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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone 515.281.3355 or 515.242.6873

Administrative Rules Coordinator[7]

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Replace Analysis

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Replace Chapter 21

College Student Aid Commission[283]

Replace Analysis

Replace Chapters 1 to 7

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Replace Chapter 12

Replace Chapter 14

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Reserved

CHAPTER 2500
UNIFORM RULES ON AGENCY PROCEDURE DEFINITIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2500.1(17A) Definitions. As used in this chapter and 7—Chapters 2501 through 2506:

“*Agency*” means the same as defined in Iowa Code section 17A.2 and means the agency on which these rules are imposed pursuant to Iowa Code section 17A.24.

“*Agency’s address*” means the agency’s physical or mailing address as listed on the agency’s website.

“*Agency’s email*” means the agency’s general contact email as listed on the agency’s website.

“*Agency’s telephone number*” means the agency’s telephone number as listed on the agency’s website.

This rule is intended to implement Iowa Code chapter 17A.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2501.1(17A) Rulemaking procedure. The agency will comply in all material respects with the rulemaking obligations established in Iowa Code chapter 17A, as may be amended from time to time by the general assembly, as well as any other guidance issued by the governor or general assembly. All future amendments to Iowa Code chapter 17A that impact the rulemaking process are incorporated herein by reference as of the effective date of any such change.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

This rule is intended to implement Iowa Code chapter 17A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2502
PETITIONS FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2502.1(17A) Requesting rules be made. Any person may file a petition for rulemaking with the agency by submitting an original petition for rulemaking to the agency at the agency's address or to the agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]	
Petition by [name of petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR RULEMAKING

Petitioners are obligated to provide the following information in the petition:

1. A statement of the specific rulemaking request from the petitioner that includes the text or a summary of the proposed rule or requested change to a rule. If the petition requests to change or rescind a rule, the petitioner is also directed to identify the rule by number and the language that the petitioner requests be changed or removed.
2. A citation to any law the petitioner believes supports the petitioner's request for the agency's ability to make or change the requested rule.
3. A summary of the petitioner's arguments in support of the action urged in the petition.
4. A summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the proposed request for changing or removing the rule.
6. Any request for a meeting provided for by rule 7—2502.3(17A) if desired.

2502.1(1) The petitioner is obligated to ensure the petition includes:

- a.* The signature of petitioner or petitioner's representative;
- b.* The date of signature;
- c.* The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and
- d.* Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

2502.1(2) The agency may deny a petition if it does not substantially conform to requirements above.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2502.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the petition. The agency may also request briefing concerning the petition.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2502.3(17A) Consideration by the agency.

2502.3(1) Within 14 days after the filing of a petition, the agency will submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner, the agency will schedule an informal meeting with the petitioner to discuss the petition. The agency may request that the petitioner submit additional information or argument in support of the petition. The agency may request and receive comments from any person regarding the petition.

2502.3(2) Within 60 days after the filing of the petition, or a longer period if agreed to by the petitioner, the agency will provide its decision in writing regarding the petitioner's request. The agency may deny the petition and notify petitioner of its decision and the specific reasons for the denial, or the agency may grant the petition and notify petitioner that it has started rulemaking proceedings based upon the petitioner's request. The petitioner is considered properly notified of the denial or granting of the petition on the date when the agency mails or delivers by electronic means the notification to petitioner.

2502.3(3) Denial of a petition because it does not substantially conform to the requirements does not prevent the petitioner from filing a new petition.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

These rules are intended to implement Iowa Code section 17A.7(1).

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2503
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2503.1(17A) Petition for declaratory order.

2503.1(1) Any person may file a petition with the agency requesting that the agency issue a declaratory order in accordance with Iowa Code section 17A.9. The petition can only be reviewed by the agency if the agency has the authority to consider the petition. Petitioners seeking a declaratory order are obligated to file the petition at the agency's address or agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]	
Petition by [name of petitioner] for a declaratory order on [cite provisions of law involved].	PETITION FOR DECLARATORY ORDER

Petitioners are obligated to provide the following information in the petition:

1. A clear and concise statement of all facts the petitioner believes relevant to the order requested.
2. A citation to and the language of the specific statutes, rules, policies, decisions, or orders the petitioner is affected by or has concerns about and any other relevant law.
3. A concise statement of the questions petitioner wants answered.
4. The petitioner's proposed answers to the questions, as well as any support for the proposed answers.
5. The reasons the petitioner is requesting the declaratory order and an explanation of why the petitioner is interested in the outcome.
6. A statement explaining whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
7. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the questions presented in the petition.
8. Any request by petitioner for a meeting with the agency to discuss the petition.

2503.1(2) The petitioner is obligated to ensure the petition includes:

- a.* The signature of petitioner or petitioner's representative;
- b.* The date of signature;
- c.* The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and
- d.* Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.2(17A) Notice of petition. The petitioner is obligated to serve the petition on interested parties in accordance with rule 7—2503.5(17A). Within 15 days after receipt of a petition for a declaratory order, the agency will give notice of the petition to all persons not served by the petitioner to the extent required by applicable law. The agency may also give notice to any other persons.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.3(17A) Intervention.

2503.3(1) A person who qualifies under the law as an intervenor may intervene in a proceeding for a declaratory order by filing a petition for intervention within 30 days of the notice provided in accordance with rule 7—2503.2(17A).

2503.3(2) If a person files a petition for intervention before a proceeding for a declaratory order concludes, the agency has discretion to allow the person to intervene.

2503.3(3) An intervenor seeking to intervene in a petition for declaratory order is obligated to file the petition for intervention at the agency's address or agency's email. The petition for intervention is considered filed when received at either address. The agency will provide the intervenor with a file-stamped copy of the petition upon request. The agency can only accept petitions for intervention that are typewritten or legibly handwritten in ink. Intervenors are also obligated to submit the petition so that it substantially conforms with the following:

[AGENCY NAME]

Petition by [name of original petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR INTERVENTION

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. Whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by or interested in the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

2503.3(4) The intervenor is obligated to ensure the petition for intervention includes:

- a.* The signature of intervenor or intervenor's representative;
- b.* The date of signature;
- c.* The name, mailing address, email, and telephone number of the intervenor and intervenor's representative; and
- d.* Contact information for the person (intervenor or intervenor's representative) to whom the agency should direct communications concerning the petition for intervention.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.4(17A) Briefs. A petitioner or intervenor may file a brief in support of the position urged. The agency may request a brief from a petitioner, an intervenor, or any other person concerning the questions raised.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.5(17A) Filing and service of petitions and other papers.

2503.5(1) *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order will be filed with the agency at the agency's address or agency's email.

2503.5(2) *When service required.* Except where otherwise provided by law, a person filing a petition for declaratory order, petition for intervention, brief, or other paper in a proceeding for a declaratory order is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information

to effectuate service, the petitioner will notify the agency, and the agency will thereafter attempt to effectuate service on the interested person.

2503.5(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.6(17A) Consideration by the agency. The agency may solicit comments from any person on the questions raised in the petition. Any person may submit comments to the agency on the questions raised in the petition.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.7(17A) Action on petition. The chief executive of the agency or that person's designee will review the petition for declaratory order and take action on the petition in accordance with the statutory provisions and the timelines set forth in Iowa Code section 17A.9(5) and 17A.9(8).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.8(17A) Refusal to issue order.

2503.8(1) The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

- a. The petition does not substantially comply with the requirements of rule 7—2503.1(17A).
- b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.
- c. The agency does not have jurisdiction over the questions presented in the petition.
- d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.
- e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
- g. There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.
- h. Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.
- i. The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
- j. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.
- k. The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

2503.8(2) A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

2503.8(3) Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.9(17A) Copies of orders. The agency will promptly mail to or email the original petitioner and all intervenors a copy of each order issued in response to a petition for a declaratory order.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2503.10(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner,

and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

These rules are intended to implement Iowa Code section 17A.9.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2504
RULE WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2504.1(17A) Application.

2504.1(1) Any person may submit a petition to waive, in whole or in part, any rule in the agency's jurisdiction by submitting the petition to the agency.

2504.1(2) The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).

2504.1(3) A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency's address or agency's email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]	
Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER

1. The petitioner's name, mailing address, email, and telephone number or, if applicable, petitioner's representative.
2. A description and citation of the rule(s) that are the subject of the petition.
3. The specific waiver requested, including the scope and duration of the waiver.
4. All relevant facts and reasons the petitioner believes justify the waiver, including specific information satisfying the requirements of subrule 2504.1(2).
5. If applicable, the case number of any contested case related to the petition.
6. If applicable, a history of all previous contacts between the petitioner and the agency that may relate to or be affected by the rule(s) that are the subject of the petition.
7. If known, information about the agency's treatment of other persons in similar circumstances.
8. If known, the name and contact information of any person who would be adversely affected or disadvantaged if the agency waives the rule.
9. If applicable, signed releases from any person with knowledge relevant to the petition.
10. An attestation that all information in the petition is true and accurate.
11. A dated signature by the petitioner or, if applicable, petitioner's representative.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2504.2(17A) Filing and service of petitions and other papers.

2504.2(1) *Filing—when required.* All petitions for waiver, petitions for intervention, briefs, or other papers in a proceeding for a waiver will be filed with the agency at the agency's address or agency's email.

2504.2(2) *When service required.* Except where otherwise provided by law, a person filing a petition for waiver, petition for intervention, brief, or other paper in a proceeding for a waiver is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for waiver or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency and the agency will thereafter attempt to effectuate service on the interested person.

2504.2(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2504.3(17A) Evaluation.

2504.3(1) The agency will notify the petitioner of the receipt of the petition.

2504.3(2) The agency will evaluate the petition in accordance with Iowa Code section 17A.9A. The agency may request additional information from the petitioner or any person as part of its evaluation of the petition.

a. Additional information will be obtained by an evidentiary hearing consistent with Iowa Code chapter 17A if:

- (1) The petition was filed as a contested case;
- (2) An evidentiary hearing is required by any law; or
- (3) The agency requests an evidentiary hearing.

b. If an evidentiary hearing is not required, the agency's request for additional information may be informal.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2504.4(17A) Issuance.

2504.4(1) The agency will issue a written decision granting or denying the petition.

2504.4(2) After issuing a decision, the agency will index, file, make publicly available, and transmit its decision as required by Iowa Code section 17A.9A(4).

2504.4(3) If the agency does not issue a decision on a petition for waiver within 180 days from the date of its receipt by the agency, the petition is deemed denied.

2504.4(4) If the agency grants a petition in whole or in part, the waiver granted will comply with the requirements of Iowa Code section 17A.9A(3), including content, duration, conditions, and renewability.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2504.5(17A) Remedies.

2504.5(1) With appropriate notice, the agency may withdraw, cancel, or modify any waiver granted under this rule if the agency issues a written order finding one or more of the following:

- a.* The petitioner withheld or misrepresented material facts in the petition;
- b.* The waiver no longer adequately protects the public health, safety, and welfare;
- c.* The waiver may burden the substantial rights of any person; or
- d.* The petitioner has not complied with any of the waiver conditions imposed by the agency.

2504.5(2) A petitioner aggrieved by any final order of the agency may seek judicial review in accordance with Iowa Code chapter 17A.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2505.1(17A,22) Definitions. As used in this chapter:

“*Confidential record*” means a record that is not available for examination under applicable law.

“*Lawful custodian*” means the same as defined in Iowa Code section 22.1.

“*Personally identifiable information*” means information contained in a record that is about or pertains to an individual that identifies or that could be used to identify an individual.

“*Public records*” means the same as defined in Iowa Code section 22.1.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.2(17A,22) Statement of policy. The purpose of this chapter is to facilitate broad public access to public records. It also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff are obligated to cooperate with members of the public in implementing the provisions of that chapter.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.3(17A,22) Requests for access to records.

2505.3(1) Location of record. A request for access to public records should be directed to the agency’s address, the agency’s email, or the agency’s office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

2505.3(2) Office hours. The agency is obligated to provide access to the public records it maintains during its regular office hours. The agency will post the schedule of these office hours on the agency’s website to facilitate access to public records.

2505.3(3) Request for access. Requests for access to public records maintained by the agency shall be made, whenever possible, by email. Otherwise, requests can be made in writing, in person, by telephone using the agency’s telephone number, or through other electronic means made available by the agency. Requests should identify the particular public records sought by name or description in order to facilitate identification of relevant public records. Requests should include the name, address, email, and telephone number of the person requesting the information. A member of the public need not give a reason for requesting public records. For public records requests that involve searches of electronic stores of information, the agency may condition the search on the requester providing search terms for the search.

2505.3(4) Response to requests. Access to public records will be provided promptly upon request unless the size or nature of the request requires additional time to complete. If the size or nature of the request causes a delay in compliance, the lawful custodian will comply with the request as soon as feasible. Access to public records may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The lawful custodian will promptly give notice to the requester of the reason for any delay in access to public records and an estimate of the length of that delay and, upon request, will promptly provide that notice to the requester in writing.

The agency that maintains a record claimed to be a public record may deny access to the record only if a denial is appropriate under Iowa Code sections 22.8(4) and 22.10(4) or based on a reasonable belief that the record is a confidential record or that its disclosure is prohibited by a court order. In addition, access to confidential records is generally not allowed. However, access may be allowed pursuant to the provisions of rule 7—2505.4(17A,22), as well as other applicable provisions of law.

2505.3(5) Security of record. No person may, without permission from the lawful custodian, search or remove any public record from the agency’s files. Examination and copying or transmission of agency public records will be supervised by the lawful custodian or that person’s designee. Public records will be protected from damage and disorganization.

2505.3(6) Copying. Electronic copies of records will be provided in response to a public records request whenever possible. When physical paper copies are demanded by a requester, a reasonable number of such physical copies of a public record may be made in the agency's office. If photocopy equipment is not available in the office where a public record is kept, the lawful custodian will permit its examination in that office and arrange to have copies promptly made elsewhere.

2505.3(7) Fees.

a. When charged. The agency may charge fees in connection with the examination or copying of public records only if the fees are allowed under the law. To the extent permitted by applicable law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. The determination of whether to waive fees is in the sole discretion of the agency.

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first three hours of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first three hours of the attorney's time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds \$250, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.4(17A,22) Access to confidential records. If the agency reasonably believes that a record is or may be confidential, the following procedures apply to requests for access to the record and are in addition to other rules specified for access to public records.

2505.4(1) Support for claimed access. The agency may require a person requesting access to a potentially confidential record to provide proof of identity as well as proof of the person's authority to secure access to the record. The lawful custodian may also compel the requester to submit the request in writing and sign a certified statement or affidavit that the requester is entitled to access the record.

2505.4(2) Notice to subject of record. Before releasing a potentially confidential record, an agency may make reasonable efforts to notify the confidentiality claimant or any person whose information is in the records that may be subject to a claim of confidentiality. A "confidentiality claimant" is a person who has claimed confidentiality of a record or whose personally identifiable information is in a record.

2505.4(3) Injunction—notice to the confidentiality claimant. If practical and in the public interest, the lawful custodian may delay release for a reasonable period of time and notify the confidentiality claimant of the person's right to seek an injunction under Iowa Code section 22.8. Any notice provided to the confidentiality claimant in this regard will identify the time allowed the confidentiality claimant to seek an injunction. Failure to file an injunction after notice constitutes waiver of the confidentiality claim.

2505.4(4) Request denied—notice to the requester. When the lawful custodian denies a request for access to a potentially confidential record, the lawful custodian will promptly notify the requester. Written notification of the denial will be provided upon request, and this notification will include the name and title or position of the lawful custodian, as well as the legal reason for the denial and a brief explanation.

2505.4(5) Request granted. When the lawful custodian grants a request for access to a potentially confidential record, the lawful custodian will notify the person granted access of any lawful limitations the custodian imposes on that person's examination and copying of the record.

2505.4(6) Redactions. The lawful custodian may but is not compelled to redact confidential information from a document so that nonconfidential portions of the record can be provided to a requester. If the requester receives a redacted record and later requests access to the unredacted version of the record, the custodian may deny the request or notify the confidentiality claimant so the claimant may seek an injunction under subrule 2505.4(3).

2505.4(7) Timing of decision. The lawful custodian may decide whether a record is confidential at any time.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Requests to the agency to treat a record as confidential will be addressed in accordance with the following rules. The lawful custodian may treat a record as a confidential record and withhold it from examination only in accordance with applicable law.

2505.5(1) Persons who may request. Persons who believe they may be harmed by a potential disclosure of a record may request that the lawful custodian declare the record as confidential.

2505.5(2) Request. Any person may submit a request to treat a record as confidential. To be valid, the request will:

- a. Be in writing,
- b. Be filed with the lawful custodian,
- c. Explain the legal and factual reasons the record should be confidential,
- d. Include the requester's contact information, and
- e. Be accompanied by a redacted copy of the record.

The lawful custodian may also require a signed statement or affidavit supporting the confidentiality claim. If the request for confidentiality is for a specific period of time, the requester is also obligated to identify the time frame.

2505.5(3) Failure to request. The lawful custodian may treat a record as confidential even if no person files a request to treat the record as confidential. However, the agency has discretion to determine whether voluntary submission of an unredacted record to the agency, such as in the context of a bidder submitting an unredacted bid in response to a procurement, constitutes waiver of any argument that the person may have had that the record is in fact confidential.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Unless prohibited by law, a person may file a request with the lawful custodian to review, and have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. The requester must send the request and written statement of additions, dissents, or objections to the lawful custodian or to the agency at the agency's address or agency's email. The request must be dated and signed by requester and the requester's representative, if any, and must include the current address, email, and telephone number of the requester and the requester's representative, if any. A person who is a subject of such a record shall not alter the original record and shall not expand the official record of any agency proceeding, except as set forth in this rule. An agency's need to preserve the original record as required by applicable law is a valid reason for denying a request to modify the agency's records.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by law, a person who is the subject of a confidential record may have the portion of the record concerning that person disclosed to a third party. A request for such a disclosure must be in writing, identify the particular record or records to disclose, identify the person or class of persons

to whom the record may be disclosed, and state when and where the disclosure should be made. The lawful custodian may require the requester and, where applicable, the person to whom the record is to be disclosed to provide proof of identity and may, when necessary, impose additional obligations for special classes of records. Except where legally prohibited, a request by a person's attorney is presumed to be a request by the person to disclose records about that person to the attorney. The attorney making such request may be required to show proof of representation.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2505.8(17A,22) Notice to suppliers of information. When the agency requests a person to supply information about that person, the agency will notify the person of the use that will be made of the information, which persons outside the agency might routinely be provided this information, which parts of the requested information are mandatory and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in a manner that the agency in its discretion deems appropriate to adequately notify the person in accordance with this rule.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

These rules are intended to implement Iowa Code chapters 17A and 22.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/13/31

7—2506.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the agency, including vendor appeals.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.2(17A) Definitions. Except where otherwise specifically defined by law:

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“*Issuance*” means the date of mailing or electronic filing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Party*” means each person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means the person designated pursuant to Iowa Code section 17A.11.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the agency did not preside.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.3(17A) Time obligations.

2506.3(1) Time is computed as provided in Iowa Code section 4.1(34).

2506.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except when prohibited by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, the time set by the agency.

2506.4(2) The request for a contested case proceeding must state the name, email, and address of the requester and identify the specific agency action disputed. Where the requester is represented by an attorney, the request must identify the law or precedent requiring or authorizing the holding of a contested case proceeding and include a short and plain statement of the issues of material fact in dispute.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.5(17A) Notice of hearing.

2506.5(1) Delivery. The agency will deliver notice of a hearing. Delivery shall, whenever possible, be effectuated through electronic means. Otherwise, delivery can be effectuated by:

- a. Personal service as provided in the Iowa Rules of Civil Procedure; or
- b. Certified mail, return receipt requested; or
- c. First-class mail; or
- d. Publication as provided in the Iowa Rules of Civil Procedure.

2506.5(2) Contents. The notice of hearing must state:

- a. The time, place, and nature of the hearing;
- b. The legal authority and jurisdiction under which the hearing is to be held;
- c. The particular sections of the statutes and rules involved;

- d.* Briefly and plainly, the matters asserted. If a party cannot state the matters in detail when the notice is served, the party may limit the initial notice to a statement of the issues involved but must supplement it with a more definite and detailed statement if requested by another party;
- e.* All parties, including the name, address, and telephone number of the person who will advocate for each party;
- f.* The procedural rules governing conduct of the contested case proceeding;
- g.* The procedural rules governing informal settlement;
- h.* The identity of the presiding officer, if known, or, if not, a description of who will serve as presiding officer; and
- i.* The deadline to request under Iowa Code section 17A.11 and rule 7—2506.6(17A) that the presiding officer be an administrative law judge.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.6(17A) Presiding officer.

2506.6(1) Any party that wants an administrative law judge employed by the department of inspections, appeals, and licensing to serve as the presiding officer must file a request. The deadline for that request is 20 days after service of a notice of hearing that identifies someone other than an administrative law judge as the presiding officer.

2506.6(2) The agency or its designee may deny the request for any of the reasons set forth in Iowa Code section 17A.11(1)“a.”

2506.6(3) The agency or its designee is obligated to issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

2506.6(4) Except as otherwise prohibited by law, the agency may appeal all final rulings by an administrative law judge acting as presiding officer. A party is obligated to seek any available appeal to the agency in order to exhaust available administrative remedies.

2506.6(5) Except as otherwise set forth in law, heads of agencies and members of governmental agencies, when reviewing a proposed decision upon appeal to the agency, have the powers and duties of this chapter applicable to presiding officers.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.7(17A) Waiver of procedures. Unless otherwise prohibited by law, the parties in a contested case proceeding may waive any portion of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, must be considered when a location is chosen.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.9(17A) Disqualification.

2506.9(1) A presiding officer or other person must withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a.* Has a personal bias or prejudice concerning a party or a representative of a party;
- b.* Has personally investigated, prosecuted, or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship who is:

- (1) A party to the case or an officer, director or trustee of a party;
- (2) An attorney in the case;
- (3) Known to have an interest that could be substantially affected by the outcome of the case; or
- (4) Likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

2506.9(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term does not include general direction and supervision of assigned investigators, unsolicited receipt of information relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case. If the presiding officer in the case has received factual information relevant to the merits of a contested case before being assigned as the presiding officer, the presiding officer is obligated to disclose that information to the parties to the extent required by Iowa Code section 17A.17(3) and subrules 2506.9(3) and 2506.23(9).

2506.9(3) A party that believes a presiding officer is disqualified must file a motion supported by an affidavit in accordance with Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

a. If a party during the course of the hearing becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification at that time but must establish the grounds introducing the evidence into the record.

b. If disqualification is required, the presiding officer or other person is obligated to withdraw. If withdrawal is not required, the presiding officer will enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 7—2506.25(17A) and seek a stay under rule 7—2506.29(17A).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.10(17A) Consolidation—severance.

2506.10(1) *Consolidation.* The presiding officer may consolidate matters at issue in two or more contested case proceedings if:

- a. The matters involve common parties or common questions of fact or law;
- b. Consolidation would expedite and simplify consideration of the issues involved; and
- c. Consolidation would not adversely affect the rights of any of the parties to those proceedings.

2506.10(2) *Severance.* The presiding officer may, for good cause shown, order any contested case or portion of a contested case severed.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.11(17A) Pleadings.

2506.11(1) *Filing requirements.* Filing requirements may be imposed by rule, by the notice of hearing, or by order of the presiding officer.

2506.11(2) *Petition.*

a. Any necessary petition in a contested case proceeding will be filed within 20 days of delivery of the notice of hearing or subsequent order of the presiding officer unless otherwise ordered.

b. A petition will state in separately numbered paragraphs the following:

(1) The persons or entities on whose behalf the petition is filed;

(2) The particular provisions of statutes and rules involved;

(3) The relief demanded and the facts and law relied upon for such relief; and

(4) The name, address, email, and telephone number of the petitioner and the petitioner's attorney, if any.

2506.11(3) *Answer.* A party against whom a petition is filed must file an answer within 20 days of service of the petition unless otherwise ordered. A party may instead move to dismiss or apply for a more definite and detailed statement when appropriate.

a. An answer must state on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It must state all facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

b. An answer must state the name, address, email, and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person, if any.

c. Any allegation in the petition not denied in the answer is considered admitted. If a defense could have been raised in the answer but was not, the presiding officer may refuse to consider it if doing so would prejudice any party.

2506.11(4) *Amendment.* Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) *Filing and service electronically.* Every pleading, motion, document, or other paper that is filed or served shall be executed electronically whenever possible. Filing or service by a non-electronic method can only be upon a showing to the presiding officer of undue hardship to use email.

