees and first responders if there is a visible, unholstered firearm on property owned by the school district and that meets the requirements as spelled out in House File 2652 and rules established herein.
- A grant program to fund the activities described in 2024 Iowa Acts, House File 2586, including the definitions for "infrastructure," "equipment," and "training."

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

School districts and educational facilities pursuant to Iowa Code section 257.16 will bear the costs.

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

All Iowans associated with schools and education will benefit from this rulemaking, including private sector partners who provide infrastructure and equipment described in this 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:**

Educational facilities and schools will be able to purchase off of the required list with their SAVES funds as described in Iowa Code section 257.16. This is a new funding stream for purchases of this type as authorized through 2024 Iowa Acts, House File 2586.

- **Qualitative description of impact:**

This rulemaking provides educational facilities a vetted list of authorized equipment in order to help address school safety and keep students and faculty safe.

3. **Costs to the State:**

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

There are no costs to the State or the Department associated with this rulemaking.

- **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues associated with this rulemaking.

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

This rulemaking ensures weapons detection software is deployed across educational facilities in the state in a standardized and uniform manner. Without this rulemaking, educational facilities could deploy this equipment in a substandard fashion, opening the educational facility up to intrusion by foreign advisories and cyber-risks and/or counter to current standardized processes and established best industry practices.

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

The Department seeks to implement 2024 Iowa Acts, House File 2652, in the least intrusive method possible. Information on both participation in the list of authorized equipment as well as the grant program will be published on the agency's website, without a burdensome paper and postal process.

6. **Alternative methods considered by the agency:**

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

Various definitions and federal regulations were analyzed for the best implementation in Iowa.

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

Other definitions were not specific to school safety and were considered too broad.

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?

This rulemaking has little to no impact on small business. These proposed rules were written with the minimum requirements in mind in order to implement legislation. The process for companies to have products on the required list is as streamlined and standardized as possible.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 605—Chapter 13:

CHAPTER 13
SCHOOL SAFETY

DIVISION I
APPROVED WEAPON DETECTION SECURITY EQUIPMENT

PREAMBLE

This division implements a program to develop a list of allowable school safety equipment. The equipment in this division is specific to unholstered weapons detection capabilities within a school building or on school property.

605—13.1(90GA,HF2652) Program implementation.

13.1(1) The department will produce and post a list of vendors and products on the department's website meeting the criteria in rule 605—13.2(90GA,HF2652).

13.1(2) The initial list will be established through an application form, posted on the department's website, at www.homelandsecurity.iowa.gov.

13.1(3) Vendors wishing to be added to the list at any time may submit the application found on the department's website for consideration and inclusion on the department's list.

605—13.2(90GA,HF2652) Eligibility criteria. Eligibility for vendors and products to appear on the list will be in accordance with appropriate state and federal laws and regulations, including but not limited to:

13.2(1) Security requirements.

a. Iowa Code section 423.F.3(6)*"a"*(5) as enacted by 2024 Iowa Acts, House File 2652, section 5.

b. Vendors identified as prohibited companies by a federal acquisition regulation, or other memorandum, are excluded from use. Excluded vendors include but are not limited to the following:

(1) Federal Acquisition Regulation (FAR) 52.204-24 as amended through September 2024—representation regarding certain telecommunications and video surveillance services or equipment.

(2) FAR 52.204-25 as amended through September 2024—prohibition on contracting for certain telecommunications and video surveillance services or equipment.

(3) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

c. Self-certification of provisions within Iowa Code section 423.F.3(6)*"a"*(5)(a) as enacted by 2024 Iowa Acts, House File 2652, section 5, and rule 605—13.2(90GA,HF2652), subject to review and confirmation by the department.

13.2(2) Additional eligibility criteria in addition to those in Iowa Code section 423.F.3(6)*"a"*(5)(i) through (ix) as enacted by 2024 Iowa Acts, House File 2652, section 5.

a. Vendor is experienced in deploying and maintaining similar types of systems.

b. System is capable of integrating with existing security cameras (monitoring and alerting) systems.

c. System has the ability to process input in real-time.

d. Computer/mobile device user interface is intuitive and easy to use.

e. Vendor provides full implementation and user support services.

605—13.3(90GA,HF2652) Security requirements for vendor qualification.

13.3(1) *Transmission.*

a. Ownership of video associated with the instance of an unholstered weapon is the sole property of the school district that purchased and installed the software.

b. A request for duplication or transmission of an incident by the prosecuting attorney or appropriate law enforcement will be complied with.

c. The decision to transmit to outside sources will be made by the school district with the concurrence of the prosecuting attorney or appropriate law enforcement authorization.

13.3(2) *Encryption.* Data collected by the system, including video, is encrypted in transit and at rest. Transport Layer Security (TLS) 1.2, or higher, will be used for encryption in transit.

13.3(3) *Authentication.* Multi-factor authentication (MFA) is implemented for administrative access to the system.

13.3(4) *Privacy.* Personally identifiable information, including student images, is not streamed live or stored with the vendor with the exception of rule 605—13.4(90GA,HF2652).

13.3(5) *Storage.* System does not process, store, transmit, or allow access to, data from outside the continental United States (OCONUS).

605—13.4(90GA,HF2652) Data retention for storage of video and data. All video and data associated with an instance of an unholstered weapon shall be maintained for 2,555 days and meet all agency retention requirements.

605—13.5 to **13.20** Reserved.

DIVISION II
GRANT PROGRAM

PREAMBLE

This division implements a grant program to provide grants to applicable school districts. The grant program is to be used by school districts for purchasing infrastructure and equipment related to employee permits to carry weapons, facilitate training associated with employee permits to carry weapons, and provide stipends to employees who participate in the training associated with employee permits to carry weapons.

605—13.21(90GA,HF2652) Definitions.

"Equipment" means tangible personal property having a useful life of more than one year for the fulfillment of 2024 Iowa Acts, House File 2586, section 9.

"Infrastructure" means the same as defined in Iowa Code section 423F.3.

"Training" means the same as described in Iowa Code section 724.6.

605—13.22(90GA,HF2652) Eligibility criteria. Eligible applicants include public school districts, private schools, and institutions of higher education as defined in Iowa Code chapter 256.

605—13.23(90GA,HF2652) Application process. When funding is available, the application for grant funds will be posted on the department's website at www.homelandsecurity.iowa.gov.

These rules are intended to implement 2024 Iowa Acts, House File 2652.