2506.12(2) *When service mandated.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding must be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Service must be at the same time as filing. Except for the original notice of hearing and an application for rehearing, as described in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

2506.12(3) *Service—how made.* Service upon a party represented by an attorney will be made upon the attorney unless otherwise ordered. Service shall be made electronically or, to the extent permitted in subrule 2506.12(1), by mailing a hard copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

2506.12(4) *Filing—when mandated.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding must be filed with the agency at the agency's address or agency's email. All pleadings, motions, documents or other papers that need to be served upon a party must be filed with the agency at the same time they are served.

2506.12(5) *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is submitted to the department of inspections, appeals, and licensing electronic filing system, submitted to a separate agency electronic filing system, delivered to the agency's address or agency's email, delivered to an established courier service for immediate delivery to that

office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

2506.12(6) *Copies by email.* Whenever possible, the parties shall provide opposing parties copies of all filings by email.

2506.12(7) *Proof of mailing.* In circumstances where non-electronic service is approved by the presiding officer, a proof of mailing is required, which includes either a legible United States Postal Service postmark on the envelope, a certificate of service, or a certification in substantially the following form:

I certify under penalty of perjury under the laws of Iowa that, on (date of mailing),
I mailed copies of (describe document) addressed to the agency at the agency's
address, and to the names and addresses of the parties listed below by depositing the
same in (method of delivery).

(Date) (Signature)

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.13(17A) Discovery.

2506.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than ten days before the scheduled hearing.

2506.13(2) Parties must not file motions relating to discovery unless they have first in good faith attempted to resolve the issue with the opposing party. A party filing a discovery motion must certify, under penalty of perjury, that it has made that good-faith attempt. Lack of such a certificate constitutes sufficient grounds for denying the motion.

2506.13(3) Unless shortened in accordance with subrule 2506.13(1), a discovery motion is ripe for ruling by the presiding officer ten days after the motion is filed. Opposing parties may file a response within that time. The presiding officer may order argument or rule on the parties' filings.

2506.13(4) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.14(17A) Subpoenas.

2506.14(1) *Issuance.*

a. A presiding officer must issue a subpoena upon a party's written request. Unless there is good cause, a party must request a witness subpoena at least three days before the scheduled hearing. The request will include the name, address, email, and telephone number of the requesting party.

b. Except as otherwise set forth by law, parties are responsible for serving their own subpoenas and for paying witness fees and mileage expenses. Subpoenas that do not include the required witness fees and mileage expenses are not valid.

2506.14(2) *Motion to quash or modify.* The presiding officer may quash or modify a subpoena in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena will be set for argument promptly.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.15(17A) Motions.

2506.15(1) Motions are not required to be in a particular form. However, prehearing motions are to be in writing, state the grounds for relief, and state the relief sought.

2506.15(2) Any party may file a written response to a motion within ten days after the motion is served unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the time period in ruling on a motion.

2506.15(3) The presiding officer may schedule oral argument on any motion.

2506.15(4) Unless there is good cause, motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days before the date of hearing. This time may be lengthened or shortened by rule of the agency or an order of the presiding officer.

2506.15(5) Motions for summary judgment.

a. Iowa Rules of Civil Procedure 1.981 through 1.983 govern motions for summary judgment, except where they conflict with this rule or legal requirements governing contested case proceedings.

b. Motions for summary judgment must be filed and served at least 45 days before the scheduled hearing date. Any party resisting the motion then has 15 days to file and serve a resistance. The time fixed for hearing or nonoral submission will be not less than 20 days after the filing of the motion. The presiding officer may by order change any of these deadlines. An order rendering summary judgment on all issues in a contested case is subject to rehearing pursuant to rule 7—2506.28(17A) and appeal pursuant to rule 7—2506.27(17A).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.16(17A) Prehearing conference.

2506.16(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion will be filed not less than seven days before the hearing date. A prehearing conference will be scheduled not less than three business days before the hearing date. The presiding officer may change these deadlines for good cause.

2506.16(2) Witness and exhibit lists.

a. Each party will bring to the prehearing conference a final list of:

(1) The witnesses whom the party anticipates will testify at hearing. Unless there is good cause for the omission, the presiding officer may exclude the testimony of unlisted witnesses; and

(2) Exhibits that the party anticipates will be introduced at hearing. Unless there is good cause for the omission, the presiding officer may exclude unlisted, non-rebuttal exhibits.

b. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments are to be served on all parties.

2506.16(3) The parties at a prehearing conference may:

a. Stipulate to law or fact;

b. Stipulate to the admissibility of exhibits;

c. Identify matters that the parties intend to request be officially noticed;

d. Consider any additional matters that will expedite the hearing.

2506.16(4) Prehearing conferences will be conducted by telephone unless otherwise ordered. Parties are obligated to exchange and receive witness and exhibit lists before the conference.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.17(17A) Continuances. Applications for continuances can be made to the presiding officer.

2506.17(1) A written application for a continuance will:

a. Be made at the earliest possible time and no less than seven days before the hearing, except in case of unanticipated emergencies;

b. State the specific reasons for the request; and

c. Be signed by the requesting party or the party's representative.

No application for continuance will be made or granted without notice to all parties, except in an emergency where notice is not feasible. The agency may waive notice of such requests for a particular case or an entire class of cases.

2506.17(2) In determining whether to grant a continuance, the presiding officer may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlement;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time obligations;
- g. The existence of a conflict in the schedules of counsel, parties, or witnesses;
- h. The timeliness of the request; and
- i. Other relevant factors.

The presiding officer may order a party to furnish evidence of facts supporting or opposing the request.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.18(17A) Withdrawals. A party requesting a contested case proceeding may withdraw that request only in accordance with agency rules. Unless otherwise provided, a withdrawal will be with prejudice.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.19(17A) Intervention.

2506.19(1) Motion. A motion for leave to intervene in a contested case proceeding must state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. The proposed intervenor must attach a proposed answer or petition in intervention, as appropriate, to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

2506.19(2) When filed. A motion for leave to intervene must be filed as early as possible to avoid prejudice on existing parties or the conduct of the proceeding and, at any rate, before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Later motions must show good cause for being untimely. Unless inequitable or unjust, an intervenor is bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances that would delay the proceeding will ordinarily be denied.

2506.19(3) Grounds for intervention. The proposed intervenor must show that:

- a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
- b. It is likely to be aggrieved or adversely affected by a final order in the proceeding; and
- c. Its interests are not adequately represented by existing parties.

2506.19(4) Effect of intervention. A person granted leave to intervene is a party to the proceeding. If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. The order granting intervention may limit the issues the intervenor is allowed to raise or otherwise condition the intervenor's participation in the proceeding.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.20(17A) Hearing procedures.

2506.20(1) The presiding officer presides at the hearing and may rule on motions, impose obligations to submit briefs, issue a proposed decision, and issue orders and rulings to ensure the orderly conduct of the proceedings.

2506.20(2) All objections must be made timely and stated on the record.

2506.20(3) Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, limited-liability companies, and associations may be represented by any member, officer, director, or duly authorized agent. Any

party may be represented by an attorney or another person authorized by law. An attorney admitted pro hoc vice in accordance with the Iowa rules of court to practice in an agency administrative action in accordance with Iowa Court Rule 31.14 is obligated to have an in-state attorney present at every interaction with the presiding officer.

2506.20(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

2506.20(5) The presiding officer will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

2506.20(6) Witnesses may be sequestered during the hearing.

2506.20(7) The presiding officer must conduct the hearing in the following manner:

a. The presiding officer will give an opening statement briefly describing the nature of the proceedings;

b. The parties will be given an opportunity to present opening statements;

c. Parties will present their cases in the sequence determined by the presiding officer;

d. Each witness will be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.21(17A) Evidence.

2506.21(1) The presiding officer will rule on admissibility of evidence as provided in Iowa Code section 17A.14 and may, where appropriate, take official notice of facts in accordance with all applicable legal obligations.

2506.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

2506.21(3) Evidence in the proceeding will be confined to the issues identified at the prehearing conference or in the notice of hearing, as appropriate. A party may waive its right to prehearing notice. The presiding officer may, for good cause, expand the issues to be considered and admit evidence on those issues. In that case, a party that objects to the expansion is, upon timely request, entitled to a continuance sufficient to amend pleadings and to prepare on the additional issue.

2506.21(4) The presiding officer will not rule on the admissibility of an exhibit until opposing parties have had an opportunity to examine it. Parties should ordinarily furnish copies of exhibits to opposing parties before a hearing to prevent unnecessary delay during the hearing. All exhibits admitted into evidence will be appropriately marked and made part of the record.

2506.21(5) Any party may object to specific evidence or request limits on the scope of any examination or cross-examination. Each objection must be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection when it is made or may reserve a ruling until the written decision.

2506.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence is a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.22(17A) Default.

2506.22(1) If a party does not appear or participate in a contested case proceeding after proper notice, the presiding officer may render a default or proceed with the hearing and render a decision in the absence of the party.

2506.22(2) Where appropriate, any party may move for default against a party who has requested the contested case proceeding and has not filed a necessary pleading or has not appeared after proper service.

2506.22(3) Default decisions and decisions rendered on the merits after a party has not appeared or participated are final agency actions from which a party may appeal under rule 7—2506.27(17A). A party against whom such a decision has been rendered may file a motion to vacate within 15 days, or other period specified by statute, after the date of notification or mailing of the decision. A motion to vacate must state all facts that establish good cause for that party's non-appearance or non-participation. Each such fact must be supported by at least one sworn affidavit of a person with personal knowledge, which affidavit must be attached to the motion.

2506.22(4) The time for further appeal of a decision is stayed while a timely motion to vacate is pending.

2506.22(5) A presiding officer may grant a motion to vacate only if it is timely and establishes good cause for the movant's non-appearance or non-participation. The burden of proof as to good cause is on the moving party. Opposed parties have ten days to respond to a motion to vacate. If the response includes a request to do so, an opposing party may conduct discovery into the issue of good cause and present evidence on that issue before the presiding officer decides the motion.

2506.22(6) "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

2506.22(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 7—2506.25(17A).

2506.22(8) If a motion to vacate is granted, and no timely interlocutory appeal has been taken, the presiding officer will issue another notice of hearing and the contested case will proceed accordingly.

2506.22(9) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues.

2506.22(10) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 7—2506.29(17A).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.23(17A) Ex parte communication.

2506.23(1) Improper communications. Except as specifically allowed by law, no party, representative of a party, or person with a direct or indirect interest in a case may communicate, directly or indirectly, with the presiding officer, or vice versa, regarding the case or a pending factually related case. These communications are allowed only if all parties have been notified of the intention to communicate and have an opportunity to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. However, the presiding officer may communicate with members of the agency and may seek the advice or help of persons regarding the matter. This can include persons with whom the presiding officer is prohibited from communicating in another case, as long as the presiding officer's communications with that person are not regarding that other case or a case factually related to it.

2506.23(2) Written, oral, or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

2506.23(3) These prohibitions start when the notice of hearing is issued and continue for as long as the case is pending.

2506.23(4) To avoid banned ex parte communications, notice is to be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications will be provided in compliance with rule 7—2506.12(17A) and may be supplemented by telephone, fax, email or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

2506.23(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

2506.23(6) The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision and they comply with subrule 2506.23(1).

2506.23(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not need notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when possible and must notify other parties when seeking to continue hearings or other deadlines.

2506.23(8) Disclosure of banned communications. A presiding officer who receives a banned ex parte communication while a contested case is pending must first determine whether the communication is so prejudicial that the presiding officer should be disqualified. If so, the presiding officer will enter into the record, sealed by a protective order, a copy of any banned written communication, all written responses to the communication, a written summary of the substance of any banned oral or other communication, all responses made, and the identity of each person from whom the presiding officer received a banned ex parte communication. If the presiding officer determines that disqualification is not warranted, the presiding officer will enter these documents into the record and serve them upon all parties. Any party desiring to rebut the banned communication will be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

2506.23(9) Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer must disclose to all parties material factual information received through ex parte communication before the assignment began. The presiding officer does not need to disclose this information if it has already been, or shortly will be, disclosed under Iowa Code section 17A.13(2) or through discovery or if it is contained in an investigative report or similar document that has been or shortly will be given to the parties.

2506.23(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication obligations by agency personnel will be reported to the chief executive of the agency or that person's designee for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.24(17A) Recording costs. Upon reasonable request, the agency is obligated to provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record will be paid by the requesting party. A party that requests that a hearing be recorded by certified shorthand reporter rather than by electronic means is responsible for making such arrangements and paying associated costs unless otherwise provided by applicable law.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.25(17A) Interlocutory appeals. Upon written request of a party or on its own motion, the agency may review an interlocutory order. In determining whether to do so, the agency must weigh the extent to which the granting of the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the agency at the time it reviews

the proposed decision of the presiding officer would provide an adequate remedy. A request for interlocutory review must be filed by the earliest of 14 days after the challenged order is issued, the deadline for complying with the order, or the date of hearing.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.26(17A) Final decision.

2506.26(1) When the agency presides over receiving evidence at the hearing, its decision is a final decision.

2506.26(2) When the agency does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the agency without further proceedings unless there is an appeal of the proposed decision to the agency, or review of the proposed decision on the agency's own motion, in accordance with rule 7—2506.27(17A).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the agency within 30 days after the decision is issued.

2506.27(2) *Review.* The agency may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the agency. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought; and
- e. The grounds for relief.

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The agency may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The agency will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The agency may resolve the appeal on the briefs or provide an opportunity for oral argument. The agency may shorten or extend the briefing period as appropriate.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.28(17A) Applications for rehearing.

2506.28(1) *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

2506.28(2) *Content of application.* The application for rehearing must identify on whose behalf it is filed, the portion of the decision the party wants reconsidered, the specific grounds for rehearing, whether the party wants to proceed on the record or to submit additional evidence, and the relief sought.

2506.28(3) *Time of filing.* The deadline to file an application for rehearing is 20 days after the final decision is issued.

2506.28(4) *Notice to other parties.* A copy of the application will be timely mailed or emailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the agency will serve copies on all parties.

2506.28(5) *Disposition.* A party need not respond to an application for rehearing unless the government entity requests a response. An application for a rehearing is deemed denied if it is not granted within 20 days of its filing or, if a response is filed, within 20 days of the filing of a response. An application for rehearing is optional; a party need not file an application to exhaust available administrative remedies. The filing of an application for rehearing shall toll the time period for appeal in rule 7—2506.27(17A).

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.29(17A) Stays of agency actions.

2506.29(1) *When available.*

a. Any party may petition the agency to stay the effect of an order, or for other temporary remedies, pending review of the order by the agency. The petition must be filed with the notice of appeal and must state the reasons justifying a stay or other temporary remedy. The agency may rule on the stay or authorize the presiding officer to do so.

b. Any party may petition the agency for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

2506.29(2) *When granted.* The presiding officer or agency will consider the factors listed in Iowa Code section 17A.19(5) “c” when deciding whether to grant the stay or other temporary remedy.

2506.29(3) *Vacation.* The presiding officer or agency may vacate a stay or other temporary remedy on the motion of the agency or any other party.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.30(17A) Contested cases involving no factual dispute. If the parties agree that no dispute of material fact exists, they may present all evidence, by stipulation or as otherwise agreed, without an evidentiary hearing. In such a situation, the parties should, as soon as practicable, jointly submit a proposed schedule for submitting the record and briefs and, if necessary, holding oral argument. If the parties cannot agree to a schedule, any party may file and serve a motion for summary judgment.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.31(17A) Emergency adjudicative proceedings.

2506.31(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and, consistent with the Constitution and other provisions of law, the agency may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18. The order must be in writing and may suspend a license in whole or in part, order that any continuing activity stop, order someone to act, or require other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the agency must consider factors such as:

a. Whether there has been a sufficient factual investigation to ensure that it is proceeding on the basis of reliable information;

b. Whether the specific circumstances that pose immediate danger to public health, safety, or welfare have been identified and determined to be continuing;

c. Whether the person subject to the proposed emergency adjudicative order may continue to engage in other activities without posing immediate danger to public health, safety, or welfare;

d. Whether imposition of monitoring obligations or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and

e. Whether the specific action contemplated by the agency is necessary to avoid immediate danger.

2506.31(2) *Issuance of order.*

a. An emergency adjudicative order must contain findings of fact and conclusions of law to justify the determination of an immediate danger in the agency's decision to take immediate action.

b. The emergency adjudicative order will be immediately delivered to persons obligated to comply with the order by one or more of:

(1) Personal delivery;

(2) First-class or certified mail to the last address on file with the agency; or

(3) Fax. Fax may be used as the sole method of delivery if the person to whom the order applies has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

c. To the practicable degree, the agency is obligated to select the procedure for providing written notice that best ensures prompt, reliable delivery.

2506.31(3) *Oral notice.* Unless the emergency adjudicative order is served by personal delivery on the same day that it is issued, the agency is obligated to make reasonable immediate efforts to contact the people to whom the order applies by telephone.

2506.31(4) *Completion of proceedings.*

a. After the issuance of an emergency adjudicative order, the agency will proceed as quickly as feasible to complete any proceedings that would be needed if the matter did not involve an immediate danger.

b. An emergency adjudicative order must include, or be accompanied by, a notice of the date by which agency proceedings are scheduled for completion. When an agency has issued an emergency adjudicative order, the agency or a presiding officer may continue contested case proceedings only in compelling circumstances upon application in writing.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.32 to 2506.100 Reserved.

7—2506.101(17A) Definitions for vendor appeals of contested cases. As used in this chapter, unless the context otherwise dictates:

“Agency” means the agency when purchasing goods or services through a competitive solicitation.

“Award” means the decision to select a vendor for a contract or purchase.

“Vendor” means any vendor who has submitted a bid or proposal in response to a competitive solicitation issued by an agency.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.102(17A) Vendor appeal process. Rules 7—2506.101(17A) through 7—2506.105(17A) govern appeals of the agency's decisions regarding competitive solicitations for goods or services. These rules supplement standard contested case rules and control to the extent inconsistent with standard contested case rules. Not complying with these vendor appeal rules in any material respect will result in dismissal of the appeal and constitute a failure to exhaust administrative remedies.

2506.102(1) *Notice of intent to appeal.* A vendor who is aggrieved by the agency's issuance of a notice of intent to award following a competitive solicitation may appeal that notice of intent to award. The deadline for the vendor to submit a notice of intent to appeal is five days following issuance of the notice of intent to award. Late notices of intent to appeal will not be accepted.

2506.102(2) *Initial disclosures.* When an agency receives the vendor's notice of intent to appeal, the agency will respond by providing the public version of the winning vendor's proposal as submitted by the vendor during the solicitation process. In addition, the agency will provide all evaluation committee materials, documentation, analysis, and results. If requested by the vendor, the agency will also send the public versions of losing bids or proposals as those public copies were submitted

during the solicitation process. The vendor is not entitled to any additional discovery, materials, or information unless the proceedings advance past the first-tier review stage.

2506.102(3) *Notice of appeal.* Following receipt of the initial disclosures, the vendor may file a formal appeal within either the time frame identified in the solicitation document or, if no time frame is identified, five days from the award. If the vendor does not file a formal appeal in a timely manner, the appeal is waived. The vendor is obligated to plead with particularity; notice pleading is inadequate. At minimum, the formal appeal will include:

- a. The vendor's contact information, including contact information for the individual filing the notice of appeal, the individual's association with the appealing vendor, and a showing of the individual's authority to appeal on behalf of the appealing vendor;
- b. Details of the award decision the vendor is challenging;
- c. Why and how the vendor is aggrieved by the decision;
- d. The legal and factual reasons for the vendor's appeal, including references to the relevant grounds of appeal as set forth in Iowa Code section 17A.19(10); and
- e. The relief the vendor is seeking.

2506.102(4) *Appeal bond—notice of appeal, first-tier review.* At the same time the vendor submits the notice of appeal, the appealing vendor must submit to the agency an appeal bond to the extent required in the solicitation document. An agency has discretion to require a bond in an amount up to 5 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not submit the appeal bond, the agency will dismiss the appeal. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. The appealing vendor may be disqualified from future competitive solicitations in accordance with applicable rules addressing vendor disqualification through debarment or suspension if the appeal is determined to be unreasonable, frivolous, or for the purpose of delay. Awarded costs may be extracted from the appeal bond.

2506.102(5) *Public records.*

a. To ensure fair evaluation of proposals and to make the vendor appeal process more efficient, solicitation-related information, such as proposals and evaluation materials, will remain confidential and will not be released to the public until the notice of intent to award is issued or any vendor appeals are fully and finally resolved, whichever comes later. Materials released in accordance with these vendor appeal rules or in a formal sealed bidding process controlled by Iowa Code section 72.3 are exceptions to this temporary prohibition on the release of confidential information.

b. By submitting materials for the bidding process, a vendor agrees that submitted documents and information can be shared with third parties, including competitors, in the event of an appeal. However, the agency will share confidential or proprietary information during an appeal process only in accordance with a protective order acceptable to the agency. Without a protective order, the agency will make available only to litigants copies of proposals from which confidential and proprietary information have been redacted, and then to non-litigants only after finalization of the award process or all vendor appeals, whichever comes later.

c. A vendor's notice of appeal is a public document available for public inspection. If the vendor believes the notice contains any confidential information, the vendor must, when it submits the notice of appeal, explain why the notice should remain confidential. The vendor must also submit a redacted version of the notice of appeal so that the public and other vendors submitting proposals in response to the solicitation can view nonconfidential portions of the notice of appeal.

2506.102(6) *Notice to winning vendor and intervention.* Once the agency receives the notice of appeal, the issuing officer for the solicitation will notify the winning vendor. The winning vendor may intervene in the appeal by submitting a notice of intervention no later than five days after receiving the notice.

2506.102(7) *Initial disclosures to intervenors.* The agency will send the intervening vendor the same public documents sent to the appellant.

2506.102(8) *Waiver.* To facilitate an orderly and timely resolution of vendor appeals, claims are waived in each of these instances:

- a.* A vendor did not raise during the solicitation process, such as through a question-and-answer period, an issue that could have been addressed during that process;
- b.* The issue is not raised in the original notice of appeal; and
- c.* An argument that could have been raised at an earlier stage of the appeal was not raised at that earlier stage.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.103(17A) Vendor appeal stages.

2506.103(1) *First-tier review.* Once the appeal is filed and any responses are received, the agency will review the case internally and issue a decision upholding, changing, or reversing the original award decision. The agency's decision is final unless the appealing vendor requests a second-tier review within the time frame identified in the solicitation document for seeking second-tier review or, if no time frame is so identified, five days from the issuance of the first-tier review. Failure to seek a second-tier review constitutes waiver of any right to seek a second-tier review and failure to exhaust administrative remedies.

2506.103(2) *Second-tier review.*

a. Appeal hearing. A vendor aggrieved by an agency's first-tier review may seek a second-tier review by filing a notice seeking second-tier review with the agency within five days of issuance of the first-tier review decision. The second-tier review request must comply with subrule 2506.102(3), except that it must refer to the first-tier review decision instead of the award decision. Upon receipt of a vendor's request for a second-tier review, the agency will schedule a hearing before an administrative law judge from the department of inspections, appeals, and licensing. The second-tier review hearing will be held within 60 days after the request for a second-tier review, subject to good cause exceptions as set forth in subrule 2506.3(2).

b. Appeal security. At the same time as it submits a second-tier review request, the appealing vendor must submit an additional appeal bond to the extent required in the solicitation document. An agency has discretion to require a second bond in an amount up to 10 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not satisfy the bond requirement, the agency will dismiss the second-tier review. The appeal bond will be forfeited if the vendor's claims are determined to be unreasonable, frivolous, or for purposes of delaying the award.

c. Discovery. Any party may seek reasonable discovery of information directly relevant to the issues that are the subject of the appeal. Overly broad or burdensome discovery requests are not allowed. Discovery issued to the agency is limited to events occurring at the agency that relate to the solicitation process. Issues not subject to discovery include the agency's existing relationships with other bidders. As a condition of requesting a second-tier review, the appellant is obligated to promptly respond to discovery requests made by any party defending the award. Any party defending the award may seek discovery from appellant of any matters that could affect the fairness of the solicitation process, including whether the appellant failed to disclose information relevant to the award process that would have resulted in its disqualification or that appellant engaged in previously unreported inappropriate contact that would have resulted in its disqualification. An appellant that would have been disqualified is not prejudiced by the award decision and lacks standing to challenge it. Confidential or proprietary information may be shared by the parties to the appeal in accordance with a protective order acceptable to the agency. All discovery requests will be made no later than five days after the request for a second-tier review is submitted. Parties must completely respond or object to discovery requests within 30 days of receipt. A party that objects to discovery requests must submit its objection to the requesting parties within ten days of receiving the discovery requests.

Sanctions will be imposed for abuse of the discovery process, potentially including adverse inferences and dismissal of the appeal.

d. Witnesses and exhibits. At least ten days before the hearing, the parties will contact each other to discuss proposed witnesses and exhibits. Final witness and exhibit lists will be exchanged no later than seven days before the hearing.

e. Second-tier hearing and decision. The hearing will be transcribed by a court reporter arranged and paid for by the parties with the costs shared equally unless all parties to an appeal and the presiding officer agree to an alternative approach to record the proceeding. In the event the presiding officer orders post-hearing briefing, the following post-hearing schedule applies unless the parties agree to and the presiding officer orders a different schedule:

- (1) Any appellant post-hearing brief is due ten days after the presiding officer closes the record;
- (2) Any appellee or intervenor post-hearing brief is due ten days after receiving the appellant's brief, if any; and
- (3) Any appellant reply brief is due ten days after receiving the appellee or intervenor post-hearing brief.

Following the close of post-hearing briefing, the administrative law judge will issue a proposed decision, which will become the final agency decision unless a party seeks a third-tier review.

2506.103(3) *Third-tier review and decision.* A party aggrieved by an agency's second-tier review may seek a third-tier review by filing a notice seeking third-tier review with the agency. The deadline to file this notice is five days after the proposed decision on the second-tier review is issued. The third-tier review request must comply with subrule 2506.102(3), except that it must refer to the second-tier review decision instead of the award decision. The party appealing must submit the entire record from the second-tier review, including any transcripts or recordings, at its own cost. Any non-appealing party may file a response to the request. No additional briefing or argument is allowed at the third-tier review stage absent an agency's request. The agency will thereafter expeditiously issue the final agency decision, which will constitute final agency action on the matter.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.104(17A) Standards and remedies for vendor appeals.

2506.104(1) *Standard of review.* In all stages of the vendor appeal, the standard of review will be whether the solicitation process substantially complied with the legally binding procedures applicable to the award process at issue and, if not, whether there is prejudice to the nonprevailing vendor because:

- a.* The noncompliance demands a conclusion that the award process was not conducted fairly, openly, or objectively, and
- b.* Compliance with the legally binding procedure would have resulted in a different outcome.

For purposes of this rule, "legally binding procedure" means those procedures mandated by statute or administrative rule or expressly set forth in the text of the competitive solicitation. Agency guidance that is not in statute, administrative rule, or the text of the solicitation, including but not limited to training materials and procedural manuals, does not constitute legally binding procedure.

2506.104(2) *Burdens.* The appealing vendor bears the burden of proof and the burden of producing evidence in support of its allegations.

2506.104(3) *Standard of proof and prejudice to vendor.* The vendor must prove both noncompliance and prejudice by clear and convincing evidence.

2506.104(4) *Remedies available.* If the solicitation process is found to be unfair or noncompliant with legally binding procedures, the remedy will be narrowly tailored and specifically designed to remediate the specific noncompliance. Wholesale remedies invalidating or voiding solicitations will be avoided unless no other conceivable measure could remediate the noncompliance. Possible remedies may include but are not necessarily limited to remand to the agency with directions to remedy the specific noncompliance and reissue the award if the agency determines the contract is still necessary to meet the agency's needs or objectives or, if remediation of the noncompliance is not

possible, voiding the notice of intent to award with directions to the agency to proceed in the state's best interests, which may include canceling the solicitation.

2506.104(5) *Authority over award decisions.* All final award decisions will be made by the agency. An administrative law judge's authority is limited to affirming the agency's action or remanding the issue to the agency for further consideration through a proposed decision. An administrative law judge lacks jurisdiction to compel the issuance of an award to a vendor other than a vendor awarded a contract by the agency.

2506.104(6) *Issues not for consideration.* The following types of challenges are not a basis for a vendor appeal. An attempted appeal that fits within one of the following categories will be dismissed:

a. Any claim related to existing contract administration. The administration of an existing contract is within the discretion of the agency. Disputes between a vendor and the agency are resolved in accordance with dispute-resolution clauses in a contract and not through a vendor appeal process.

b. Any claim of a subcontractor of an aggrieved vendor. Only vendors who submitted a bid or proposal in response to a solicitation have standing to appeal a notice of intent to award.

c. Any claim related to alternative procurement processes, such as purchase orders, statements of work, or other transactional documents executed under an existing contract, including such orders made under master agreements. Vendor appeals are allowed only in response to competitive solicitations and no other forms of state purchases.

d. Any claim related to suspensions or debarments of vendors.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.105(17A) Stay of agency action.

2506.105(1) *When a vendor can request a stay.* A vendor appealing a notice of intent to award may request a stay of the award process by filing a request for stay with the notice of appeal. In requesting the stay of agency action, the vendor is obligated to submit an additional bond equal to 120 percent of the value of the contract at issue, including any extension years available under the awarded contract. This bond is in addition to other appeal bonds as set forth in this chapter. If the appealing vendor does not submit a sufficient bond with its request for stay, its request for stay will be denied and the issue of stay of agency action will be considered waived. If no stay is sought or the issue is deemed waived, the agency will proceed with the contract award and contract execution consistent with the notice of intent to award. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. Awarded costs may be extracted from the appeal bond. If a stay is not granted and the ultimate award to the incoming awardee overturned in an administrative appeal or on judicial review, the contracted vendor will be entitled to payment for goods and services rendered under the contract and the agency may continue the contract with the awarded vendor until a replacement vendor is under contract.

2506.105(2) *When the stay is granted.* The agency will consider factors set forth in Iowa Code section 17A.19(5)“c” in deciding whether to grant the stay. The agency's decision on whether to grant a stay will be made by the chief executive of the agency and will constitute final agency action on the request for stay for purposes of Iowa Code chapter 17A.

2506.105(3) *When the stay is vacated.* Any stay imposed on an award may be vacated upon application of the agency or another interested party upon a showing of good cause.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

7—2506.106(17A) Federal funds.

2506.106(1) Rules 7—2506.101(17A) through 7—2506.105(17A) do not apply where they conflict with a governing federal regulation or would jeopardize the receipt of federal funds.

2506.106(2) If the attorney general determines that any portion of rules 7—2506.101(17A) through 7—2506.105(17A) would cause the federal government to deny funds or services that would

otherwise be available to an agency of this state, that portion will be suspended for that agency but only to the extent necessary to prevent denial of the federal funds or services.

[ARC 0038D, IAB 2/4/26, effective 1/13/26]

These rules are intended to implement Iowa code chapter 17A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

EDUCATION DEPARTMENT[281]

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CHAPTER 12
GENERAL ACCREDITATION STANDARDS
[Prior to 9/7/88, see Public Instruction Department[670] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

281—12.1(256) General standards.

12.1(1) *Schools and school districts governed by general accreditation standards.* To become or remain accredited, school districts and accredited nonpublic schools are to comply with Iowa Code section 256.11 and this chapter.

12.1(2) *School board.* Each school or school district shall be governed by an identifiable authority that exercises the functions necessary for the effective operation of the school and is referred to in these rules as the “board” and as referenced in Iowa Code sections 280.2 and 280.3.

12.1(3) *Application for accreditation.*

a. The board of any school or school district that is not accredited on the effective date of these standards and that seeks accreditation shall file an application with the director of the department on or before the first day of January of the school year preceding the school year for which accreditation is sought.

b. The board of any school or school district that is not accredited on the effective date of these standards and that seeks accreditation from the department shall file an application with the director of the department on or before the first day of January of the school year preceding the school year for which accreditation is sought.

c. Nonpublic schools seeking accreditation under rule 281—12.10(256) shall provide evidence of accreditation by an organization approved under subrule 12.10(1) and such assurances of compliance with Iowa school law that the department may prescribe.

12.1(4) *Accredited schools and school districts.* Each school or school district receiving accreditation under the provisions of these standards will remain accredited except when by action of the state board of education it is removed from the list of accredited schools maintained by the department in accordance with Iowa Code sections 256.11(11) and 256.11(12).

12.1(5) *When nonaccredited.* A school district is nonaccredited on the day after the date it is removed from the list of accredited schools by action of the state board of education. A nonpublic school is nonaccredited on the date established by the resolution of the state board, which will be no later than the end of the school year in which the nonpublic school is declared to be nonaccredited.

12.1(6) *Alternative provisions for accreditation.* School districts may meet accreditation requirements through the provisions of Iowa Code sections 256.13, nonresident students; 273.7A, services to school districts; 279.20, superintendent—term; 280.15, joint employment and sharing; 282.7, attending in another corporation—payment; and 282.10, whole grade sharing. Nonpublic schools may meet accreditation requirements through the provisions of Iowa Code section 256.12.

12.1(7) *Minimum school calendar.* The minimum school calendar is set, either by a minimum number of hours or a minimum number of days, pursuant to Iowa Code sections 256.7(19), 279.10, and 279.11.

12.1(8) *Kindergarten.* The number of instructional days or hours within the school calendar and the length of the school day for kindergarten will be defined by the board or by authorities in charge of an accredited nonpublic school that operates a kindergarten program.

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.2(256) Definitions. For purposes of this chapter, the following definitions apply:

“*Age-appropriate*,” with the exception of the human growth and development, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

1. “Age-appropriate” does not include any material with descriptions or visual depictions of a sex act. A reference to or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence.

2. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

3. For purposes of human growth and development instruction required by Iowa Code section 279.50, in grades 5 through 12, “age-appropriate” also includes the content required by Iowa Code section 279.50(2) “b”(1) and 279.50(3) “b”(1).

4. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” does not include any book, article, outline, handout, video, or other educational material described in Iowa Code section 279.50(2) “b”(2) and 279.50(3) “b”(2).

“*Annual improvement goals*” means the desired one-year rate of improvement for students. Data from multiple measures may be used to determine the rate of improvement.

“*Baseline data*” means information gathered at a selected point in time and used thereafter as a basis from which to monitor change.

“*Benchmarks*” means specific knowledge and skills anchored to content standards that a student needs to accomplish by a specific grade or grade span.

“*Board*” means the board of directors in charge of a public school district or the authorities in charge of an accredited nonpublic school.

“*Competency-based education*” means that learners advance through content or earn credit based on demonstration of proficiency of competencies. Proficiency for this context is the demonstrated skill or knowledge required to advance to and be successful in higher levels of learning in that content area. Some students may advance through more content or earn more credit than in a traditional school year while others might take more than a traditional school year to advance through the same content and to earn credit. A student must meet the requirements of subrule 12.5(13) to be awarded credit in a competency-based system of education.

“*Curriculum*” means a plan that outlines what students shall be taught. Curriculum refers to all the courses offered, or all the courses offered in a particular area of study.

“*Department*” means the department of education.

“*Districtwide*” means all attendance centers within a school district or accredited nonpublic school.

“*Districtwide assessments*” means large-scale achievement or performance measures. At least one districtwide assessment shall allow for the following: the comparison of the same group of students over time as they progress through the grades or the cross-sectional comparison of students at the same grades over multiple years.

“*Districtwide progress*” means the quantifiable change in school or school district student achievement and performance.

“*Dropout*” means a school-age student who is served by a public school district and enrolled in any of grades 7 through 12 and who does not attend school or withdraws from school for a reason other than death or transfer to another approved school or school district or has been expelled with no option to return.

“*Educational program.*” The educational program adopted by the board is the entire offering of the school, including out-of-class activities and the sequence of curriculum areas and activities. The educational program will provide articulated, developmental learning experiences from the date of student entrance until high school graduation.

“*Enrolled student*” means a person who has officially registered with the school or school district and is taking part in the educational program.

“*Indicators*” provide information about the general status, quality, or performance of an educational system.

“Library program” means an articulated sequential kindergarten through grade 12 library or media program that enhances student achievement and is integral to the school district’s curricula and instructional program. The library program is planned and implemented by a qualified teacher librarian working collaboratively with the district’s administration and instructional staff. The library program services provided to students and staff will include the following:

1. Support of the overall school curricula;
2. Collaborative planning and teaching;
3. Promotion of reading and literacy;
4. Information literacy instruction;
5. Access to a diverse and appropriate school library collection; and
6. Learning enhancement through technologies.

“Long-range goals” means desired targets to be reached over an extended period of time.

“Multiple assessment measures,” for reporting to the local community or the state, means more than one valid and reliable instrument that quantifies districtwide student learning, including specific grade-level data.

“Performance levels.” The federal Elementary and Secondary Education Act (ESEA) requires that at least three levels of performance be established to assist in determining which students have or have not achieved a satisfactory or proficient level of performance. At least two of those three levels will describe what all students ought to know or be able to do if their achievement or performance is deemed proficient or advanced. The third level will describe students who are not yet performing at the proficient level. A school or school district may establish more than three performance levels that include all students for districtwide or other assessments.

“Prekindergarten program” includes a school district’s implementation of the preschool program pursuant to Iowa Code chapter 256C.

“Proficient,” as it relates to content standards, characterizes student performance at a level that is acceptable by the school or school district.

“School” means an accredited nonpublic school.

“School counseling program” means an articulated sequential kindergarten through grade 12 program that is comprehensive in scope, preventive in design, developmental in nature, driven by data, and integral to the school district’s curricula and instructional program. The program is implemented by at least one school counselor, appropriately licensed by the board of educational examiners, who works collaboratively with the district’s administration and instructional staff. The program standards are described in subrule 12.3(11). The program’s delivery system components will include the following:

1. School guidance curriculum;
2. Support of the overall school curriculum;
3. Individual student planning;
4. Responsive services; and
5. System support.

“School district” means a public school district.

“School improvement advisory committee” means a committee, as defined in Iowa Code section 280.12, that is appointed by the board. Committee membership will include students, parents, teachers, administrators, and representatives from the local community that may include business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership is to have balanced representation of the following: race, gender, national origin, and disability. The school improvement advisory committee as defined by Iowa Code section 280.12 and the board are also part of, but not inclusive of, the local community.

“Sex act” means any sexual contact between two or more persons by any of the following:

1. Penetration of the penis into the vagina or anus.
2. Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person.

3. Contact between the finger, hand, or other body part of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to Iowa Code chapters 148, 148C, 151, or 152.

4. Ejaculation onto the person of another.

5. Use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus.

6. The touching of a person's own genitals or anus with a finger, hand, or artificial sexual organ or other similar device at the direction of another person.

"Student learning goals" means general statements of expectations for all graduates.

"Students with disabilities" means students who have individualized education programs regardless of the disability.

"Subgroups" means a subset of the student population that has a common characteristic. Subgroups include, but are not limited to, gender, race, students with disabilities, and socioeconomic status.

[ARC 7787C, IAB 4/17/24, effective 5/22/24; ARC 8147C, IAB 7/24/24, effective 8/28/24; ARC 0056D, IAB 2/4/26, effective 3/11/26]

281—12.3(256) Administration. The following standards apply to the administration of accredited schools and school districts.

12.3(1) Board records. Each board is to adopt by written policy a system for maintaining accurate records. The system will provide for recording and maintaining the minutes of all board meetings, coding all receipts and expenditures, and recording and filing all reports required by the Iowa Code or requested by the director of the department. Financial records of school districts are to be maintained in a manner as to be easily audited according to accepted accounting procedures.

12.3(2) Policy manual. The board shall develop and maintain a policy manual that provides a codification of its policies, including the adoption date, the review date, and any revision date for each policy. Policies shall be reviewed at least every five years to ensure relevance to current practices and compliance with the Iowa Code, administrative rules and decisions, and court decisions.

12.3(3) Personnel evaluation. Each board will adopt evaluation criteria and procedures that conform to Iowa Code sections 279.14 and 279.23A for all contracted staff.

12.3(4) Student records. Each board will establish and maintain a system of student records, which will include for each student a permanent office record and a cumulative record.

The permanent office record serves as a historical record of official information concerning the student's education. The permanent office record is to be recorded and maintained under the student's legal name. At a minimum, the permanent office record will contain evidence of attendance and educational progress, serve as an official transcript, contain other data for use in planning to meet student needs, and provide data for official school and school district reports. This record is to be permanently maintained and stored in a fire-resistant safe or vault or can be maintained and stored electronically with a secure backup file.

The cumulative record provides a continuous and current record of significant information on progress and growth. It should reflect information such as courses taken, scholastic progress, school attendance, physical and health record, experiences, interests, aptitudes, attitudes, abilities, honors, extracurricular activities, part-time employment, and future plans. It is the "working record" used by the instructional professional staff in understanding the student. At the request of a receiving school or school district, a copy of the cumulative record will be sent to officials of that school when a student transfers.

For the sole purpose of implementing an interagency agreement with state and local agencies in accordance with Iowa Code section 280.25, a student's permanent record may include information contained in the cumulative record as defined above.

The board is to adopt a policy concerning the accessibility and confidentiality of student records that complies with the provisions of the federal Family Educational Rights and Privacy Act of 1974, as effective on February 7, 2024, and Iowa Code chapter 22.

12.3(5) *Requirements for graduation.* Each board providing a program through grade 12 will adopt a policy establishing the requirements students will meet for high school graduation. This policy will make provision for early graduation and be consistent with these requirements, Iowa Code sections 280.14 and 256.7(26).

12.3(6) *Student responsibility and discipline.* The board will adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board will involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies will relate to the educational purposes of the school or school district. The policies will include the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies will ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board will also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2, disability, religion, creed, or socioeconomic status.

The board will publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them.

12.3(7) *Audit of school funds.* This subrule applies to school districts. The results of the annual audit of all school district funds conducted by the state auditor or a private auditing firm will be made part of the official records of the board as described in Iowa Code section 11.6.

12.3(8) *School or school district building grade-level organization.* The board shall adopt a grade-level organization for the buildings under its jurisdiction as described in Iowa Code sections 279.39 and 280.3.

12.3(9) *Standards for school counseling programs.* Each school district will establish a kindergarten through grade 12 comprehensive school counseling program, driven by student data and based on standards in academic, career, personal, and social areas, which supports the student achievement goals of the total school curriculum and to which all students have equitable access.

a. A qualified school counselor, licensed by the board of educational examiners, who works collaboratively with students, teachers, support staff and administrators will direct the program and provide services and instruction in support of the curricular goals of each attendance center. The school counselor is the member of the attendance center instructional team with special expertise in identifying resources and technologies to support teaching and learning. The school counselor and classroom teachers will collaborate to develop, teach, and evaluate attendance center curricular goals with emphasis on the following:

- (1) Sequentially presented curriculum, programs, and responsive services that address growth and development of all students; and

- (2) Attainment of student competencies in academic, career, personal, and social areas.

b. The program will be regularly reviewed and revised and designed to provide all of the following:

- (1) Curriculum that is embedded throughout the district's overall curriculum and systemically delivered by the school counselor in collaboration with instructional staff through classroom and group activities and that consists of structured lessons to help students achieve desired competencies and to provide all students with the knowledge and skills appropriate for their developmental levels;

- (2) Individual student planning through ongoing systemic activities designed to help students establish educational and career goals to develop future plans;

- (3) Responsive services through intervention and curriculum that meet students' immediate and future needs as occasioned by events and conditions in students' lives and that may require any of the

following: individual or group counseling; consultation with parents, teachers, and other educators; referrals to other school support services or community resources; peer helping; and information; and

(4) Systemic support through management activities that establish, maintain, and enhance the total school counseling program, including professional development, consultation, collaboration, program management, and operations.

12.3(10) *Standards for library programs.*

a. The board of directors of each school district shall establish a kindergarten through grade 12 library program to support the student achievement goals of the total school curriculum as referenced in Iowa Code section 256.11(9). The board of directors of each school district will adopt policies to address selection and reconsideration of school library materials; confidentiality of student library records; and legal and ethical use of information resources, including plagiarism and intellectual property rights.

b. Each school district shall establish a kindergarten through grade 12 library program that is consistent with Iowa Code section 280.6 and with the educational standards established in this chapter, that contains only age-appropriate materials, and that supports the student achievement goals of the total school curriculum. In complying with the requirements in Iowa Code section 279.77(3), the district, if it does not make available a comprehensive list of all books available to all students in libraries offered by the district on its website in real time, must post an updated list at least two times per calendar year.

c. Support, monitoring, and enforcement.

(1) If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of this subrule related to library programs containing only age-appropriate materials, beginning January 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

1. For the first violation of this subrule, the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

2. For a second or subsequent violation of this subrule, if the department finds that a school district knowingly violated this subrule, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners that may result in disciplinary action.

3. For a second or subsequent violation of this subrule, if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated this subrule, the employee shall be subject to a hearing conducted by the board of educational examiners that may result in disciplinary action.

(2) This paragraph relates solely to library programs operated by the district, which means library programs over which the district exercises administrative control.

(3) Concerning enforcement provisions relating to library books containing only age-appropriate materials, the department may exercise enforcement discretion if any violation is voluntarily and permanently corrected prior to the department making a determination of a violation.

(4) For library collections that serve multiple grade ranges, the district will exercise reasonable physical, administrative, and technological controls to ensure that students have access to age-appropriate materials based on the students' ages and grades.

12.3(11) *Policy declaring harassment and bullying against state and school policy.* Each school and school district will adopt a policy declaring harassment and bullying against state and school policy and complying with the terms of Iowa Code section 280.28.

12.3(12) *Policy prohibiting the aiding and abetting of sexual abuse.*

a. *General.* The department and each public school district and area education agency shall adopt policies that prohibit any individual who is a school employee, contractor, or agent, or any state educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

b. Exception. The requirements of paragraph 12.3(12)“a” do not apply if all of the following conditions are met.

(1) The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations.

(2) The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct have investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of, the alleged misconduct; or the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

12.3(13) *Display of United States flag, Iowa state flag, Pledge of Allegiance.* Iowa Code section 280.5 is incorporated by this reference.

12.3(14) *Parental rights in education.*

a. A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student’s gender identity or intention to transition to a gender that is different than the sex listed on a student’s official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student’s birth.

b. If a student enrolled in a school district requests an accommodation that is intended to affirm the student’s gender identity from a licensed practitioner employed by the school district, including a request that the licensed practitioner address the student using a name or pronoun that is different than the name or pronoun assigned to the student in the school district’s registration forms or records, the licensed practitioner shall report the student’s request to an administrator employed by the school district, and the administrator shall report the student’s request to the student’s parent or guardian. Concerning a student’s request to use a name that is different from the name on the student’s registration forms or records, that request is governed by this subrule only if the request is an accommodation intended to affirm a student’s gender identity.

c. If, after investigation, the department determines that a school district or an employee of a school district has violated this subrule, the school district or employee of the school district, as applicable, shall be subject to the following:

(1) For the first violation of this subrule, the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

(2) For a second or subsequent violation of this subrule, if the department finds that a school district knowingly violated this subrule, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners, which may result in disciplinary action.

(3) For a second or subsequent violation of this subrule, if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated this subrule, the employee shall be subject to a hearing conducted by the board of educational examiners, which may result in disciplinary action.

d. Concerning enforcement of this subrule, the department may exercise enforcement discretion if any violation is voluntarily and permanently corrected prior to the department making a determination of a violation.

e. “Gender identity” has the meaning given in Iowa Code section 279.78(1)“a” as amended by 2025 Iowa Acts, Senate File 418.

12.3(15) *Compliance with Iowa Code section 279.80.*

a. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender theory or sexual orientation to students in kindergarten through grade six.

b. “Gender theory” and “sexual orientation” have the same meanings as those given in Iowa Code section 279.80(1) as amended by 2025 Iowa Acts, Senate File 418.

c. In monitoring and enforcing this subrule, the department will not conclude that a neutral statement regarding sexual orientation or gender theory violates Iowa Code section 279.80 as amended by 2025 Iowa Acts, Senate File 418, or this subrule.

[ARC 7787C, IAB 4/17/24, effective 5/22/24; ARC 8147C, IAB 7/24/24, effective 8/28/24; ARC 8240C, IAB 10/2/24, effective 11/6/24; ARC 8982C, IAB 3/5/25, effective 4/9/25; ARC 9806C, IAB 12/10/25, effective 1/14/26]

281—12.4(256) School personnel. License/certificate and endorsement standards required in this rule relate to licenses/certificates and endorsements issued by the state board of educational examiners as referenced in Iowa Code chapter 256, subchapter VII, part 3. The following standards apply to personnel employed in accredited schools:

12.4(1) *Instructional professional staff.* Each person who holds a license/certificate endorsed for the service for which that person is employed is eligible for classification as a member of the instructional professional staff as referenced in Iowa Code section 279.13.

12.4(2) *Noninstructional professional staff.* A person who holds a statement of professional recognition, including a physician, dentist, nurse, speech therapist, or a person in one of the other noninstructional professional areas designated by the state board of education, is eligible for classification as a member of the noninstructional professional staff.

12.4(3) *Basis for approval of professional staff.* Each member of the professional staff will be classified as either instructional or noninstructional. An instructional professional staff member will be regarded as approved when holding either an appropriate license/certificate with endorsement or endorsements, or a license/certificate with an endorsement statement, indicating the specific teaching assignments that may be given. A noninstructional professional staff member will be regarded as approved when holding a statement of professional recognition for the specific type of noninstructional professional school service for which employed.

12.4(4) *Required administrative personnel.* Each board that operates both an elementary school and a secondary school will employ as its executive officer and chief administrator a person who holds a license/certificate endorsed for service as a superintendent. The board of a school district may meet this provision by contracting with its area education agency for “superintendency services” as provided by Iowa Code section 273.7A. The individual employed or contracted for as superintendent may serve as an elementary principal or as a high school principal in that school or school district provided that the superintendent holds the proper licensure/certification. For purposes of this subrule, high school means a school that commences with either grade 9 or grade 10, as determined by the board of directors of the school district, or by the governing authority of the nonpublic school in the case of nonpublic schools. Boards of school districts may jointly employ a superintendent, provided such arrangements comply with the provisions of Iowa Code section 279.23(4).

12.4(5) *Staffing policies—elementary schools.* The board operating an elementary school will develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating an elementary school will employ at least one elementary principal. This position may be combined with that of secondary principal or with a teaching assignment at the elementary or secondary level, provided the individual holds the proper licenses/certificates and endorsements.

When grades 7 and 8 are part of an organized and administered junior high school, the staffing policies adopted by the board for secondary schools apply. When grades 7 and 8 are part of an organized and administered middle school, the staffing policies adopted by the board for elementary schools apply.

12.4(6) *Staffing policies—secondary schools.* The board operating a secondary school will develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating a secondary school will employ at least one secondary principal. This position may be combined with that of elementary principal or with a teaching assignment at the elementary or secondary level, provided the individual holds the proper licenses/certificates and endorsements. This position may be combined with that of superintendent, but one person may not serve as elementary principal, secondary principal, and superintendent.

12.4(7) *Principal.* “Principal” means a licensed/certificated member of a school’s instructional staff who serves as an instructional leader, coordinates the process and substance of educational and instructional programs, coordinates the budget of the school, provides formative evaluation for all practitioners and other persons in the school, recommends or has effective authority to appoint, assign, promote, or transfer personnel in a school building, implements the local school board’s policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school’s student activities program.

12.4(8) *Teacher.* A teacher is defined as a member of the instructional professional staff who holds a license/certificate endorsed for the type of position in which employed. A teacher diagnoses, prescribes, evaluates, and directs student learnings in terms of the school’s objectives, either singly or in concert with other professional staff members; shares responsibility with the total professional staff for developing educational procedures and student activities to be used in achieving the school’s objectives; supervises educational aides who assist in serving students for whom the teacher is responsible; and evaluates or assesses student progress during and following instruction in terms of the objectives sought, and uses this information to develop further educational procedures.

12.4(9) *Educational assistant.* An educational assistant is defined as an employee who, in the presence or absence of an instructional professional staff member but under the direction, supervision, and control of the instructional professional staff, supervises students or assists in providing instructional and other direct educational services to students and their families. An educational assistant shall not substitute for or replace the functions and duties of a teacher as established in subrule 12.4(8).

During the initial year of employment, an educational assistant will complete staff development approved by the board as provided in subrule 12.7(1).

12.4(10) *Record of license/certificate or statement of professional recognition.* The board shall require each administrator, teacher, support service staff member, and noninstructional professional staff member on its staff to supply evidence that each holds a license/certificate or statement of professional recognition that is in force and valid for the type of position in which the individual is employed.

12.4(11) *Record required regarding teacher and administrative assignments.* The board shall require its superintendent or other designated administrator to maintain a file for all regularly employed members of the instructional professional staff, including substitute teachers. The file will consist of official licenses/certificates or copies thereof for all members of the instructional professional staff, including substitute teachers, showing that they are eligible for the position in which employed. The official will also maintain on file an official license/certificate or statement of professional recognition as defined in subrule 12.4(2) for each member of the noninstructional professional staff. These records will be on file at the beginning of and throughout each school year and updated annually to reflect all professional growth.

On December 1 of each year, the official will verify to the department the licensure/certification and endorsement status of each member of the instructional and administrative staff. This report will be on forms provided by the department and identify all persons holding authorizations and their specific assignment(s) with the authorization(s).

12.4(12) *Nurses.* The board of each school district shall employ a school nurse and require a current license to be filed with the superintendent or other designated administrator as specified in subrule 12.4(10).

12.4(13) *Prekindergarten staff.* Prekindergarten teachers shall hold a license/certificate valid for the prekindergarten level. The board will employ personnel as necessary to provide effective supervision and instruction in the prekindergarten program as referenced in Iowa Code sections 256.11(1) and 256.11(2).

12.4(14) *Support staff.* The board shall develop and implement procedures for the use of educational support staff to augment classroom instruction and to meet individual student needs. These staff members may be employed by the board or by the area education agency.

12.4(15) *Volunteer.* A volunteer is defined as an individual who, without compensation or remuneration, provides a supportive role and performs tasks under the direction, supervision, and control of the school or school district staff. A volunteer shall not work as a substitute for or replace the functions and duties of a teacher as established in subrule 12.4(8).

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.5(256) Education program. The following education program standards shall be met by schools and school districts for accreditation:

12.5(1) *Prekindergarten program.* Iowa Code section 256.11(1) is incorporated by this reference.

12.5(2) *Kindergarten program.* Iowa Code section 256.11(2) is incorporated by this reference. Any classroom serving students at least five years of age by September 15 is considered kindergarten.

12.5(3) *Elementary program, grades 1 through 6.* Iowa Code section 256.11(3) is incorporated by this reference. All content areas may be taught by the general education teacher in the teacher's own classroom. In implementing the elementary program standards, the following general curriculum definitions apply. It is locally determined how to incorporate these content specifications into relevant standards and benchmarks.

a. English-language arts. English-language arts are as referenced in Iowa Code sections 256.7(28) and 256.9(49) "a."

b. Social studies. Social studies are as referenced in Iowa Code section 256.7(26) "a"(3).

c. Mathematics. Mathematics instruction is as referenced in Iowa Code section 256.7(28).

d. Science. Science instruction is as referenced in Iowa Code section 256.7(28).

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26) "a"(3) and 279.50. During fifth and sixth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(2).

f. Physical education. Physical education instruction will include movement experiences and body mechanics; fitness activities; rhythmic activities; stunts and tumbling; simple games and relays; sports skills and activities; and water safety.

g. Traffic safety. Traffic safety instruction will include pedestrian safety; bicycle safety; auto passenger safety; school bus passenger safety; seat belt use; substance education; and the application of legal responsibility and risk management to these concepts.

h. Music. Music instruction will include skills, knowledge, and attitudes and will include singing and playing music; listening to and using music; reading and writing music; recognizing the value of the world's musical heritage; respecting individual musical aspirations and values; and preparing for consuming, performing, or composing.

i. Visual art. Visual art instruction will include perceiving, comprehending, and evaluating the visual world; viewing and understanding the visual arts; developing and communicating imaginative and inventive ideas; and making art.

j. Computer science. Computer science instruction incorporating the standards established under Iowa Code sections 256.7(26) "a"(4) and 256.9(61) is to be offered in at least one grade level.

k. Career planning and pathways. Instruction in career planning and pathways pursuant to Iowa Code section 256.11(3) "a"(11) as enacted by 2025 Iowa Acts, House File 316, is to be offered in grades five and six. This paragraph does not apply to accredited nonpublic schools.

12.5(4) Grades 7 and 8. The following will be taught in grades 7 and 8 pursuant to Iowa Code section 256.11(4). If grade 6 is configured with grades 7 and 8, the grade 7 and 8 requirements apply. It is a local decision whether all students are required to take visual arts or music. In implementing the grade 7 and 8 program standards, the following general curriculum definitions apply. It is locally determined how to incorporate the content specifications into relevant standards and benchmarks.

a. English-language arts. English-language arts instruction is as referenced in Iowa Code section 256.7(28).

b. Social studies. Social studies are as referenced in Iowa Code section 256.7(26) “a”(3).

c. Mathematics. Mathematics instruction is as referenced in Iowa Code section 256.7(28).

d. Science. Science instruction is as referenced in Iowa Code section 256.7(28).

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26) “a”(3) and 279.50. During seventh and eighth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(3).

f. Physical education. Physical education will include the physical fitness activities that increase cardiovascular endurance, muscular strength, and flexibility; sports and games; tumbling and gymnastics; rhythms and dance; water safety; and leisure and lifetime activities.

g. Music. Paragraph 12.5(3) “h” applies, with the addition of using music as an avocation or vocation.

h. Visual art. Paragraph 12.5(3) “i” applies, with the addition of using visual arts as an avocation or vocation.

i. Career instruction, exploration, and development. Career instruction, exploration, and development will include content specified in Iowa Code section 256.11(4) “a”(7) as enacted by 2025 Iowa Acts, House File 316. This paragraph does not apply to nonpublic schools. However, nonpublic schools will comply with subrule 12.5(7).

j. Computer science. Computer science instruction incorporating the standards established under Iowa Code section 256.7(26) “a”(4) will be offered in at least one grade level.

k. Secondary credit. Secondary credit will be awarded as referenced in Iowa Code section 256.7(26) “a”(1).

12.5(5) High school program, grades 9 through 12. In grades 9 through 12, a unit is a course or equivalent related components or partial units taught throughout the academic year as defined in subrule 12.5(13). The following will be offered and taught as the minimum program as referenced in Iowa Code section 256.11(5). All students in schools and school districts shall satisfactorily complete requirements as referenced in Iowa Code sections 256.7(26), 256.11(5) “b” and “g,” and 256.11(6) “c,” and, for the school year commencing July 1, 2026, section 280.9A(1A) as enacted by 2025 Iowa Acts, Senate File 369, in order to graduate. It is locally determined how to incorporate the content specifications into relevant standards and benchmarks.

In implementing the high school program standards, the following curriculum standards apply:

a. English-language arts (six units). English-language arts instruction is as referenced in Iowa Code section 256.7(28).

b. Social studies (five units). Social studies is as referenced in Iowa Code sections 256.7(26) “a”(3), 256.11(5) “b,” and 280.9A.

c. Mathematics (six units). Mathematics instruction is as referenced in Iowa Code sections 256.7(28) and 256.11(5) “d” through “e,” including:

(1) Four sequential units that are preparatory to postsecondary educational programs.

(2) Two additional units.

d. Science (five units). Science instruction is as referenced in Iowa Code sections 256.7(28) and 256.11(5) “a.”

e. Health (one unit). Health instruction is as referenced in Iowa Code sections 256.7(26) “a”(3), 256.11(5) “j,” and 279.50.

f. Physical education (one unit). Physical education, as well as any exemption or excusal, is as referenced in Iowa Code sections 256.11(5) “g” and 256.11(18).

g. Fine arts (two units). Fine arts instruction will include at least two of the following:

(1) Dance. Dance instruction encompasses developing basic movement skills, elementary movement concepts, study of dance forms and dance heritage, participating in dance, evaluating dance as a creative art, and using dance as an avocation or vocation.

(2) Music. Music instruction include skills, knowledge, and attitudes and the singing and playing of music; listening to and using music; reading and writing music; recognizing the value of the world’s musical heritage; respecting individual musical aspirations and values; preparing for consuming, performing, or composing; and using music as an avocation or vocation.

(3) Theatre. Theatre instruction encompasses developing the internal and external resources used in the theatre process; creating theatre through artistic collaboration; relating theatre to its social context; forming aesthetic judgments; and using theatre as an avocation or vocation.

(4) Visual art. Visual art instruction includes developing concepts and values about natural and created environments; critiquing works of art; evaluating relationships between art and societies; analyzing, abstracting, and synthesizing visual forms to express ideas; making art; and using visual art as an avocation or vocation.

h. World language (two units). The world language program will be a two-unit sequence of uninterrupted study in at least one language, which may include American Sign Language.

i. Career and technical education service areas—school districts (three units each in at least four of the six service areas). A minimum of three sequential units, of which only one may be a core unit, will be taught in four of the six service areas as referenced by Iowa Code section 256.11(5) “h”; Iowa Code chapter 256, subchapter VII, part 2; and 281—Chapter 46.

j. Vocational education/nonpublic schools (five units). A nonpublic school that provides an educational program that includes grades 9 through 12 will comply with Iowa Code section 256.11B.

k. Personal finance literacy (one-half unit). Iowa Code section 256.11(5) “k” is incorporated by this reference.

l. Computer science (one-half unit). Iowa Code section 256.7(26) “a”(4) is incorporated by this reference.

12.5(6) *Exemption from physical education course, health course, physical activity, or cardiopulmonary resuscitation course completion.* Exemptions from these activities are governed by Iowa Code section 256.11(5) “g” and 256.11(6).

12.5(7) *Career education.* Iowa Code sections 256.9(42), 279.61, and 280.9 are incorporated by this reference.

12.5(8) *Age-appropriate, multicultural and gender-fair approaches to the educational program.* Iowa Code section 256.11’s provisions for an age-appropriate, multicultural, and gender-fair program are incorporated by this reference.

12.5(9) *Special education.* The board of each school district shall provide special education programs and services for its resident children that comply with rules of the state board of education implementing Iowa Code chapters 256, 256B, 273, and 280.

12.5(10) *Global education.* Iowa Code section 256.11’s provisions for a global education are incorporated by this reference.

12.5(11) *Provisions for gifted and talented students.* Iowa Code sections 257.42 through 257.49 are incorporated by this reference.

12.5(12) *Provisions for at-risk students.* Iowa Code sections 280.19 and 280.19A are incorporated by this reference.

12.5(13) *Unit.* A unit is a course that 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, as effective on February 7, 2024; or it is an equated requirement as a part of a flexible student and

school support program filed as prescribed in rule 281—12.9(256). A fractional unit will 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, unless otherwise provided by Iowa Code section 256.11.

12.5(14) *Credit.* A student shall receive a credit or a partial credit upon successful completion of a course that meets one of the criteria in subrule 12.5(13). The board may award high school credit to a student who demonstrates required competencies for a course or content area in accordance with assessment methods approved by the local board.

12.5(15) *Subject offering.* Except as provided for under subrule 12.5(20), a subject is regarded as offered when the teacher of the subject has met the licensure and endorsement standards of the state board of educational examiners for that subject; instructional materials and facilities for that subject have been provided; and students have been informed, based on their aptitudes, interests, and abilities, about possible value of the subject. A subject is regarded as taught only when students are instructed in it in accordance with all applicable requirements outlined herein. Subjects that the law requires schools and school districts to offer and teach shall be made available during the school day as defined in subrules 12.1(8) to 12.1(10).

12.5(16) *Twenty-first century learning skills.* Twenty-first century learning skills are as referenced in Iowa Code section 256.7(26)“a”(3).

12.5(17) *Early intervention program.* Iowa Code section 279.50(8) is incorporated by this reference.

12.5(18) *Physical activity.*

a. Iowa Code sections 256.11(6) and 256.11(18) are incorporated by this reference. In no event may a school or school district reduce the regular instructional time, as defined by “unit” in subrule 12.5(13), for any pupil to enable the pupil to meet the physical activity requirement. However, this requirement may be met by physical education classes, activities at recess or during class time, and before- or after-school activities.

b. Schools and school districts must provide documentation that pupils are being provided with the support to complete the physical activity requirement. This documentation may be provided through printed schedules, district policies, student handbooks, and similar means.

12.5(19) *Cardiopulmonary resuscitation course completion.* Cardiopulmonary resuscitation course completion requirements are as referenced in Iowa Code section 256.11(6).

12.5(20) *Contracted courses used to meet school or school district requirements.* Contracted courses used to meet school or school district requirements are as referenced in Iowa Code section 279.50A.

[ARC 7787C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24; ARC 9807C, IAB 12/10/25, effective 1/14/26; ARC 9808C, IAB 12/10/25, effective 1/14/26; ARC 0056D, IAB 2/4/26, effective 3/11/26]

281—12.6(256) Activity program. The following standards apply to the activity program of accredited schools and school districts.

12.6(1) *General guidelines.* Each board will sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate. The program will be supervised by qualified professional staff and designed to meet the needs and interests and challenge the abilities of all pupils consistent with their individual stages of development; contribute to the physical, mental, athletic, civic, social, moral, and emotional growth of all pupils; offer opportunities for both individual and group activities; be integrated with the instructional program; and provide balance so a limited number of activities will not be perpetuated at the expense of others.

12.6(2) *Supervised intramural sports.* If the board sponsors a voluntary program of supervised intramural sports for pupils in grades 7 through 12, qualified personnel and adequate facilities, equipment, and supplies will be provided. Middle school grades below grade 7 may also participate.

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.7(256,284,284A) Professional development.

12.7(1) The standards set forth in the following Iowa Code sections apply to staff development for accredited schools and school districts: Iowa Code sections 256.7(3), 256.7(25), 256.9(47), 256.9(49), and 256.9(62) and chapter 284.

12.7(2) To meet the professional needs of all staff, professional development activities will align with district goals; will be based on student and staff information; will prepare all employees to work effectively with diverse learners and to implement age-appropriate, multicultural, gender-fair approaches to the educational program; and will adhere to the professional development standards in 281—paragraph 83.6(2) “b” to realize increased student achievement, learning, and performance.

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.8(256) Accountability for student achievement. Schools and school districts shall meet the following accountability provisions for increased student achievement. Area education agencies will provide technical assistance as required by 281—subrule 72.4(7).

12.8(1) *School improvement advisory committee.* Each school and school district will establish a school improvement advisory committee that is governed by Iowa Code section 280.12.

a. Community involvement.

(1) Local community. The school or school district will involve the local community in decision-making processes as appropriate. The school or school district will seek input from the local community about, but not limited to, the following elements at least once every five years:

1. Statement of philosophy, beliefs, mission, or vision;
2. Major educational needs; and
3. Student learning goals.

(2) School improvement advisory committee. To meet provisions of Iowa Code section 280.12(2), the board will appoint and charge a school improvement advisory committee to make recommendations to the board. Based on the committee members’ analysis of the needs assessment data, the committee will make recommendations to the board about the following components:

1. Major educational needs;
2. Student learning goals;
3. Long-range goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement; and
4. Harassment or bullying prevention goals, programs, training, and other initiatives.

(3) At least annually, the school improvement advisory committee will also make recommendations to the board with regard to, but not limited to, the following:

1. Progress achieved with the annual improvement goals for the state indicators that address reading, mathematics, and science in subrule 12.8(3);
2. Progress achieved with other locally determined core indicators; and
3. Annual improvement goals for the state indicators that address reading, mathematics, and science achievement.

b. Data collection, analysis, and goal setting.

(1) Policy. The board will adopt a policy for conducting ongoing and long-range needs assessment processes. This policy will ensure involvement of and communication with the local community regarding its expectations for adequate preparation for all students as responsible citizens and successful wage earners. The policy will include provisions for keeping the local community regularly informed of progress on state indicators as described in subrule 12.8(3), other locally determined indicators and the methods a school district will use to inform kindergarten through grade 3 parents of their individual child’s performance biannually. The policy will describe how the school or school district will provide opportunities for local community feedback on an ongoing basis.

(2) Long-range data collection and analysis. The long-range needs assessment process is to include provisions for collecting, analyzing, and reporting information derived from local, state, and

national sources. The process will include provisions for reviewing information acquired over time on the following:

1. State indicators and other locally determined indicators;
2. Locally established student learning goals; and
3. Specific data collection required by federal and state programs.

Schools and school districts are to also collect information about additional factors influencing student achievement that may include, but are not limited to, demographics, attitudes, health, and other risk factors.

(3) Long-range goals. The board, with input from its school improvement advisory committee, will adopt long-range goals to improve student achievement in at least the areas of reading, mathematics, and science.

(4) Annual data collection and analysis. The ongoing needs assessment process will include provisions for collecting and analyzing annual assessment data on the state indicators, other locally determined indicators, and locally established student learning goals.

(5) Annual improvement goals. The board, with input from its school improvement advisory committee, will adopt annual improvement goals based on data from at least one districtwide assessment. The goals will describe desired annual increase in the curriculum areas of, but not limited to, mathematics, reading, and science achievement for all students, for particular subgroups of students, or both. Annual improvement goals may be set for the early intervention program as described in subrule 12.5(18), other state indicators, locally determined indicators, locally established student learning goals, other curriculum areas, future student employability, or factors influencing student achievement.

c. Content standards and benchmarks.

(1) Policy. The board will adopt a policy outlining its procedures for developing, implementing, and evaluating its total curriculum. The policy will describe a process for establishing content standards, benchmarks, performance levels, and annual improvement goals aligned with needs assessment information.

(2) Content standards and benchmarks. The board will adopt clear, rigorous, and challenging content standards and benchmarks in reading, mathematics, and science to guide the learning of students from the date of school entrance until high school graduation. Included in the local standards and benchmarks are the core content standards from Iowa's approved standards and assessment system under the applicable provisions of the federal Elementary and Secondary Education Act, as effective on February 7, 2024. Standards and benchmarks may be adopted for other curriculum areas defined in rule 281—12.5(256).

d. Determination and implementation of actions to meet the needs. The school or school district will specify actions it will take in order to accomplish its long-range and annual improvement goals as established in Iowa Code section 280.12(1) "b."

(1) Actions will include addressing the improvement of curricular and instructional practices to attain the long-range goals, annual improvement goals, and the early intervention goals as described in subrule 12.5(18).

(2) A school or school district will document consolidation of state and federal resources and requirements. State and federal resources will be used, as applicable, to support implementation of the plan.

(3) A school or school district may have building-level action plans.

e. Evaluation of plan. A school or school district will develop strategies to collect data and information to determine if it is accomplishing the goals it set.

f. Assessment of student progress. Each school or school district will provide for districtwide assessment of student progress for all students. It will identify valid and reliable student assessments aligned with local content standards, which include the core content standards referenced in subparagraph 12.8(1) "c"(2). These assessments are not limited to commercially developed measures.

School districts receiving early intervention funding described in subrule 12.5(18) will provide for diagnostic reading assessments for kindergarten through grade 3 students.

(1) State indicators. Using at least one districtwide assessment, a school or school district will assess student progress on the state indicators in reading, mathematics, and science as specified in subrule 12.8(3). At least one districtwide assessment will allow for the comparison of the school or school district's students with students from across the state and in the nation in reading, mathematics, and science.

(2) Performance levels. A school or school district will establish at least three performance levels on at least one districtwide valid and reliable assessment in the areas of reading and mathematics for at least grades 4, 8, and 11 and science in grades 8 and 10 or use the achievement levels as established by the Iowa testing program to meet the intent of this subparagraph.

g. Assurances and support. A school or school district will provide evidence that its board has approved and supports the actions under this rule. This assurance includes the commitment for ongoing improvement of the educational system.

h. Statewide summative assessment.

(1) For purposes of this chapter, the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators is the summative assessment developed by the Iowa testing program within the University of Iowa college of education and administered by the Iowa testing program's designee. The department may require the Iowa testing program to enter into agreements with such designee to ensure the department is able to comply with Iowa Code chapter 256; this chapter; the provisions of the federal Every Student Succeeds Act, Pub. L. No. 114-95; the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; and any other applicable state or federal law.

(2) The statewide summative assessment referred in this paragraph is to meet all of the following provisions:

1. All students enrolled in school districts in grades 3 through 11 will be administered an assessment in mathematics and English language arts, including reading and writing, during the last quarter of the school year, and all students enrolled in school districts in grades 5, 8, and 10 will be administered an assessment in science during the last quarter of the school year.

2. The assessment, at a minimum, will assess the core academic indicators identified in Iowa Code section 256.7(21) "b"; be aligned with the Iowa common core standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment provisions of the federal Every Student Succeeds Act, Pub. L. No. 114-95.

3. The assessment will be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, and English language arts, including reading and writing. For students receiving instruction primarily over the internet from a school district, accredited nonpublic school, or charter school, a school or school district may administer any state-required assessment remotely pursuant to the terms of Iowa Code section 256.7(21) "b"(2)(e) as enacted by 2025 Iowa Acts, House File 190.

4. The assessment will be peer-reviewed by an independent third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment provisions of the federal Every Student Succeeds Act, Pub. L. No. 114-95. The assessment developed by the Iowa testing service within the University of Iowa college of education will make any necessary adjustments as determined by the peer review to meet the provisions of this paragraph.

5. The costs of complying with this paragraph will be borne by the Iowa testing program within the University of Iowa college of education.

12.8(2) Annual reporting. A school or school district will, at minimum, report annually to its local community about the progress on the state indicators and other locally determined indicators.

a. State indicators. A school or school district will collect data on the following indicators for reporting purposes:

(1) The percentage of all fourth, eighth, and eleventh grade students achieving proficient or higher reading status using at least three achievement levels and by gender, race, socioeconomic status, students with disabilities, and other subgroups as required by state or federal law.

(2) The percentage of all fourth, eighth, and eleventh grade students achieving proficient or higher mathematics status using at least three achievement levels and for gender, race, socioeconomic status, students with disabilities, and other subgroups as required by state or federal law.

(3) The percentage of all eighth and tenth grade students achieving proficient or higher science status using at least three achievement levels.

(4) The percentage of students considered as dropouts for grades 7 to 12 by gender, race, students with disabilities, and other subgroups as required by state or federal law.

(5) The percentage of high school seniors who intend to pursue postsecondary education/training.

(6) The percentage of high school students achieving a score or status on a measure indicating probable postsecondary success. This measure should be the measure used by the majority of students in the school, school district, or attendance center who plan to attend a postsecondary institution.

(7) The percentage of high school graduates who complete a core program of four years of English-language arts and three or more years each of mathematics, science, and social studies.

b. Annual progress report. Each school or school district will submit an annual progress report to its local community, its respective area education agency, and the department. That report will be submitted to the department by September 15 of each year. The report will include the following information:

(1) Baseline data on at least one districtwide assessment for the state indicators described in subrule 12.8(3). Every year thereafter the school or school district will compare the annual data collected with the baseline data. A school or school district is not to report to the community about subgroup assessment results when a subgroup contains fewer than ten students at a grade level. A school or school district will report districtwide assessment results for all enrolled and tuitioned-in students.

(2) Locally determined performance levels for at least one districtwide assessment in, at a minimum, the areas of reading, mathematics, and science. Student achievement levels as defined by the Iowa Testing Program may be used to fulfill this provision.

(3) Long-range goals to improve student achievement in the areas of, but not limited to, reading, mathematics, and science.

(4) Annual improvement goals based on at least one districtwide assessment in, at a minimum, the areas of reading, mathematics, and science. One annual improvement goal may address all areas, or individual annual improvement goals for each area may be identified. When a school or school district does not meet its annual improvement goals for one year, it shall include in its annual progress report the actions it will take to meet annual improvement goals for the next school year.

(5) Data on multiple assessments for reporting achievement for all students in the areas of reading, mathematics, and science.

(6) Results by individual attendance centers, as appropriate, on the state indicators as stated in subrule 12.8(3) and any other locally determined factors or indicators. An attendance center, for reporting purposes, is a building that houses students in grade 4 or grade 8 or grade 11.

(7) School districts are encouraged to provide information on the reading proficiency of kindergarten through grade 3 students by grade level. However, all school districts receiving early intervention block grant funds will report to the department the progress toward achieving their early intervention goals.

(8) Other reports of progress as the director of the department requires and other reporting requirements as the result of federal and state program consolidation.

12.8(3) Accreditation, monitoring, and enforcement. Accreditation, monitoring, and enforcement is as referenced in Iowa Code section 256.11(10) and 256.11(11).

[ARC 7787C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24; ARC 9807C, IAB 12/10/25, effective 1/14/26]

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

12.9(1) General. The flexible student and school support program is as referenced by Iowa Code section 256.11(8). Applications are due to the department on May 31 prior to the school year the application will be implemented. Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by May 31. 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 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.

12.9(2) Annual report to the department. Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by May 31.

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.10(256) Independent accrediting agencies. Notwithstanding Iowa Code section 256.11(1) through 256.11(12) and this chapter, a nonpublic school may be accredited by an independent accrediting agency that appears on a list maintained by the state board of education instead of being accredited by the state board.

12.10(1) Compliance required by a nonpublic school. Iowa Code section 256.11(16) is incorporated by this reference. New accrediting agencies must apply by November 1. New schools shall notify the department by April 1 if they wish to be included in the independently accredited list for the following school year. Each year the department will contact the approved accrediting agencies requesting an updated list of the schools that are accredited or in the accrediting process for the upcoming school year. This list is due to the department by April 1. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to this rule is deemed to meet the education standards of Iowa Code section 256.11 and this chapter. However, such a school shall comply with statutory health and safety requirements for school facilities. A nonpublic school accredited under this chapter shall abide by all state and federal laws and regulations. Notwithstanding Iowa Code section 256.11, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(2) List maintained by state board. The state board will maintain a list of approved independent accrediting agencies comprised of at least six regional or national nonprofit, nongovernmental agencies recognized as reliable authorities concerning the quality of education offered by a school and shall publish the list of independent accrediting agencies on the department's Internet site. The list will include accrediting agencies that, as of January 1, 2013, accredited a nonpublic school in this state that was concurrently accredited under this rule and include any agency that has a formalized partnership agreement with another agency on the list and has member schools in this state as of January 1, 2013. Agencies that met this standard as of November 20, 2013, are the Independent Schools Association of the Central States (ISACS), Christian Schools International (CSI), Cognia, the National Lutheran Schools Association (NLSA), and the Association of Christian Schools International (ASCI).

12.10(3) Criteria for recognizing an agency as a "reliable authority concerning the quality of education offered by a school." In any decision to add an agency to the list maintained pursuant to subrule 12.10(1) or to remove an agency from the list pursuant to subrule 12.10(2), the following criteria may be applied:

- a.* Whether the agency's accreditation standards require a school to set high academic and nonacademic standards for all students, including preparation of students for postsecondary success.
- b.* Whether the agency's accreditation standards require a school to monitor and assess all students' progress toward high academic and nonacademic standards.
- c.* Whether the agency's accreditation standards require a school to recruit and retain properly licensed quality professional staff, and provide those staff members with ongoing professional development.
- d.* Whether the agency's accreditation standards set requirements for fiscal, data, and contract management.
- e.* Whether the agency monitors compliance with its standards and takes appropriate corrective action when standards are not met.
- f.* Whether the agency itself has appropriate fiscal, data, and contract management policies and procedures.
- g.* Any uncorrected citation of noncompliance by any governmental or nongovernmental agency or organization with jurisdiction or oversight of an accrediting agency listed pursuant to subrule 12.10(1).
- h.* Any uncorrected negative audit finding of an accrediting agency listed pursuant to subrule 12.10(1).
- i.* Any judgments, orders, decrees, consent decrees, settlement agreements, or verdicts concerning the agency listed pursuant to subrule 12.10(1) entered by any state or federal court of competent jurisdiction.
- j.* Whether the agency listed pursuant to subrule 12.10(1) continues to retain its nonprofit status.
- k.* Whether the agency listed pursuant to subrule 12.10(1) has received any form of recognition for innovation or excellence concerning its work.
- l.* Any other criterion used by the agency to determine accreditation.
- m.* Any other reports or findings sent to the nonpublic school regarding accreditation, including findings related to Iowa Code section 256.11.

12.10(4) *Removal of agency from approved independent accrediting agencies.* If the state board takes preliminary action to remove an agency from the approved list published on the department's Internet site pursuant to subrule 12.10(1), the department will, at least one year prior to removing the agency from the approved list, notify the nonpublic schools participating in the accreditation process offered by the agency of the state board's intent to remove the accrediting agency from its approved list of independent accrediting agencies. The department will give notice to the independent accrediting agency, along with an opportunity to respond. The notice will also be posted on the department's Internet site and contain the proposed date of removal. If a nonpublic school receives notice pursuant to this subrule and it chooses to remain accredited, the nonpublic school is to attain accreditation under this rule or otherwise attain accreditation in a manner provided by this chapter or Iowa Code section 256.11, not later than one year following the date on which the state board removes the agency from its list of independent accrediting agencies.

12.10(5) *Rule of construction: "at least six."* The obligation to maintain a list of at least six agencies in subrule 12.10(1) will not be construed to require the list to contain an agency that is not a regional or national nonprofit, nongovernmental agency recognized as a reliable authority concerning the quality of education offered by a school.

12.10(6) *Adoption by the department of standard procedures.* The department will adopt standard procedures, schedules, and forms for the implementation of this rule, including procedures for adding independent accrediting agencies from the list maintained by the state board pursuant to subrule 12.10(1) and removing agencies from that list pursuant to subrule 12.10(4).

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

281—12.11(256) High-quality standards for computer science. Iowa Code sections 256.7(26) and 256.9(61) are incorporated by this reference. A computer science professional development incentive

fund is established in the state treasury under the control of the department. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. The department may disburse moneys contained in the fund for professional development activities or tuition reimbursement. Notwithstanding Iowa Code section 8.33, moneys in the computer science professional development incentive fund that remain unencumbered or unobligated at the close of the fiscal year will not revert but remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. The department may disburse those moneys in the following ways:

1. A school district or accredited nonpublic school, or a collaborative of one or more school districts, accredited nonpublic schools, and area education agencies, may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide proven professional development activities for Iowa teachers in the area of computer science education.

2. A school district or accredited nonpublic school may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide tuition reimbursement for Iowa teachers seeking endorsements or authorizations for computer science under Iowa Code section 256.146(19).

[ARC 7787C, IAB 4/17/24, effective 5/22/24]

These rules are intended to implement Iowa Code sections 256.11, 280.23, and 256.7(21).

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◇ Two or more ARCs

- ¹ Effective date of Chapter 4 delayed 70 days by Administrative Rules Review Committee at its meeting held April 20, 1988.
- ² March 28, 2012, effective date of 12.3(3), 12.4(6), 12.4(14), 12.5(4)“l,” and 12.5(17) delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012.
- ³ January 13, 2016, effective date of ARC 2312C [12.8(1)“h ”] delayed until the adjournment of the 2016 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2016.

TITLE III
COMMUNITY COLLEGES

CHAPTER 21
COMMUNITY COLLEGES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 5]
[Former Ch 21 Rescinded, IAB 9/7/88]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

DIVISION I
APPROVAL STANDARDS

281—21.1(260C) Definitions. For purposes of this chapter, the indicated terms are defined as follows:

“Applied liberal arts and sciences course” means a course that is classified as arts and sciences in Iowa’s common course numbering system and that primarily consists of hands-on or occupational skill development, including but not limited to accounting, ceramics, criminal investigation, dance, drama, music, photography, and physical education.

“Department” means the Iowa department of education.

“Director” means the director of the department.

“Federally recognized accreditor of postsecondary educational institutions” or *“federally recognized accreditor”* means an accrediting agency recognized by the United States Department of Education to perform accreditation functions and selected by the state board of education to perform such functions in Iowa. The state board may select more than one federally recognized accreditor. Iowa Code sections 260C.47 and 260C.48 require that the state accreditation process be integrated with the processes established by a federally recognized accreditor.

“Field of instruction” means the discipline or occupational area within which an instructor teaches, which aligns with the content of the course being taught as indicated by the course prefix, title, or description.

“Full-time equivalent enrollment” or *“FTEE”* equals 24 credit hours for credit courses or 600 contact hours for noncredit courses generated by all eligible students enrolled in eligible courses.

“Full-time instructor” means an instructor who is considered to be full-time if the community college board of directors designates the instructor as full-time. Determination of full-time status is based on local board-approved contracts.

“Joint enrollment” means any community college credit course offered to students enrolled in a secondary school. Courses offered for joint enrollment include courses delivered through contractual agreements between school districts and community colleges, courses delivered through the postsecondary enrollment options program, and college credit courses taken independently by tuition-paying secondary school students.

“Qualifying graduate field or major” means a qualifying graduate field or major that represents an academic discipline in which an instructor must have earned credit in order to teach courses in specified fields of instruction.

“Relevant tested experience” means the breadth, depth, and currency of work experience outside of the classroom in real-world situations relevant to the field of instruction.

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 9102C, IAB 4/16/25, effective 5/21/25; ARC 0057D, IAB 2/4/26, effective 3/11/26]

281—21.2(260C) Administration.

21.2(1) Policy manual. A community college board of directors will develop and maintain a policy manual that adequately describes the official policies of the institution.

21.2(2) Administrative staff. A community college will develop an administrative staff appropriate to the size and the purpose of the institution and one that permits the institution to function

effectively and efficiently. This administrative staff will provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career and technical education, college parallel education, and student services.

21.2(3) *Chief executive officer.* A community college will have a chief executive officer who is also the executive officer of the board of directors. The executive officer is responsible for the operation of the community college with respect to its educational program, its faculty and student services programs, and the use of its facilities. The executive officer may delegate to the staff all necessary administrative and supervisory responsibilities to ensure an efficient operation of the institution.

21.2(4) *Financial records and reports.* The community college will maintain accurate financial records and make reports in the form and pursuant to the timeline prescribed by the department and other state agencies.

21.2(5) *Enrollment.* A community college will meet minimum enrollment requirements if it offers instruction as authorized in Iowa Code chapter 260C and if, to the satisfaction of the state board of education, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

21.2(6) *Catalog.* The catalog is the official publication of the community college. It will include accurate information on institutional policies, admissions requirements, procedures and fees, refund policies, residency requirements, program enrollment and degree requirements, due process procedures, affirmative action, and other information as recommended by the department. Students' rights and responsibilities may be included in the catalog or in a separate document.

21.2(7) *Admissions and program/course enrollment requirements.* The community college will maintain an open-door admission policy for students of postsecondary age. This admission policy will recognize that students should demonstrate a reasonable prospect for success in the program in which they are admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be remediated or into programs appropriate to the individual's preparation and objectives. The community college may set reasonable requirements for student enrollment in specified programs and courses. Admissions and program enrollment requirements established by each community college will be published in the community college catalog.

21.2(8) *Academic year.* The academic year of the community college will consist of semester, trimester, or quarter terms, and will be a period of time beginning with the first day of the fall term and continuing through the day preceding the start of the next fall term as indicated in the official college calendar. A community college may offer instruction in units of length (i.e., days and weeks) consistent with the identified scope and depth of the instructional content.

21.2(9) *Award requirements.* The director will approve all new credit certificate, diploma, and degree award programs in accordance with Iowa Code section 260C.14. Awards from a community college will be certified by the issuance of appropriate recognition, pursuant to award approval requirement guidelines issued by the department, indicating the type of program the student has completed. The minimum number and maximum number of credit hours required for each award type contained within this subrule may be waived pursuant to paragraph 21.2(13) "i." Each award will meet the expectations of statewide articulation agreements between Iowa community colleges and public universities.

a. Associate of arts (AA). The degree is awarded upon completion of a college parallel (transfer) course of study that provides a strong general education component to satisfy the lower division general education liberal arts and sciences requirements for a baccalaureate degree. An associate of arts degree consists of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

b. Associate of science (AS). The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students

to transfer and initiate upper division work in baccalaureate programs. An associate of science degree awarded upon completion of an arts and sciences course of study consists of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

c. *Associate of general studies (AGS)*. The degree is awarded upon completion of an individualized course of study that is primarily designed for the acquisition of a broad educational background rather than the pursuit of a specific college major or professional/technical program. The AGS is intended as a flexible course of study and may include specific curriculum in lower division transfer, occupational education, or professional-technical education. It will not include a marketed course of study. An associate of general studies degree consists of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

d. *Associate of applied science (AAS)*. The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for entry-level career and technical occupations. An associate of applied science degree consists of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied science degree program consists of a minimum of 15 semester (22.5 quarter) credit hours of general education and include at least one course from each of the following areas: communications, social science or humanities, and mathematics or science. A maximum of 3 semester (4.5 quarter) credit hours of the required 15 general education credits may be embedded within an existing course in the technical core. The technical core of the associate of applied science degree will constitute a minimum of 50 percent of the course credits.

e. *Associate of applied arts (AAA)*. The degree is awarded upon completion of a state-approved program of study that is primarily intended for career training in providing students with professional skills for employment in a specific field of work, such as arts, humanities, or graphic design. An associate of applied arts degree consists of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied arts degree program will consist of a minimum of 15 semester (22.5 quarter) credit hours of general education and include at least one course from each of the following: communications, social science or humanities, and mathematics or science. A maximum of 3 semester (4.5 quarter) credit hours of the required 15 general education credits may be embedded within an existing course in the technical core. The technical core of the associate of applied arts degree will constitute a minimum of 50 percent of the course credits.

f. *Associate of professional studies (APS)*. The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for transfer and upper division coursework in aligned baccalaureate programs or immediate entry into the workforce.

(1) To be eligible to offer this award type, a college shall demonstrate that other award types cannot meet needs and the associate of professional studies award is appropriate.

(2) An associate of professional studies degree will consist of a minimum of 62 semester (93 quarter) credit hours and a maximum of 68 semester (102 quarter) credit hours. The general education component of the associate of professional studies degree will consist of a minimum of 30 semester (45 quarter) credit hours of general education including 3 semester (4.5 quarter) credit hours of each of the following: speech, mathematics, humanities, social and behavioral sciences, science; 6 semester (9 quarter) credit hours of writing; and 9 semester (13.5 quarter) credit hours distributed among mathematics, social and behavioral sciences, humanities, and science. The technical core of the associate of professional studies degree will consist of a minimum of 16 semester (24 quarter) credit hours of career and technical coursework accepted by a receiving baccalaureate degree-granting institution with an aligned program as applying toward a specific major or program of study. The technical core of the degree will also consist of a minimum of 16 additional semester (24 quarter) credit hours of career and technical coursework accepted by the receiving institution as electives.

(3) An associate of professional studies degree program of study will have a minimum of three program-to-program articulation agreements with baccalaureate degree-granting institutions, at least one of which must be a public institution. A program will have a minimum of one articulation

agreement effective prior to program implementation, provided all three agreements are effective within the program's first year of student enrollment. The agreements will provide for the application of no fewer than 60 semester (90 quarter) credit hours toward the graduation requirements of each articulated baccalaureate degree program.

g. *Diploma.* The diploma is awarded upon completion of a state-approved program of study that is a coherent sequence of courses consisting of a minimum of 15 semester (22.5 quarter) credit hours and a maximum of 48 semester (72 quarter) credit hours including at least 3 semester (4.5 quarter) credit hours of general education. The general education component may be embedded within an existing course in the technical core and will be from any of the following areas: communications, social science or humanities, and mathematics or science. The technical core of the diploma will constitute a minimum of 70 percent of the course credits. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

h. *Certificate.* The certificate is awarded upon completion of a state-approved program of study that is designed for entry-level employment and consists of a maximum of 48 semester (72 quarter) credit hours. A certificate may be a component of and apply toward subsequent completion of a diploma or associate of applied science or associate of applied arts degree and may be developed in rapid response to the needs of business and industry. A certificate may consist of only career and technical courses and no general education course requirements.

21.2(10) Academic records. The community college shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. An official transcript must be created at the time of course enrollment. The credit hour(s) and grade will be recorded on the student's official transcripts upon completion of a community college course. These records shall be kept in disaster-resistant storage, unless other equivalent safeguards are used, such as maintaining duplicate files (electronic or otherwise) in separate facilities. The method of storage will be consistent with current technology to ensure the ability to retrieve records. The community college will implement a security plan that ensures the confidentiality of student records.

21.2(11) Residency status and tuition. A student who has been admitted to an Iowa community college will be classified as a resident or as a nonresident for admission, tuition, and fee purposes. A student classified as a resident will pay resident tuition costs. A student classified as a nonresident will pay nonresident tuition costs. Tuition rates are established by a community college's board of trustees pursuant to Iowa Code section 260C.14(2).

a. *Tuition rates.* Tuition rates adopted by a community college's board of trustees will be consistent with the following requirements:

(1) Resident tuition.

1. Tuition for residents will not exceed the lowest tuition rate per semester, or the equivalent, for a full-time student charged by an institution of higher education under the state board of regents.

2. For students of high school age enrolled in a course through a contractual agreement with a school district, the limit on resident tuition does not apply, and the amount of tuition will be determined by the community college's board of trustees with the consent of the school board.

3. Resident tuition rates do not require department approval.

(2) Nonresident tuition. Tuition for nonresidents will be not less than the marginal cost of instruction of a student attending the college. The establishment of nonresident tuition rates does not require department approval, with the exception of rates established pursuant to numbered paragraph 21.2(11) "a"(2)"2" and "3" and subparagraph 21.2(11) "a"(3).

1. International student tuition rates. A separate nonresident rate for international students is permissible, provided the rate is reasonable and reflects the cost of appropriate services.

2. Reciprocal agreements. A lower tuition rate for nonresidents is permitted under a reciprocal tuition agreement between a community college and an educational institution in another state, if the rate established in the agreement is approved by the department.

3. Other nonresident rates. Other nonresident tuition rates may be established for specific purposes provided the tuition rate is greater than the resident tuition rate, the tuition rate is not less than the marginal cost of instruction, and the arrangement is approved by the department.

(3) Consortia. A separate tuition rate for residents and nonresidents is permitted for courses delivered through a consortia agreement for online, distance education, or other coursework between Iowa community colleges, if the rate established in the agreement is approved by the department. Tuition will not be less than the lowest resident rate or higher than the highest nonresident rate of institutions within the consortium.

(4) Noncredit course tuition. Tuition for noncredit continuing education courses will be determined based on course costs and market demand. Tuition rates for courses that are not credit-bearing do not require department approval.

(5) Department approval. For tuition rates requiring department approval, the department will approve rates that comply with the requirements set forth in this chapter. Before a rate is adopted by a community college's board of trustees and charged to students, the community college will request and receive approval for a tuition rate.

(6) Reporting. A community college will annually report all tuition rates and mandatory fees in a manner prescribed by the department.

(7) Notification. A community college will inform all students about residency status determinations, the appeal process, and tuition policies. Information will be included in appropriate publications, such as the college's catalog, registration materials, website, and student handbook.

b. Determination of residency status. In determining a community college resident or nonresident classification, the primary determinant is the reason the student is in the state of Iowa. The second determinant is the length of time a student has resided in Iowa. If a student is in the state primarily for educational purposes, that student is considered a nonresident. The burden of establishing the reason a student is in Iowa for other than educational purposes rests with the student.

(1) Procedure. The registrar or officially designated community college office will require written documents, affidavits, or other related evidence deemed necessary to determine why a student is in Iowa. A student will be required to file at least two documents from different sources to determine residency status. Examples of acceptable documentation include: written and notarized documentation from an employer that the student is employed in Iowa or a signed and notarized statement from the student describing employment and sources of support; an Iowa state income tax return; an Iowa driver's license; an Iowa vehicle registration card; an Iowa voter registration card; or proof of Iowa Homestead credit on property taxes. In all events, to be determined a resident of Iowa, the student must document residing in the state of Iowa for at least 90 days prior to the beginning of the term for which the student is enrolling.

1. If a student gives misleading or incorrect information for the purpose of evading payment of nonresident tuition, the student must pay the nonresident tuition for each term the student was not officially classified as a nonresident.

2. The procedures described in paragraph 21.2(11) "b" will be administered by the registrar or staff designated by the community college.

(2) Residency of minor students. The domicile of a minor follows that of the parent with whom the minor resides, except where emancipation of said minor can be proven. The word "parent" includes legal guardian or others in cases where the lawful custody of a minor has been awarded to persons other than the minor's actual parents. A minor living with a resident of Iowa who is legally responsible for the minor shall be granted resident status if the minor has lived with the Iowa resident for at least 90 days immediately prior to enrollment. The residency status of an emancipated minor is based upon the same qualifications established for a student having attained majority.

(3) Residency of students who are not citizens of the United States. The residency status of students who are not citizens of the United States will be determined consistent with the following procedures:

1. A student who is a refugee or who is granted asylum by an appropriate agency of the United States must provide proof of certification of refugee or asylum grantee status. A student may be accorded resident status for admission and tuition purposes when the student comes directly, or within a reasonable time, to the state of Iowa from a refugee facility or port of debarkation and has not established domicile in another state.

2. A student who has immigrant status, and the student's spouse or dependents, may establish Iowa residency in the same manner as a United States citizen.

3. A student who has nonimmigrant status and who holds a nonstudent visa, and the student's spouse or dependents, may establish residency in the same manner as a United States citizen. An alien who has nonimmigrant status and whose primary purpose for being in Iowa is educational is classified as nonresident.

4. A student who is a resident of an Iowa sister state may be classified as a resident or nonresident, in accordance with rules adopted by the college's board of directors.

(4) Residency of federal personnel and dependents. A student, or the student's spouse or dependent child, who has moved into the state of Iowa as the result of military or civil orders from the federal government, and the minor children of such student, is immediately an Iowa resident.

(5) Residency of veterans and family members and individuals covered under Section 702 of the Veterans Access, Choice and Accountability Act of 2014. A veteran of a uniformed service, a member of the National Guard, or the veteran's or member's spouse or dependent child will be classified as an Iowa resident student and be eligible for resident tuition and fee amounts, if the veteran or national guard member meets the requirements of numbered paragraph 21.2(11) "b"(5) "1," "2," or "3."

1. The veteran has separated from a uniformed service with an honorable or general discharge, is eligible for benefits, or has exhausted benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 or any other federal authorizing veteran educational benefits program.

2. The individual is an active duty military person or activated or temporarily mobilized National Guard member.

3. The individual is a covered person under Section 702 of the Veterans Access, Choice and Accountability Act of 2014 or subsequent legislation, as effective on February 7, 2024.

(6) Reclassification of residency status. It is the responsibility of a student to request a reclassification of residency status. If a student is reclassified as a resident for tuition purposes, such classification is effective beginning with the next term for which the student enrolls. In no case will reclassification to residency status be made retroactive for tuition and fee purposes, even though the student could have previously qualified for residency status had the student applied.

(7) Appeal. The decision on the residency status of a student for admission, tuition, and fee purposes may be appealed to a review committee established by the community college. The findings of the review committee may be appealed to the community college's board of trustees, whose decision is a final administrative decision.

21.2(12) Credit hours. Credit hours will be determined consistent with the following procedures.

a. Specifically stated criteria are minimal requirements only, which institutions may exceed at their discretion.

b. Conventional instruction is subdivided into four instructional methods as herein defined.

(1) Classroom work — lecture and formalized classroom instruction under the supervision of an instructor.

(2) Laboratory work — experimentation and practice by students under the supervision of an instructor.

(3) Clinical practice — applied learning experience in a health agency or office under the supervision of an instructor.

(4) Work-based learning — employment-related experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer. Planned and supervised connections of classroom, laboratory and industry that prepare students for current and future careers.

- c. No registration or orientation hours may be included when determining credit hours.
- d. Institutions will take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work-based learning sessions. However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.
- e. Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.
- f. Each community college must establish a policy that defines its methods of equating alternative instruction to credit hours and the process for evaluating the effectiveness of the alternative instruction to meet or exceed the expected student outcomes as if the course were taught utilizing conventional methods in paragraph 21.2(12)“b.” Colleges will be held accountable for evaluating and maintaining high-quality programs, and their evaluations may be subject to department review. Students will be expected to meet all approved course requirements and will be expected to demonstrate the acquisition of knowledge and competencies/outcomes at the same level as those obtained in traditional classroom settings, in the time frames set by the institution. Alternative courses or programs of study must be approved by the college’s review processes including faculty review and input. Courses will be listed in the college catalog. Instructional formats for which alternative methods of determining credit hours are applicable include the following:
- (1) Accelerated courses (study, programs). Courses or programs of study that allow students to complete courses or programs at a faster pace than if offered by conventional methods. Courses and programs will be tailored to involve more student participation and self-directed study. Instructors may teach in traditional classroom settings or by alternative methods specified in this subrule.
 - (2) Distance education. Courses or programs of study taught over the Internet, Iowa Communications Network (ICN), or other electronic means that allow students to receive instruction in the classroom or other sites, over personal computers, television, or other electronic means. Courses may or may not be interactive with direct communication between the teacher and students. Credit hours will be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.
1. Correspondence courses. Courses offered outside the classroom setting in which the instruction is delivered indirectly to the student. Instruction is provided through another medium, such as written material, computer, television, or electronic means. Course materials are sent to a student who follows a detailed syllabus to complete assignments. Students correspond with and transmit assignments to the instructor by telephone, computer, mail, or electronic means. A third party may administer tests.
 2. Television courses. Courses or programs delivered primarily via broadcast television, such as Iowa Public Television, digital video disc, or other media allowing students to receive instruction in a classroom or equipped remote location.
 3. Video conference courses. Courses or programs delivered via a closed synchronous audio-video conferencing system, such as the Iowa Communications Network or similar system that allows students to receive instruction in a classroom or any equipped remote location via an audio-video feed to a television, computer, or other electronic device.
 4. Online courses. Courses or programs delivered via the Internet. Courses may be taken using computers in a classroom setting or using personal computers or other electronic devices from the student’s home or other location using an online learning management system or mixed-media methods. Students may be linked at times directly with the instructor or with other students electronically. Interaction may be direct (synchronous) or indirect (asynchronous) allowing students to participate during their own time frames.
 5. In-class hybrid courses. Courses or programs that combine traditional classroom and computer-based instruction. In-class sessions are offered with online instructional activities to promote independent learning and reduce seat time.

(3) Self-paced instruction. Courses or programs that permit a student to enter at variable times or progress at the student's own rate of speed. Start and end dates may or may not correspond to the official college calendar. Contact or credit hours for self-paced programs or courses will be computed by assigning to each registration the total number of credit or contact hours the student would have received if the student enrolled in a conventional program or course with stipulated beginning and ending dates.

(4) Arranged study. Instruction offered to students at times other than stated or scheduled class times to accommodate specific scheduling or program needs of students. Credit hours will be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

(5) Multiformat nontraditional instruction. Instruction utilizing a variety of nontraditional methods that may incorporate self-paced learning, text, video, computer instructional delivery, accelerated training, independent study, Internet delivery, or other methods that do not follow standard classroom work guidelines. Credit hours will be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

(6) Competency-based instruction. Programs delivered using an outcomes-based approach, where the curriculum is structured around specified competencies and satisfactory academic progress is expressed as the attainment or mastery of the identified competencies.

g. Individualized learning experiences for which an equivalent course is not offered will have the program length computed from records of attendance using such procedures as a time clock or sign-in records. Individualized learning experiences means independent study courses in which an equivalent course is not offered by the college or listed in the college catalog. Independent study permits in-depth or focused learning on special topics of particular interest to the student.

h. Each course must have a minimum length of one credit hour. A fractional unit of credit may be awarded, provided the course exceeds the minimum length of one credit hour.

i. Each credit hour shall consist of a minimum number of contact hours as defined in paragraphs 21.2(12) "h" to "m." One contact hour equals 50 minutes.

j. Classroom work.

(1) The minimum requirement for one semester hour of credit is 800 minutes (16 contact hours) of scheduled instruction.

(2) The minimum requirement for one quarter hour of credit is 533 minutes (10.7 contact hours) of scheduled instruction.

k. Laboratory work.

(1) The minimum requirement for one semester hour of credit is 1,600 minutes (32 contact hours) of scheduled laboratory work.

(2) The minimum requirement for one quarter hour of credit is 1,066 minutes (21.3 contact hours) of scheduled laboratory work.

l. Clinical practice.

(1) The minimum requirement for one semester hour of credit is 2,400 minutes (48 contact hours) of scheduled clinical practice.

(2) The minimum requirement for one quarter hour of credit is 1,599 minutes (32 contact hours) of scheduled clinical practice.

m. Work-based learning.

(1) The minimum requirement for one semester hour of credit is 3,200 minutes (64 contact hours) of scheduled work-based learning.

(2) The minimum requirement for one quarter hour of credit is 2,132 minutes (42.6 contact hours) of scheduled work-based learning.

21.2(13) Career and technical program length.

a. Program length for the associate of applied science (AAS) degree in career and technical education, for the associate of applied arts (AAA) degree, and for the associate of professional studies (APS) degree will consist of an academic program not to exceed two academic years. All required

course offerings are to be available within two academic years. All required offerings in AAS and AAA degree programs will not exceed a maximum of 86 semester (129 quarter) credit hours unless the department has granted a waiver pursuant to paragraph 21.2(13) "i." All required offerings in APS degree programs will not exceed a maximum of 68 credit hours. Programs will not exceed an average of 19 credit hours per regular term.

b. All credit-bearing courses required for program admittance or graduation, or both, will be included in the program length credit hour maximum, with the exception of developmental course credit hours. Prerequisites that provide an option to students for either credit or noncredit shall be counted toward the program parameters. Prerequisite options that are only offered for noncredit will not be counted toward program length parameters. A high school course prerequisite is permissible and will not count toward program length parameters, provided the prerequisite is reasonable. A high school course prerequisite is reasonable if a community college demonstrates that students entering the program predominantly meet the requirement without prior college coursework.

c. Associate of applied science (AAS) and associate of applied arts (AAA) programs that receive accreditation from nationally recognized accrediting bodies may appeal maximum credit hour length requirements to the department for consideration of a waiver. All AAS and AAA degree programs over the 86 semester (129 quarter) credit hour maximum must have approved program-length waivers pursuant to paragraph 21.2(13) "i."

d. Associate of professional studies programs are not eligible for a program-length waiver pursuant to paragraph 21.2(13) "i."

e. All credit certificate and diploma programs as defined in subrule 21.2(9) will not exceed 48 semester (72 quarter) credit hours.

f. Each course offered in the area of career and technical education will be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

g. A full-time student in career and technical education is defined as a student enrolling in 12 or more semester credit hours or the equivalent in career and technical education.

h. Curricula in full-time career and technical education programs will ordinarily be offered on the basis of student workload of 20 to 30 contact hours per week.

i. Waiver process. A college may petition the department to suspend in whole or in part a program-length requirement contained in paragraphs 21.2(13) "a" to "e" as applied to a specific program on the basis of the particular circumstances of that program.

(1) Waivers are issued at the director's sole discretion. Waivers will be narrowly tailored and granted for a period no longer than two academic years, after which reapplication is necessary. A waiver may be granted on a long-term basis, not to exceed ten years, if issuing the waiver for a shorter period is not practical.

(2) All petitions for waiver must be submitted in writing to the department and include the following information: specific waiver request including scope and duration, the relevant facts that the petitioner believes would justify a waiver, a detailed statement of the impact on student achievement, any information known regarding the department's treatment of similar cases, and any additional information deemed relevant by the petitioner. The department will acknowledge a petition upon receipt.

(3) The department will ensure that, within 30 calendar days, notice of pendency of the petition and a concise summary of its contents have been provided to a committee consisting of the chief academic officers of each community college. In addition, the department may give notice to other persons.

(4) A committee consisting of the chief academic officers of a majority of community colleges will review the waiver request and provide a recommendation to the department regarding whether approval should be granted. Within 90 calendar days of receiving the recommendation, the department will review the petition and issue a ruling. Failure of the department to grant or deny a petition within

the required time period is deemed a denial of that petition. If a waiver is issued, the department will provide a description of the precise scope and operative period to all interested parties.

21.2(14) *Faculty organization.* The faculty shall be organized in such a way as to promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24; ARC 9102C, IAB 4/16/25, effective 5/21/25]

281—21.3(260C) Associate of arts and associate of science transfer major programs.

21.3(1) *General program.* Each community college shall offer a general college parallel program of study leading to an associate of arts award or an associate of science award, pursuant to subrules 21.2(9) and 21.4(2). These programs shall offer courses equivalent to the first two years of a baccalaureate program and will not be discipline-specific.

21.3(2) *Transfer majors.* A community college may establish discipline-specific transfer major programs to improve student recruitment, advising, and success and enhance transferability of associate-level courses into aligned baccalaureate degree programs. The transfer major program will consist of discipline-relevant credits from an approved discipline framework that satisfies the requirements of paragraph 21.3(2)“b.” A community college will ensure all students are appropriately advised regarding the availability, structure, purpose, and other pertinent information related to the transfer major program.

a. Degree option. A transfer major will be embedded within an associate of arts or associate of science degree that meets the requirements of this chapter and any applicable statewide transfer agreement between the Iowa community colleges and public universities. Credits within the transfer major may be utilized to fulfill the general education requirements of an associate of arts or associate of science degree, as appropriate.

b. Discipline framework. Each approved transfer major program will adhere to the appropriate adopted discipline framework to ensure transferability with the aligned baccalaureate program of study at one or more public universities in Iowa.

(1) A discipline framework consists of a minimum of 18 discipline-relevant semester credits (27 quarter credits) that align with a framework of elements based on accepted practices of an aligned baccalaureate degree program of study at a public university in Iowa.

(2) The courses within the discipline framework will articulate with a regionally accredited public university in Iowa so that the course credits are recognized by the university as fulfilling equivalent course requirements in at least one aligned baccalaureate degree program of study.

(3) If the provisions of subparagraph 21.3(2)“b”(2) cannot be achieved with at least one regionally accredited public university in Iowa, a request may be submitted to the department for articulation with a regionally accredited public institution in a contiguous state or a group of no less than three regionally accredited private postsecondary institutions that confer baccalaureate degrees, are based in Iowa, and are approved under Iowa Code chapter 256, subchapter VII, part 4, to operate in the state of Iowa.

(4) The discipline framework will be developed and adopted by a statewide committee convened by the department.

c. Use of term. Consistent with department guidance, each community college will exclusively use the term “transfer major” to record the completion of an approved transfer major program on the student’s official transcript and other academic records, publish in the college catalog, and market the transfer major program to current and potential students and the general public. A community college shall not transcript, catalog, or market an associate of arts or associate of science program using other terms that contain or are synonymous with the term “major” or “transfer” or that imply a specialization within a subject area.

21.3(3) *Approval.* Pursuant to Iowa Code section 260C.14, each transfer major program will be submitted to the department for approval utilizing the state system for program management. Approval will be obtained prior to the enrollment of students in the transfer major program. The approval process does not include components specific to career and technical education program approval, including advisory committees and labor market analysis.

21.3(4) *Reporting.* Each community college will comply with data reporting requirements established by the department. The department shall produce and make available a report detailing enrollment and outcomes of participants in transfer major programs.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.4(260C) Curriculum and evaluation.

21.4(1) *General education.* General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education tends to emphasize oral and written communication, critical analysis of information, knowledge and appreciation of diverse cultures, ways of knowing and human expression, knowledge of mathematical processes and natural sciences investigations, and ethics. General education courses are not intended to be developmental in nature. Each community college is responsible for clarifying, articulating, publicizing, and assessing its general education program.

21.4(2) *College parallel or transfer.*

a. This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include such courses as may be necessary to develop skills that are prerequisite to other courses and objectives, specialized courses required to provide career options within the college parallel or transfer program, and approved transfer major programs meeting the requirements of rule 281—21.3(260C). College parallel or transfer programs are associate of arts and associate of science degree programs. General education courses in college parallel or transfer programs are required to be college transfer courses. Data will be collected and analyzed to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

b. Courses of a developmental or remedial nature or prefreshman level will not bear college transfer credit and will be clearly identified in the college catalog. Developmental courses on the transcript will be identifiable through the adoption of the community college common course numbering system.

21.4(3) *Career and technical education.* Instruction will be offered in career and technical education programs in no fewer than five different occupational fields as defined by the department. College parallel or transfer courses may be offered as needed in career and technical education programs. Career and technical education programs must meet program approval requirements set by the state board of education. The director's approval of new career and technical education programs is necessary. Instruction will be offered in career and technical education programs, ensuring that they are competency-based, contain all minimum competencies required by the department, articulate with local school districts' career and technical education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered will be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

21.4(4) *Developmental education.* Students who enter community colleges underprepared for postsecondary coursework are provided opportunities to improve their cognitive and noncognitive skills via developmental education academic and student support services. In an effort to enhance these opportunities, while respecting the local authority of Iowa's community colleges, each college will adopt proven developmental education strategies to identify and address the needs of students, shorten the time to completion, prepare students for academic success, and reduce the financial

burden for students underprepared for postsecondary coursework. Such proven strategies include multiple measures of placement; accelerated and integrated strategies, such as co-requisite models; and support services that address students' cognitive and noncognitive needs. These reform efforts require collaboration among community colleges, school corporations, and education stakeholders to systemically expand proven strategies to prepare students for postsecondary success.

21.4(5) *Adult and continuing education.* Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel or transfer, high school completion, supplementary and preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

21.4(6) *Continuing education.* The community colleges shall provide a program of community services designed to meet the needs of persons residing in the merged area. The purpose of the continuing education program is to foster agricultural, business, cultural, industrial, recreational and social development in the area.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.5(260C) Nonreimbursable facilities. No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities, other than physical education, may be constructed with state-appropriated funds.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.6 to 21.19 Reserved.

The rules in this division are intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 601.

DIVISION II
INSTRUCTIONAL COURSE FOR DRINKING DRIVERS

281—21.20(321J) Course.

21.20(1) A course provided in accordance with Division II of this chapter will be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125. However, a community college is not required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college. A course provided in accordance with Division II of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

21.20(2) The department will maintain a listing of all providers of approved courses in the state and publish this listing on the department's website.

21.20(3) Individuals who reside outside the state of Iowa and who are required by the state of Iowa to take a course for drinking drivers will have the opportunity to take the course in another state, provided the out-of-state course is comparable to those courses approved to be offered in the state of Iowa.

21.20(4) Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17(2). Any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

21.20(5) An instructional course, including allowable delivery formats, will be approved by the department in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of health and human services, and the Iowa department of corrections. The course will consist of at least 12 hours of instructional time. In-person instruction will be delivered over a minimum of a two-day period in blocks not to exceed four hours with a minimum of a 30-minute break between blocks. Each student attending a course will

be provided with the appropriate course materials necessary to complete the course, which will not be reused. The course will be taught by an instructor certified by the curriculum provider to teach the course. Each course of instruction will establish the following:

- a.* An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.
- b.* An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.
- c.* Methods of providing support for making low-risk choices.
- d.* An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.
- e.* Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.21(321J) Tuition fee established.

21.21(1) Each person enrolled in an instructional course for drinking drivers will pay to the community college or a substance abuse treatment program licensed under Iowa Code chapter 125 a tuition fee of \$140 for the approved 12-hour course, plus a reasonable course materials fee. The court may allow an offender to combine the required course with a program that incorporates jail time. Reasonable fees may be assessed for costs associated with lodging, meals, and security.

21.21(2) A person will not be denied enrollment in a course by reason of a person's indigency. For court-ordered placement, the court will determine a person's indigency. In all other instances, the community college, substance abuse treatment program licensed under Iowa Code chapter 125, or state correctional facility will determine indigence upon application.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.22(321J) Administrative fee established.

21.22(1) *Students enrolled in Iowa.* Each person enrolled in Iowa in an instructional course for drinking drivers under this chapter will be charged an administrative fee of \$15. This fee is in addition to tuition and will be collected by the provider of the instructional course in conjunction with the tuition fee established under rule 281—21.32(321J). The administrative fee will be forwarded to the department on a quarterly basis as prescribed by the department. If a student has been declared by the court as indigent, no administrative fee will be charged to that student.

21.22(2) *Students enrolled in another state.* Each person enrolled outside the state of Iowa in an instructional course for drinking drivers under this chapter will be charged an administrative fee of \$37.50. This fee is in addition to tuition and will be paid directly to the department of education by the student. Upon payment of the fee, the department shall review the educational component of the course taken by the student and shall inform the department of transportation whether the educational component is approved by the department.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.23(321J) Advisory committee. A drinking driver education advisory committee is established by the department to serve in an advisory capacity to the department in matters relevant to the instructional course for drinking drivers. Membership on this committee will include representatives from agencies currently offering the instructional course for drinking drivers and may include other stakeholders.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.24 to 21.30 Reserved.

The rules in this division are intended to implement Iowa Code section 321J.22.

DIVISION III
STATE COMMUNITY COLLEGE FUNDING PLAN

281—21.31(260C) General. Funds appropriated by the general assembly to the department for general financial aid to community colleges shall be allocated to each community college in the manner defined in this chapter.

21.31(1) Distribution formula. Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department according to the provisions of Iowa Code section 260C.18C.

21.31(2) Each community college will provide student and financial information in the manner and form as determined by the department and before the deadline announced by the department. If the community college fails to provide the student or financial information as required, the department will estimate the full-time equivalent enrollment (FTEE) of that college that will be used in the state general aid distribution formula.

21.31(3) Each community college is required to hire an auditing firm to complete and submit the schedule of credit-hour and contact-hour enrollment and a letter certifying that specified department of education procedures were followed. These schedules will be used in calculating the college's FTEE utilized in the community college state general aid distribution formula.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.32 to 21.40 Reserved.

The rules in this division are intended to implement Iowa Code section 260C.18C.

DIVISION IV
APPRENTICESHIP PROGRAM

281—21.41(260C) Definitions. For the purpose of Division IV, the following definitions apply:

“Apprentice” means a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade or occupation under the standards of apprenticeship.

“Apprenticeable occupation” means a skilled trade that possesses all of the following characteristics:

1. It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
2. It is clearly identified and commonly recognized throughout an industry.
3. It involves manual, mechanical or technical skills and knowledge that require a minimum of 2,000 hours of on-the-job work experience.
4. It requires related instruction to supplement on-the-job training.

“Apprenticeship agreement” means a written agreement between an apprentice and the apprentice's employer, or an apprenticeship committee acting as the agent for the employer(s). The agreement contains the terms and conditions of the employment and training of the apprentice.

“Apprenticeship committee” means those persons designated by the sponsor to act for it in the administration of the program. A committee may be “joint,” i.e., composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s), and is established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be “unilateral” or

“nonjoint” and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

“*Apprenticeship program*” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as required under 29 CFR Parts 29 and 30, as effective on February 7, 2024, including the requirement for a written apprenticeship agreement.

“*Cancellation*” means the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

“*Certification*” or “*certificate*” means documentary evidence that at least one of the following has been met:

1. The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, or policy or guideline used by local affiliates, as conforming to the standards of apprenticeship set forth in 29 CFR Section 29.5, as effective on February 7, 2024;
2. A registration agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;
3. A registration agency has registered an apprenticeship program as evidenced by a certificate of registration or other written indicia;
4. A registration agency has determined that an apprenticeship has successfully met the requirements to receive an interim credential; or
5. A registration agency has determined that an individual has successfully completed an apprenticeship.

“*Competency*” means the attainment of manual or technical skill and knowledge as specified by an occupational standard.

“*Employer*” means any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

“*Office of Apprenticeship*” mean the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

“*Registration agency*” shall mean the Office of Apprenticeship.

“*Registration of an apprenticeship agreement*” means the acceptance and recording of an apprenticeship agreement by the Office of Apprenticeship as evidence of the apprentice’s participation in a particular registered apprenticeship program.

“*Related instruction*” or “*related technical instruction*” means an organized and systematic form of instruction designed to provide the apprentice with the core knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom through occupational or industrial courses, by correspondence courses of equivalent value, by electronic media, or by other forms of self-study approved by the registration agency.

“*Sponsor*” means any person, association, committee or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24]

281—21.42(260C) Apprenticeship programs. For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department of Labor, Office of Apprenticeship, and meet all requirements outlined in the National Apprenticeship Act, 29 U.S.C. §50, 29 CFR Parts 29 and 30, all as effective on February 7, 2024, or as specified in Iowa Code chapter 84D.

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24]

281—21.43 to 21.49 Reserved.

The rules in this division are intended to implement Iowa Code section 260C.44 and the National Apprenticeship Act, 29 U.S.C. §50, and 29 CFR Parts 29 and 30.

DIVISION V
MISCELLANEOUS PROVISIONS

281—21.50(260C,322) Used motor vehicle dealer education program. An applicant for a license from the department of transportation as a used motor vehicle dealer will complete a minimum of eight hours of prelicensing education program courses pursuant to Iowa Code section 322.7A prior to submitting the application. The education program courses are provided by community colleges or by the Iowa Independent Automobile Dealers Association in conjunction with a community college. The reasonable fee for both the prelicensing education program courses and continuing education courses will not exceed \$55 per contact hour of instruction, which includes course materials and administrative costs.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.51 to 21.59 Reserved.

The rules in this division are intended to implement Iowa Code chapter 260C and section 322.7A.

DIVISION VI
COMMUNITY COLLEGE ACCREDITATION

281—21.60(260C) Scope. Each community college is subject to accreditation by the state board of education, as provided in Iowa Code section 260C.47. The state board of education will grant accreditation if a community college meets the standards established in this chapter.

[ARC 7790C, IAB 4/17/24, effective 5/22/24]

281—21.61(260C) Accreditation components and criteria—federally recognized accreditor. To be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of a federally recognized accreditor of postsecondary institutions and additional state standards. Documents and materials provided in accordance with the accreditation requirements of the federally recognized accreditor will also be provided to the department for the state accreditation process pursuant to Iowa Code section 260C.47(1), unnumbered paragraph 1.

[ARC 0057D, IAB 2/4/26, effective 3/11/26]

281—21.62(260C) Accreditation components and criteria—additional state standards. To be granted accreditation by the state board of education, an Iowa community college will also meet additional standards pertaining to minimum or quality assurance standards for faculty (Iowa Code section 260C.48(1)); faculty load (Iowa Code section 260C.48(2)); special needs and protected classes (Iowa Code section 260C.48(3)); career and technical education program evaluation (Iowa Code section 256.130(7)); facilities, parking lots and roads; institutional effectiveness and outcomes-based planning; quality faculty plan (Iowa Code section 260C.36); senior year plus programs (Iowa Code chapter 261E); and student services; as well as any other items referenced in this chapter.

21.62(1) Faculty.

a. Community college-employed instructors who teach college credit courses shall meet minimum standards and institutional quality faculty plan requirements. Standards will at a minimum require that all community college instructors meet the following requirements:

(1) Instructors teaching courses in the area of career and technical education will be registered, certified, or licensed in the occupational area in which the state requires registration, certification, or licensure and shall meet at least one of the following qualifications:

1. Possess a baccalaureate degree or higher in the field of instruction in which the instructor teaches classes, or possess a baccalaureate degree in any area of study if at least 18 of the credit hours completed were in the career and technical field of instruction in which the instructor teaches classes.

2. Possess an associate degree in the career and technical education field of instruction in which the instructor is teaching, if such degree is considered terminal for that field of instruction, and have at least 3,000 hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes.

3. Have special training and at least 6,000 hours of relevant tested experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree in the area or related area of study or occupational area in which the instructor is teaching classes and the instructor does not meet the requirements of subparagraph 21.62(1)“a”(2).

(2) For purposes of numbered paragraphs 21.62(1)“a”(1)“2” and “3,” if the instructor is a licensed practitioner who holds a career and technical endorsement under Iowa Code chapter 256, subchapter VII, part 3, relevant work experience in the occupational area includes, but is not limited to, classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

(3) Instructors in the area of arts and sciences shall meet the following qualifications set forth in Iowa Code section 260C.48.

b. For courses identified as applied liberal arts and sciences, possess at least a bachelor’s degree and a combination of formal training and professional tested experience equivalent to 6,000 hours. The instructor shall hold the appropriate registration, certification, or licensure in occupational areas in which such credential is necessary for practice.

c. Developmental education instructors will possess a minimum of a bachelor’s degree. Noncredit instructors are not subject to the standards in this subrule.

d. Adult education instructors will meet the minimum standards set forth in 877—Chapter 32. Instructional staff providing instruction in an adult education and literacy program to students must possess at minimum a bachelor’s degree.

e. A faculty standards council will be convened by the department to review procedures for establishing and reviewing minimum instructor qualifications and definitions for “field of instruction,” “applied liberal arts and sciences courses,” “qualifying graduate field or major,” and “relevant tested experience.” Definitions will be based on accepted practices of regionally accredited two- and four-year institutions of higher education.

(1) The council will include faculty and academic administrators and meet at least annually. The council will make recommendations to a committee consisting of the chief academic officers of Iowa’s 15 community colleges. The committee will adopt definitions and minimum faculty qualification standards to be utilized for the state accreditation process. Each community college will adhere to the adopted definitions and minimum faculty qualification standards.

(2) When utilizing relevant tested experience to qualify an instructor to teach classes within a specific field of instruction, each community college will maintain well-defined policies, procedures, and documentation in alignment with the adopted definitions and minimum faculty qualification standards. This documentation will demonstrate that the instructor possesses the experience and expertise necessary to teach in the specified field of instruction and is current in the instructor’s discipline. When tested experience is assessed, an hour of relevant work is equal to 60 minutes and one full-time year of relevant work is equal to 2,000 hours.

21.62(2) Faculty load.

a. Arts and sciences. The full-time teaching load of an instructor in arts and sciences courses will be 15 credit hours within a traditional semester or the equivalent and will not exceed a maximum of 16 credit hours within a traditional semester or the equivalent. An instructor may also have an additional teaching assignment beyond the maximum academic workload, provided the instructor and the community college administration mutually consent to this additional assignment and the total workload does not exceed the equivalent of 22 credit hours within a traditional semester or the equivalent.

b. Career and technical education. The full-time teaching load of an instructor in career and technical education programs will not exceed an aggregate of 30 hours per week or the equivalent. An instructor may also teach the equivalent of an additional three credit hours, provided the instructor consents to this additional assignment. When the teaching assignment includes classroom subjects (nonlaboratory), consideration will be given to establishing the teaching load more in conformity with that of paragraph 21.62(2)“a.”

21.62(3) *Special needs and protected classes.* Community colleges shall provide equal access to the full range of program offerings and services including recruitment, enrollment, and placement activities for students with special education needs or protected by state or federal civil rights regulations. Students with disabilities shall be given access to the full range of program offerings at a college through reasonable accommodations.

21.62(4) *Career and technical education evaluation.* The community college career and technical program review and evaluation system must ensure that the programs meet requirements as specified in 281—Chapter 46.

21.62(5) *Facilities, parking lots and roads.*

a. Infrastructure and facilities master planning. Each community college shall present evidence of adequate planning, including a board-approved plan that includes facilities, technology, and campus safety. At a minimum, the plan will include scheduling periodic maintenance, planning for facilities and infrastructure expansions and renovations, major equipment upgrades, and processes for continuity of service and instruction.

b. Adequate facilities. The site, buildings and equipment of the community college will be well maintained and in good condition. The physical plant and technological infrastructure will be adequate in size and properly equipped for the program offered. All remodeling of existing facilities will comply with Iowa Code chapter 104A and the federal Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

c. Accessibility and safety. All new or remodeled facilities (buildings and programs offered in such facilities) and services in such facilities shall be made functional and usable for persons with special needs, comply with Iowa Code chapter 104A and the Americans With Disabilities Act, 42 U.S.C. §12101, and address issues of campus safety and security as required by Iowa Code chapter 260C and by the federal Clery Act, 20 U.S.C. §1092(f). All parking areas and roads will comply with all state and federal rules and regulations dealing with roads, parking ramps, and accessibility requirements.

d. Library or learning resource center. A library or learning resource center will be planned as part of the master campus plan and space made for library or learning resource center services within the initial construction.

(1) *Facilities.* Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, setting, and technology of the facility used to house the collection and learning resources.

(2) *Staffing.* The library or learning resource center will be adequately staffed with qualified professionals and skilled nonprofessional personnel.

(3) *Collection.* The library and learning resource center materials collection of a community college shall be accessible and adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled, including distance and satellite sites. The library and learning resource center materials collection will show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up to date through a planned program of acquisition and deletion.

(4) *Expenditures.* The budget of the library or learning resource center will be appropriate for the programs and services offered by the institution. New programs and new curricula will be reflected in library or learning resource center expenditures.

e. Student center. An area of the college will be provided where students may gather informally and where food is available.

f. Laboratories, equipment and supplies. Laboratories, equipment and supplies will be comparable with those used in the occupations for which instruction is offered. Similarly, college parallel or transfer courses will be supported in a manner comparable to those conditions that prevail in standard, regionally accredited colleges and universities to which students may wish to transfer college credits.

21.62(6) *Institutional effectiveness and outcomes-based planning.*

a. Institutional effectiveness. The community college will prepare a high-quality, board-approved strategic plan that is regularly reviewed and revised, at least once every five years. The plan will guide the college and its decision-making. It will contain a list of goals, objectives and metrics and will be developed with input from internal and external stakeholders. The college should regularly track and communicate progress towards meeting plan goals.

b. Outcomes-based planning. The community college will review outcomes data regularly provided by the department and illustrate how the data informs institutional decision making in order to meet the plan goals identified in paragraph 21.62(6) “a.”

21.62(7) *Quality faculty plan.* The community college will establish a quality faculty committee consisting of instructors and administrators to develop and maintain a plan for hiring and developing quality faculty. Each college will comply with the appropriate standards defined in Iowa Code section 260C.36.

21.62(8) *Senior year plus.* The community college shall provide access to joint enrollment opportunities for high school age students. Each college will comply with the appropriate standards defined in Iowa Code chapter 261E.

21.62(9) *Student services.* A program of student services will be provided to meet the needs of students in the community college. Services will be reviewed periodically and incorporated into the college’s planning for effectiveness. The program of student services, at a minimum, will include the following functional areas:

a. A systematic onboarding process that includes recruitment, evaluation and support of college readiness, orientation to college processes and policies, and initial program and course selection.

b. Programs and resources to help students understand how to finance college, including access to federal, state and local financial aid to facilitate community college enrollment and completion.

c. A student-centered advising program related to career and academic goals focused on persistence, retention, completion, and transition to further education or employment.

d. Campus safety and security as required by Iowa Code chapter 260C; the federal Clery Act, 20 U.S.C. §1092(f); and 34 CFR Section 668.46.

e. Opportunities for students to participate in experiences and programs that supplement classroom learning experiences and provide an optimal climate for social and academic development.

f. A policy in compliance with Iowa Code section 260C.14(26) as enacted by 2025 Iowa Acts, House File 299, regarding any communication to students relating to immunization requirements.

21.62(10) *Effective dates of federal law.* All references to federal law in this rule are to those versions in effect on February 7, 2024.

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 8240C, IAB 10/2/24, effective 11/6/24; ARC 9102C, IAB 4/16/25, effective 5/21/25; ARC 9809C, IAB 12/10/25, effective 1/14/26]

281—21.63(260C) Accreditation process.

21.63(1) *Components.* The community college accreditation process includes the following components:

a. Each community college will submit information on an annual basis to the department of education to comply with program evaluation requirements adopted by the state board of education.

b. The department will conduct a comprehensive on-site accreditation evaluation of each community college on a ten-year interval. An interim evaluation midway between comprehensive

evaluations will also be conducted. The format, length and scope of the interim evaluation will be determined by the department based on the results of the most recent comprehensive evaluation and an analysis of desk review materials and annual outcomes data prepared by the department. The department will prepare a staggered evaluation schedule that sets no more than three comprehensive or interim evaluations in any one year. No comprehensive or interim evaluation will be required for continued accreditation prior to a community college's first evaluation under the schedule. The department has the authority to conduct focused evaluation visits as needed.

21.63(2) *Accreditation team.* The size and composition of the accreditation team is determined by the director of the department, but the team will include members of the department staff and staff members from community colleges other than the community college being evaluated for accreditation, and any other technical experts as needed.

21.63(3) *Accreditation team action.* After a visit to a community college, the accreditation team shall evaluate whether the accreditation standards have been met and shall make a report to the director of the department and the state board of education, together with a recommendation as to whether the community college shall remain accredited. The accreditation team will report strengths and opportunities for improvement, if any, for each standard and criterion and will advise the community college of available resources and technical assistance to further enhance strengths and address areas for improvement. A community college may respond to the accreditation team's report.

21.63(4) *State board of education consideration of accreditation.* The state board of education will determine whether a community college remains accredited. Approval of accreditation for a community college by the state board of education will be based upon the recommendation of the director of the department after study of the factual and evaluative evidence on record pursuant to the standards and criteria described in this chapter, and based upon the timely submission of information required by the department in a format provided by the department. With the approval of the director of the department, a focused visit may be conducted if the situation at a particular college warrants such a visit.

a. Accreditation granted. Continuation of accreditation, if granted, will be for a ten-year term with a comprehensive evaluation occurring once every ten years and an interim evaluation midway between comprehensive evaluations; however, approval for a lesser term may be granted by the state board of education if the board determines that conditions so warrant.

b. Accreditation denied or conditional accreditation. If the state board of education denies accreditation or grants conditional accreditation, the director of the department, in cooperation with the board of directors of the community college, will establish a plan prescribing the procedures that must be taken to correct deficiencies in meeting the standards and criteria and will establish a deadline for correction of the deficiencies. The plan will be submitted to the director within 45 days following the notice of accreditation denial or conditional accreditation. The plan will include components that address correcting deficiencies, sharing or merger options, discontinuance of specific programs or courses of study, and any other options proposed by the state board of education or the accreditation team to allow the college to meet the accreditation standards and criteria.

c. Implementation of plan. During the time specified in the plan for its implementation, the community college remains accredited. The accreditation team will revisit the community college to evaluate whether the deficiencies in the standards or criteria have been corrected and will make a report and recommendation to the director and the state board of education. The state board of education will review the report and recommendation, may request additional information and determine whether the deficiencies have been corrected.

d. Removal of accreditation. The director will give a community college that fails to meet accreditation standards, as determined by the state board of education, at least one year's notice prior to removal of accreditation. The notice will be sent by certified mail or restricted certified mail addressed to the chief executive officer of the community college and will specify the reasons for removal of accreditation. The notice will also be sent to each member of the board of directors of the community college. If, during the year, the community college remedies the reasons for removal of

accreditation and satisfies the director that the community college will comply with the accreditation standards and criteria in the future, the director will continue the accreditation and will transmit notice of the action to the community college by certified mail or restricted certified mail.

e. Failure to correct deficiencies. If the deficiencies have not been corrected in a program of a community college, the provisions of Iowa Code section 260C.47(5) apply.

f. Appeal process provided. The action of the director to remove the state accreditation of a community college program may be appealed to the state board of education as provided in Iowa Code section 260C.47(7).

[ARC 7790C, IAB 4/17/24, effective 5/22/24; ARC 9102C, IAB 4/16/25, effective 5/21/25]

The rules in this division are intended to implement Iowa Code section 256.130(7) and chapters 260C and 261E.

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- [Filed 9/13/91, Notice 2/6/91—published 10/2/91, effective 11/6/91]
- [Filed emergency 12/20/91—published 1/8/92, effective 12/20/91]
- [Filed emergency 1/7/92—published 2/5/92, effective 1/7/92]
- [Filed 3/13/92, Notice 1/8/92—published 4/1/92, effective 5/6/92]
- [Filed 4/15/94, Notice 1/19/94—published 5/11/94, effective 6/15/94]
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◇ Two or more ARCs

COLLEGE STUDENT AID COMMISSION[283]

[Prior to 8/10/88, see College Aid Commission[245]]

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- 1.1(256) Purpose
- 1.2(261) Organization and operations

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CHAPTER 10

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- 10.2(256) Definitions
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IOWA TUITION GRANT PROGRAM—FOR-PROFIT INSTITUTIONS

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- 15.4(256) Awarding of funds
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- 16.5(261) Exceptions
- 16.6(261) Determination of programs of study aligned with high-demand jobs
- 16.7(261) Institution eligibility requirements

CHAPTER 17

HEALTH CARE PROFESSIONAL INCENTIVE PROGRAM

- 17.1(256) Definitions
- 17.2(256) Awarding of funds

CHAPTER 18 IOWA WORK-STUDY PROGRAM

- 18.1(256) Basis of aid
- 18.2(256) Definitions
- 18.3(256) Administrative procedures
- 18.4(256) Eligible applicant
- 18.5(256) Awarding of funds
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- 19.1(261) Basis for aid
- 19.2(261) Definitions
- 19.3(261) Eligible applicant
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CHAPTER 20 IOWA NATIONAL GUARD BENEFITS PROGRAMS

- 20.1(256) Definitions
- 20.2(256) Iowa national guard service scholarship
- 20.3(256) Iowa national guard master's degree service scholarship
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CHAPTER 21 APPROVAL OF POSTSECONDARY SCHOOLS

- 21.1(261B,261G,714) Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement
- 21.2(261B,261G) Definitions
- 21.3(261B,261G) State authorization types and requirements
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- 21.5(261B,261G) Postsecondary school, Iowa site, or program closure
- 21.6(261B,261G) Postsecondary school closures

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CHAPTER 23 SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM

- 23.1(256) Basis of aid
- 23.2(256) Definitions
- 23.3(256) Eligible applicant
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CHAPTERS 24 to 26 Reserved

CHAPTER 27 RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

- 27.1(256) Definitions
- 27.2(256) Awarding of funds
- 27.3(256) Failure to fulfill obligation

CHAPTER 28 TEACH IOWA SCHOLAR PROGRAM

- 28.1(256) Definitions
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CHAPTER 34

WORKFORCE GRANT AND INCENTIVE PROGRAM

- 34.1(261) Basis of aid
- 34.2(261) Definitions
- 34.3(261) Eligible workforce grant applicant
- 34.4(261) Awarding of workforce grant funds
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CHAPTER 37

DEBT COLLECTION

- 37.1(256) Definitions
- 37.2(256) Administrative wage garnishment procedures
- 37.3(261) Offset against state income tax refund or rebate

CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 8/10/88, see College Aid Commission, 245—Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—1.1(256) Purpose. This chapter describes the organization, operation, and location of the college student aid commission (hereinafter generally referred to as the commission).

[ARC 0040D, IAB 2/4/26, effective 3/11/26]

283—1.2(261) Organization and operations.

1.2(1) Location. The location and mailing address of the commission are posted on the Iowa department of education website (educateiowa.gov).

1.2(2) The commission board. The commission board's membership is governed by Iowa Code section 256.176.

1.2(3) Commission board meetings.

a. A quorum is governed by Iowa Code section 17A.2(1).

b. A specific time is set aside at each meeting for the public to address the commission board.

As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission board during this portion of the meeting are required to notify the commission's administrative secretary prior to the meeting. The person's name and the subject of the person's remarks must be provided. To accommodate maximum public participation, members of the public are encouraged to submit requests at least 72 hours in advance of the meeting.

1.2(4) Commission. The commission is established by Iowa Code section 256.176 to perform the function and duties set forth in Iowa Code chapter 256, subchapter VII, part 4; Iowa Code chapter 261B; other Iowa Code provisions; and the Iowa Administrative Code. The commission exists as a bureau within the organizational structure of the Iowa department of education.

[ARC 0040D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 256.

[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]

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[Filed 1/30/03, Notice 12/11/02—published 2/19/03, effective 3/26/03]

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[Filed ARC 1318C (Notice ARC 1123C, IAB 10/16/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 3699C (Notice ARC 3516C, IAB 12/20/17), IAB 3/28/18, effective 5/2/18]¹

[Filed Emergency ARC 3844C, IAB 6/20/18, effective 5/18/18]

[Filed ARC 3854C (Notice ARC 3711C, IAB 3/28/18), IAB 6/20/18, effective 7/25/18]

[Filed ARC 4373C (Notice ARC 4080C, IAB 10/24/18), IAB 3/27/19, effective 5/1/19]

[Editorial change: IAC Supplement 4/3/24]

[Filed ARC 0040D (Notice ARC 9737C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

¹ May 2, 2018, effective date of 1.2(3) [ARC 3699C] delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2018.

CHAPTER 2
COMMISSION PROCEDURE FOR RULEMAKING
AND PETITIONS FOR RULEMAKING

[Prior to 8/10/88, see College Aid Commission, 245—13.1 and 13.2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—2.1(17A) Incorporation by reference. The college student aid commission incorporates by this reference all such matters in Iowa Code chapter 17A that deal with rulemaking or petitions for rulemaking.

[ARC 0041D, IAB 2/4/26, effective 3/11/26]

283—2.2(17A) Contact information.

2.2(1) General. Petitions for rulemaking and inquiries about commission rules and the rulemaking process may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

2.2(2) Comments on proposed rules. Any public comment on a Notice of Intended Action or similar document may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

2.2(3) Petitions for rulemaking. A petition for rulemaking that substantially conforms to the following form will be considered by the commission:

COLLEGE STUDENT AID COMMISSION

Petition by (Name of Petitioner)
for the Adoption/Amendment/Repeal of
(Cite rule involved).

}

PETITION FOR RULEMAKING

[ARC 0041D, IAB 2/4/26, effective 3/11/26]

283—2.3(17A) Electronic submissions. The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the Iowa department of education's website (educateiowa.gov).

[ARC 0041D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

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[Filed 4/16/87, Notice 2/11/87—published 5/6/87, effective 6/10/87]

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[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1490C (Notice ARC 1346C, IAB 2/19/14), IAB 6/11/14, effective 7/30/14]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

[Filed ARC 0041D (Notice ARC 9738C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 3 DECLARATORY ORDERS

[Prior to 8/10/88, see College Aid Commission, 245—13.4 and 13.5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

The college student aid commission adopts, with the exceptions and amendments noted in rule 283—3.1(17A), the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

[ARC 0042D, IAB 2/4/26, effective 3/11/26]

283—3.1(17A) Additional information concerning declaratory orders. For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(designate agency)”, insert “college student aid commission”.
2. In lieu of “(designate office)”, insert “Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
3. In lieu of “_____ days (15 or less)”, insert “15 days”.
4. In lieu of “_____ days”, insert “15 days”.
5. In lieu of “(designate official by full title and address)”, insert “Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
6. In lieu of “(specify office and address)”, insert “Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
7. Method of service, time of filing, proof of mailing, the date of issuance of an order, and a refusal to issue an order are governed by 283—Chapter 4.

[ARC 0042D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code section 17A.9.

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[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

[Filed ARC 0042D (Notice ARC 9739C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 4 DUE PROCESS AND CONTESTED CASES

[Prior to 8/10/88, see College Aid Commission, 245—Ch 11]

[Prior to 10/15/03, see 283—Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—4.1(256) Definitions. For the purposes of this chapter:

“*Commission*” means the college student aid commission.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

[ARC 0043D, IAB 2/4/26, effective 3/11/26]

283—4.2(256) Appeals. This rule describes procedures for appeal to commission decisions covering eligibility for state financial aid awards, adjustment in award amounts, refunds of awards, and institutional eligibility for participation in state financial aid programs.

4.2(1) Administrative staff of the commission shall make all decisions in accordance with established policies and published administrative rules approved by the commission and shall notify the concerned individual or institution of these decisions within a reasonable time after inquiry.

4.2(2) If an individual, institution, or any duly appointed representative thereof disagrees with a staff decision, written evidence setting forth the reasons for disagreement shall be presented to the executive director of the commission. The evidence must be presented within 60 days after notification of the staff decision, and the appellant may request a hearing.

a. If no hearing is requested, the executive director will consider all evidence provided and will notify the appellant within 30 days whether the decision is retracted, modified or upheld. The appellant will be advised of the appellant’s right to carry the appeal to a meeting of the full commission or to an appeals panel appointed by the commission.

b. If a hearing is requested, the executive director will follow the contested case procedures in rule 283—4.3(17A).

[ARC 0043D, IAB 2/4/26, effective 3/11/26]

283—4.3(17A) Incorporation by reference. The commission adopts, with the exceptions and amendments noted in rule 283—4.4(17A), the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly’s website.

[ARC 0043D, IAB 2/4/26, effective 3/11/26]

283—4.4(17A) Additional information concerning contested cases. For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(agency name)”, insert “college student aid commission”.
2. In lieu of “(designate official)”, insert “Executive Director”.

[ARC 0043D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

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[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

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CHAPTER 5
CONTESTED CASES

[Prior to 10/15/03, see 283—Ch 4]

Rescinded **ARC 0043D**, IAB 2/4/26, effective 3/11/26

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to public records and fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

283—6.1(17A,22) Exceptions and additions.

6.1(1) *Definition of “agency.”* In lieu of the words “(official or body issuing these rules)”, insert “college student aid commission”.

6.1(2) *Request for access to record.* In subrule X.3(1), replace the paragraph with “Requests for access to records of the college student aid commission are to be directed to the Grimes State Office Building, Des Moines, Iowa 50319-0146, regardless of where those records are located.”

6.1(3) *Office hours.* In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)” in subrule X.3(2), insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

6.1(4) *Fees.* In paragraph X.3(7) “c,” in lieu of the words “(specify time period)”, insert “one hour”. The fee will be \$60 per hour.

6.1(5) *Procedure by which additions, dissents, or objections may be entered into certain records.* In rule X.6, in lieu of the words “(designate office)”, insert “the executive director of the college student aid commission”.

6.1(6) *Consent to disclosure by the subject of a confidential record.* In rule X.7, add the following paragraphs:

X.7(1) A letter from a subject of a confidential record to a public official who seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

X.7(2) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 281—5.6(22,256). However, the agency need not release records to the subject in the following circumstances:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when the records are the work product of an attorney or are otherwise privileged.

c. Peace officers' investigative reports may be withheld from the subject, except as provided by the Iowa Code. More information can be found in Iowa Code section 22.7(5).

d. As otherwise authorized by law.

X.7(3) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

283—6.2(22,256) Disclosures without the consent of the subject.

6.2(1) Records that are not confidential are routinely disclosed without the consent of the subject.

6.2(2) Records that are confidential will be disclosed outside of the commission only with the consent of the subject of the record or in circumstances in which consent of the subject is not legally necessary.

6.2(3) Confidential records may be disclosed without consent of the subject to the extent allowed by law and to the extent to which the need to access the record is compatible with the purpose for which the record was collected. Purposes that fall within this guideline are considered routine uses of confidential records. Under these premises, the following are considered routine uses:

a. Disclosure to officers, employees, and agents of the commission who have a need for the record in the performance of their employment duties. The custodian of the record may, upon request of an officer or employee or on the custodian's own initiative, determine what constitutes legitimate need to use a confidential record.

b. Transfers of information within the commission, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

283—6.3(17A,22) Availability of records.

6.3(1) This rule lists the commission records that are open to the public, those that are confidential, and those that are partially open and partially confidential.

6.3(2) Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

6.3(3) The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rulemaking	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications	O	NA	No	NA
• General				
• GSL				
• Scholarship				
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

283—6.4(22,256) Applicability. This chapter does not:

- 6.4(1)** Compel the commission to create a record that does not otherwise exist.
- 6.4(2)** Require the commission to index or retrieve records that contain information about individuals by that person's name or other personal identifier.
- 6.4(3)** Make available to the general public records that would otherwise not be available under Iowa Code chapter 22.
- 6.4(4)** Govern the maintenance, disclosure or notification of or access to records in the possession of the commission that are governed by the rules of another agency.
- 6.4(5)** Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.
- 6.4(6)** Make available records compiled by the commission in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any individual or party subject to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the commission.

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 17A.

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1869C (Notice ARC 1689C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

[Filed ARC 0044D (Notice ARC 9746C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 7 WAIVERS FROM ADMINISTRATIVE RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—7.1(17A) Definitions. For purposes of this chapter:

“*Commission*” means the college student aid commission.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.2(17A) General. The commission may grant a waiver of any administrative rule if the waiver is consistent with Iowa Code section 17A.9A.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.3(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the commission finds, based on clear and convincing evidence, that all of the factors listed in Iowa Code section 17A.9A(2) apply.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.4(17A) Filing of petition. All petitions for waiver are submitted in writing to the Executive Director, College Student Aid Commission, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding using the caption of the contested case.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.5(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

7.5(1) The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.

7.5(2) A description and citation of the specific rule from which a waiver is requested.

7.5(3) The specific waiver requested, including the precise scope and duration.

7.5(4) The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement includes a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

7.5(5) A history of any prior contacts between the commission and the petitioner relating to the commission’s programs, contracts, allocations, loans, grants or other activities in which the petitioner has participated or from which the petitioner has received a benefit that are affected by the proposed waiver, including a description of each affected item held by the requester and any notices of violation or noncompliance, contested case hearings, or investigative reports relating to the item within the last five years.

7.5(6) A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

7.5(7) Any information known to the requester regarding the commission’s treatment of similar cases.

7.5(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

7.5(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

7.5(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.6(17A) Additional information. Prior to issuing an order granting or denying a waiver, the executive director may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the commission or its executive director may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.7(17A) Notice. The commission will acknowledge a petition upon receipt and ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been provided.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.8(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

- 7.8(1)** To any petition for a waiver filed within a contested case,
- 7.8(2)** When provided by rule or order, or
- 7.8(3)** When required to do so by statute.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.9(17A) Ruling. An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

7.9(1) General. The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the commission, based on the unique, individual circumstances set out in the petition.

7.9(2) Compliance with Iowa Code standards. The commission applies the standards and burdens in Iowa Code section 17A.9A(3).

7.9(3) Administrative deadlines. When the rule from which a waiver is sought establishes administrative deadlines, the commission will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

7.9(4) Narrowly tailored exception. A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

7.9(5) Time period of waiver. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

7.9(6) Time for ruling. The commission will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the commission will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the commission to grant or deny a petition within the required time period is deemed a denial of that petition by the commission. However, the commission remains responsible for issuing an order denying a waiver.

7.9(7) *Service of order.* Within seven days of its issuance, any order issued under this chapter is to be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.10(17A) Public availability. The commission will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

283—7.11(17A) After issuance of a waiver.

7.11(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the commission issues an order finding any of the following:

- a.* The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or
- b.* The alternative means for ensuring that public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or
- c.* The subject of the waiver order has failed to comply with all conditions contained in the order.

7.11(2) *Violations.* A violation of conditions in the waiver approval is the equivalent of a violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

7.11(3) *Defense.* After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

7.11(4) *Judicial review.* Judicial review of the commission's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

[ARC 0045D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 17A.

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[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

[Filed ARC 0045D (Notice ARC 9747C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 10 UNIFORM POLICIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—10.1(256) Purpose. This chapter describes uniform definitions and policies that apply to programs administered by the college student aid commission.

[ARC 0046D, IAB 2/4/26, effective 3/11/26]

283—10.2(256) Definitions.

“Financial metric” is the means by which the commission ranks the relative financial need of an applicant for financial assistance. The calculated financial metric shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form developed by the U.S. Department of Education, which is used to determine the financial metric. Relative need will be ranked based on the applicant’s financial metric provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified by the commission. A negative financial metric is the equivalent of zero.

“Financial need” is the difference between the applicant’s cost of attendance, as defined in Title IV of the federal Higher Education Act of 1965, as of July 1, 2025, and the applicant’s financial metric and other available financial assistance at the eligible institution.

“Full-time” means enrollment in at least 12 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for funding. Only coursework required for the student’s eligible program of study can be used to determine enrollment status for state award calculations.

“Iowa resident” means a person who:

1. If attending an Iowa regent university, Iowa private college or university, or Iowa barber or cosmetology college, meets the criteria used by the state board of regents to determine residency for tuition purposes as described in rule 681—1.4(262) and, if the person qualifies for residency only as described in 681—paragraph 1.4(2) “b,” meets the following additional criteria:

- Is a veteran or qualifying military person domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran or qualifying military person whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran or qualifying military person who is domiciled in the state of Iowa; or

2. If attending an Iowa community college, meets the criteria defined by the Iowa department of education to determine residency for community college tuition purposes as defined in 281—subrule 21.2(11) and, if the person qualifies for residency only as described in 281—subparagraph 21.2(11) “b”(5), meets the following additional criteria:

- Is a veteran of uniformed service or a national guard member domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran of uniformed service or a national guard member whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran of uniformed service or a national guard member who is domiciled in the state of Iowa.

“Part-time” means enrollment that includes 3 to 11 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for funding. Only coursework required for the student’s eligible program of study can be used to determine enrollment status for state award calculations.

“Program of study” means a course of study that is eligible for federal student aid programs and leads to a teaching license or an undergraduate diploma, certificate, or degree.

“Satisfactory academic progress” is determined by the eligible institution, the standards of which meet the criteria for participation in federal student aid programs and are published on the eligible institution’s website.

[ARC 0046D, IAB 2/4/26, effective 3/11/26]

283—10.3(256) Policies. A student who is in default on a Stafford Loan, SLS Loan, PLUS Loan, or Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the program. The student regains eligibility under this rule by providing documentation to the eligible institution that the student has regained eligibility under Title IV of the Higher Education Act of 1965 as of July 1, 2025.

[ARC 0046D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]

[Filed Emergency After Notice ARC 7130C (Notice ARC 7100C, IAB 10/4/23), IAB 12/13/23,
effective 11/17/23]

[Filed ARC 0046D (Notice ARC 9589C, IAB 10/1/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 12
IOWA TUITION GRANT PROGRAM
[Prior to 8/10/88, see College Aid Commission, 245—Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/30

283—12.1(256) Basis of aid. Assistance available under the Iowa tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled at an accredited private institution.

[ARC 8407C, IAB 11/27/24, effective 1/1/25]

283—12.2(256) Definitions.

“Accredited private institution” means a not-for-profit private institution that meets the criteria in Iowa Code section 256.183 and rule 283—12.5(256).

“Financial metric” means the same as defined in rule 283—10.2(256).

“Financial need” means the same as defined in rule 283—10.2(256).

“Full-time” means the same as defined in rule 283—10.2(256).

“Iowa resident” means the same as defined in rule 283—10.2(256).

“Located in Iowa” means a college or university is accredited by a federally recognized accreditor of postsecondary educational institutions, has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

“Part-time” means the same as defined in rule 283—10.2(256).

“Program of study” means the same as defined in rule 283—10.2(256), except that the program of study must lead to an undergraduate degree or an initial teaching license in Iowa.

“Satisfactory academic progress” means the same as defined in rule 283—10.2(256).

[ARC 8407C, IAB 11/27/24, effective 1/1/25; ARC 0047D, IAB 2/4/26, effective 3/11/26]

283—12.3(256) Eligible applicant. An eligible applicant is an Iowa resident enrolled at least part-time in a program of study at an accredited private institution and who meets the award eligibility criteria and the following provisions:

12.3(1) Completes the applications the commission deems necessary on or before the date established by the commission.

12.3(2) Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

[ARC 8407C, IAB 11/27/24, effective 1/1/25]

283—12.4(256) Awarding of funds.

12.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

12.4(2) *Maximum award and extent of award.* Eligible applicants may receive no more than the equivalent of eight full-time awards.

a. The maximum award for full-time students will not exceed the student’s financial need and will be the lesser of:

(1) The difference between the tuition and mandatory fees charged by the accredited private institution less the average undergraduate tuition and fees charged by the state universities under the Iowa board of regents;

(2) The average undergraduate tuition and fees charged by the state universities under the Iowa board of regents; and

(3) The amount established by the commission that allows all eligible applicants to receive an award.

b. When awarded in combination with other tuition-restricted funds, the total amount of tuition-restricted funding, including an Iowa tuition grant, cannot exceed the total tuition and mandatory fees charged to the recipient.

c. A part-time student will receive a prorated award, as defined by the commission, that is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

d. Awards will be provided during the fall and spring semesters of enrollment, or the equivalent. Awards may be provided during the summer semester to the extent that funding allows. Eligible applicants who are enrolled in commission-approved accelerated programs that incorporate summer attendance may receive summer Iowa tuition grants if the eligible applicant meets the accelerated progression thresholds established by the commission without exhausting grant eligibility prior to degree completion. Accelerated programs must allow students to complete four-year baccalaureate programs in less than the normal prescribed time frame while taking the same courses as students completing the same degree during a traditional four-year period.

12.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating accredited private institutions annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide accredited private institutions with rosters of designated eligible applicants.

c. Accredited private institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. Accredited private institutions will apply awards directly to student accounts to cover tuition and mandatory fees.

e. Accredited private institutions will provide information about eligible applicants to the commission in a format specified by the commission. Accredited private institutions will make necessary changes to awards due to a change in enrollment or financial situation and promptly report those changes to the commission.

f. Accredited private institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Accredited private institutions will report changes in student eligibility to the commission.

[ARC 8407C, IAB 11/27/24, effective 1/1/25]

283—12.5(256) Accredited private institution eligibility.

12.5(1) *Application.* An accredited private institution that is located in Iowa may request participation in the Iowa tuition grant program using the commission's designated application. The institution will meet the eligibility criteria in Iowa Code section 256.183 at the time the application is submitted.

12.5(2) *Deadline to apply.* An accredited private institution seeking to participate in the Iowa tuition grant program will submit an application on or before October 1 of the year prior to the beginning of the academic year for which the accredited institution is applying for participation.

12.5(3) *Ongoing eligibility.* An accredited private institution that is participating in the Iowa tuition grant program will immediately notify the commission if its federally recognized accreditation as a postsecondary educational institution or 501(c)(3) status is lost, or if the accredited private institution will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code sections 256.183 through 256.190 or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution returning Iowa tuition grant funds to the commission.

12.5(4) *Compliance audits.* The commission will periodically investigate and review compliance of accredited private institutions participating in this program with the criteria established in Iowa Code sections 256.183 through 256.190 and this rule.

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25; **ARC 0047D**, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 256.

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CHAPTER 14
HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM
[Prior to 8/10/88, see College Aid Commission, 245—Ch 7]
Rescinded **ARC 0048D**, IAB 2/4/26, effective 3/11/26

CHAPTER 17
HEALTH CARE PROFESSIONAL INCENTIVE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—17.1(256) Definitions.

“Award” means the same as defined in Iowa Code section 256.222. The applicant will select the award type on the initial application and may change that choice if a request is provided to the commission in writing.

“Eligible applicant” means an individual who is an eligible health care professional or agrees to become an eligible health care professional, agrees to sign a program agreement, has not received an award under Iowa Code section 256.222(4) and agrees to complete the obligation. The eligible applicant completes applications on or before the date established by the commission.

1. The program agreement specifies the obligation and other details pertaining to the program.
2. The obligation is fulfilled by serving clients in eligible practice areas on a full-time basis for five consecutive years or on a part-time basis for seven consecutive years. Progression toward completion of the obligation is verified annually.

“Eligible health care professional” means the same as defined in Iowa Code section 256.222. The eligible health care professional must be licensed or board-certified to practice as an eligible health care professional before the obligation begins.

“Eligible practice area” means the same as defined in Iowa Code section 256.222. After an eligible applicant signs an agreement to practice in an eligible practice area, subsequent changes to eligible practice areas will not impact that applicant’s continued eligibility for the program.

“Part-time” means an average of at least 30 hours, but fewer than 40 hours, per week.

[ARC 0049D, IAB 2/4/26, effective 3/11/26]

283—17.2(256) Awarding of funds.

17.2(1) *Award designations.* The commission will establish the number of awards and maximum award amounts for each eligible health care profession prior to the fiscal year in which applications will be accepted and awards obligated.

17.2(2) *Selection criteria.* All eligible applicants will be considered for an award. Awards will be prioritized within each eligible health care profession according to subrule 17.2(3).

17.2(3) *Priority for awards.* If funding is insufficient to award all eligible applicants, new awards will be made to eligible applicants in order of the following priority categories:

a. Eligible applicants who are in their final year of a program of study or of a clinical or residency program that leads to their full license to practice on a full-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

b. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a full-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

c. Eligible applicants who are in their final year of a program of study or clinical or residency program that leads to their full license to practice on a part-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

d. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a part-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all

eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

17.2(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria, the anticipated number of awards to be made in each eligible health care profession, the maximum award amount in each eligible health care profession and the application process annually.

b. The commission will collect applications, designate eligible applicants for awards and notify applicants of their eligibility.

c. The commission will track eligible applicants selected to receive awards through completion of their obligation. An obligation is satisfied if completed according to the criteria in Iowa Code section 256.222 and this rule.

d. Upon verifying completion of the obligation with the eligible health care professional's employer on an annual basis, the commission will pay the annual award.

[ARC 0049D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code section 256.222.

[Filed ARC 0049D (Notice ARC 9767C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 19
COURT REPORTER EQUIPMENT GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—19.1(261) Basis for aid. Assistance available under the court reporter equipment grant program is for students who are enrolled in a court reporter program at an eligible college or university.
[ARC 0050D, IAB 2/4/26, effective 3/11/26]

283—19.2(261) Definitions. As used in this chapter:

“*Approved program*” means a court reporter program that meets the definition of an eligible program of study in 283—Chapter 10.

“*Eligible institution*” means a community college established under Iowa Code chapter 260C, an institution of higher learning governed by the state board of regents, or an accredited private institution as defined in Iowa Code section 256.183.

“*Iowa resident*” means the same as defined in rule 283—10.2(256).

“*Semester*” means the fall, spring, or summer term of enrollment at an eligible institution, if the eligible institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.

[ARC 0050D, IAB 2/4/26, effective 3/11/26]

283—19.3(261) Eligible applicant. An eligible applicant is enrolled in an approved program at an eligible institution and completes the applications the college student aid commission (commission) deems necessary on or before the date established by the commission.
[ARC 0050D, IAB 2/4/26, effective 3/11/26]

283—19.4(261) Awarding of funds.

19.4(1) Selection criteria. All eligible applicants will be considered for an award.

19.4(2) Extent of award and maximum award. The maximum award will be established annually by the commission but will not exceed \$2,000 annually.

19.4(3) Priority for awards. In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

- a. Eligible applicants who are Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.
- b. Eligible applicants who are not Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.
- c. Eligible applicants who are Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.
- d. Eligible applicants who are not Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

19.4(4) Awarding process.

- a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.
- b. Eligible institutions will inform students applying for admission to the approved program of the availability of the court reporter equipment grant program.
- c. The commission will designate eligible applicants for awards.
- d. Eligible institutions will verify eligible applicants' enrollment in the approved program following institutional verification of enrollment.
- e. Eligible applicants will submit documentation of their court reporter equipment or software purchase to the commission.
- f. The commission will reimburse the eligible applicant for court reporter equipment or software purchases in the amount of the maximum award specified under subrule 19.4(2).

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.231 and this rule.

[ARC 0050D, IAB 2/4/26, effective 3/11/26]

283—19.5(261) Institutional application process. Following the first year of administration of the court reporter equipment grant program by the commission, an institution requesting to participate in the program will apply to the commission using the commission's designated application. An applicant institution will provide the commission with documentation establishing the applicant institution's eligibility as an eligible institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility before October 1 of the year prior to the beginning of the academic year for which the applicant institution is applying for participation.

[ARC 0050D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code section 256.231.

[Filed ARC 0050D (Notice ARC 9766C, IAB 11/26/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 20
IOWA NATIONAL GUARD BENEFITS PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—20.1(256) Definitions. As used in this chapter:

“*Educational program*” means a program of study that is approved by the adjutant general and leads to a credential as described in Iowa Code section 256.210A.

“*Eligible institution*” means the same as described in Iowa Code section 256.210(1).

“*Eligible master’s degree program of study*” means a master’s degree program in science, technology, engineering, and mathematics-related military occupational specialties or air force specialty codes pursuant to Iowa Code section 256.211(1) “a.”

“*Federal active duty*” means military duty performed pursuant to orders issued under Title 10, United States Code (as of July 1, 2024), other than for training.

“*Full-time*” means the same as defined in rule 283—10.2(256).

“*Part-time*” means the same as defined in rule 283—10.2(256).

“*Program of study*” means the same as defined in rule 283—10.2(256).

“*Satisfactory academic progress*” means the same as defined in rule 283—10.2(256).

[ARC 9585C, IAB 10/1/25, effective 11/5/25; ARC 0051D, IAB 2/4/26, effective 3/11/26]

283—20.2(256) Iowa national guard service scholarship.

20.2(1) Eligible applicant. An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls full-time or part-time in a program of study at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.210, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

20.2(2) Awarding of funds.

a. *Selection criteria.* All eligible applicants will be considered for an award.

b. *Maximum award and extent of award.* Eligible applicants may receive awards for no more than 120 semester credit hours attributable to the program of study unless the applicants meet the provisions of Iowa Code section 256.210(3) “a”(2).

(1) The maximum award for full-time students will not exceed the undergraduate Iowa resident tuition rate at Iowa regent universities or the tuition charged to the eligible applicant, whichever is lower.

(2) All credit hours within a term of enrollment to which a scholarship is applied will be reported to the commission within the state-defined payment period.

c. *Awarding process.*

(1) The Iowa national guard will verify the eligibility of eligible applicants. An eligibility decision by the adjutant general is final.

(2) The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

(3) The commission will notify recipients and eligible institutions of the awards. Eligible institutions will notify the student of the award amount, of the state program from which funding is being provided and that the award is contingent on the availability of state funds.

(4) Eligible institutions will apply awards to cover expenses identified in Iowa Code section 256.210(5).

(5) Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment or financial situation and promptly report those changes to the commission.

(6) Eligible institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

(7) The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.210 and this rule.

[ARC 9585C, IAB 10/1/25, effective 11/5/25]

283—20.3(256) Iowa national guard master's degree service scholarship. In the event that the adjutant general authorizes the expenditure of unencumbered or unobligated funds from Iowa Code section 256.210(6) for the recruitment or retention of individuals by providing a scholarship award to an eligible member of the Iowa national guard, this chapter will be used to administer authorized scholarships. The adjutant general will select program recipients and authorize scholarship awards under this chapter. The decision of the adjutant general is final.

20.3(1) Eligible applicant. An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls in an eligible master's degree program of study at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.211(1)“a” and 256.211(3), meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

20.3(2) Awarding of funds.

a. Selection criteria. All eligible applicants will be considered for an award.

b. Maximum award and extent of award. Eligible applicants may receive awards for no more than 36 semester credit hours, or the equivalent, attributable to the eligible master's degree program of study.

(1) The maximum award will not exceed the Iowa resident graduate-level tuition rate at Iowa regent universities or the tuition charged to the eligible applicant, whichever is lower.

(2) All credit hours within a term of enrollment to which a scholarship is applied will be reported to the commission within the state-defined payment period.

c. Awarding process. The college student aid commission adopts the awarding process in paragraph 20.2(2)“c” with the following exception: In lieu of “Iowa Code section 256.210” in subparagraph 20.2(2)“c”(7), insert “Iowa Code section 256.211”.

[ARC 9585C, IAB 10/1/25, effective 11/5/25]

283—20.4(256) Iowa national guard service professional qualification scholarship. In the event that the adjutant general authorizes the expenditure of unencumbered or unobligated funds from Iowa Code section 256.210(6) to provide an eligible member of the Iowa national guard who is enrolled in an educational program that meets the criteria of Iowa Code section 256.210A, this rule will be used to administer authorized scholarships. The adjutant general will select program recipients, select educational programs, and authorize scholarship awards under this rule. The decision of the adjutant general is final.

20.4(1) Eligible applicant. An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls in an educational program at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.210A(2); meets satisfactory academic progress standards; and maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum of 90 percent of scheduled drill dates and attending annual training.

20.4(2) Awarding of funds.

a. *Selection criteria.* All eligible applicants will be considered for an award.

b. *Maximum award and extent of award.* The adjutant general will determine the amount and extent of awards eligible applicants can receive.

(1) The maximum award will not exceed the maximum award established by the adjutant general or the tuition and testing fees charged to the eligible applicant by the eligible institution, whichever is lower.

(2) Scholarship awards within a term of enrollment will be reported to the commission within the state-defined payment period.

c. *Awarding process.* The commission adopts the awarding process in paragraph 20.2(2) “c” with the following exceptions:

(1) In lieu of “Iowa Code section 256.210(5)” in subparagraph 20.2(2) “c”(4), insert “paragraph 20.4(2) ‘b’”.

(2) In lieu of “Iowa Code section 256.210” in subparagraph 20.2(2) “c”(7), insert “Iowa Code section 256.210A”.

[ARC 0051D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 256.

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CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—21.1(261B,261G,714) Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement. The college student aid commission authorizes postsecondary schools to operate in Iowa and offer postsecondary programs to Iowans pursuant to Iowa Code chapters 261B and 261G and 34 CFR 600.9 as of July 1, 2025.

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

283—21.2(261B,261G) Definitions. As used in this chapter:

“Interstate reciprocity agreement” means the agreement the commission has entered into in order to participate in interstate reciprocity under Iowa Code chapter 261G.

“Postsecondary school” means an entity that meets any of the following provisions:

1. Meets the conditions in Iowa Code section 261B.2(5) *“a”* and *“c.”*
2. Provides a postsecondary course of instruction leading to a credential.

“Postsecondary school closure” means a precipitous or abrupt closure of a postsecondary school, Iowa site, or program during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

“Presence” means the same as defined in Iowa Code section 261B.2 and described in Iowa Code section 261B.3(1).

“State authorization” means the process by which a postsecondary school must seek the commission’s approval to operate in Iowa or offer a postsecondary course of instruction to Iowans through registration under Iowa Code chapter 261B or an exception to registration under Iowa Code section 261B.11. Postsecondary schools that are approved by the commission to operate in Iowa or offer a postsecondary course of instruction to Iowans shall receive an official written approval notification issued by the commission. This notification shall identify the institution by name as an educational institution.

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

283—21.3(261B,261G) State authorization types and requirements.

21.3(1) Registration.

a. Qualifying postsecondary schools. A degree-granting postsecondary school whose operation is primarily outside of the state but that has a presence in Iowa, or an Iowa-originating postsecondary school that does not qualify for an exception under Iowa Code section 261B.11 and that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency, will register with the commission. A postsecondary school that qualifies for an exception from registration may voluntarily submit an application under subrule 21.3(1). In addition, qualifying postsecondary schools that meet the following conditions must register to offer postsecondary education programs to Iowans:

(1) Provide distance education programs to Iowans in which the student participates in a structured field experience at a location in Iowa that is a required component of the distance education program.

(2) Compensate a party to recruit Iowans, the recruiter maintains an Iowa address, and the recruitment activities are not solely occasional or short-term events, such as college fairs or conferences.

b. Requirements. Qualifying postsecondary schools must submit information required in Iowa Code sections 256.177(7) and 261B.4 and other information requested by the commission. The commission may require a qualifying postsecondary school to submit a new application if there is a change in ownership or governance or an amendment to an existing application. In addition, a qualifying postsecondary school must:

(1) Certify to the commission that the qualifying postsecondary school's approval to operate in a state has not been revoked by the state, the qualifying postsecondary school has not been sanctioned by a state within a year prior to the date of its application, and the qualifying postsecondary school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority. The postsecondary school will immediately notify the commission of any pending or final sanction by an accrediting agency, state entity, state attorney general, or other enforcement authority.

(2) Certify that it is not subject to a limitation, suspension, or termination order issued by the United States Department of Education or its successor agency. The applicant postsecondary school shall provide the commission with a copy of the postsecondary school's current program participation agreement with the United States Department of Education or its successor agency.

(3) Employ at least one full-time Iowa faculty member or one program or student services coordinator at the Iowa location who is devoted to Iowa students if the postsecondary school operates a location or administrative office at a fixed location in Iowa.

(4) Provide the commission with institutional policies adopted by the postsecondary school that comply with the requirements of Iowa Code section 256.183(1) "e" through "h" and "k."

1. For a program in which a student's academic progress is measured only in clock hours, the postsecondary school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 256.183(1) "g" for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

2. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 256.183(1) "h" shall apply to individuals the postsecondary school compensates to conduct activities on the postsecondary school's behalf at an Iowa location.

(5) For a covered institution under Iowa Code chapter 261F, adopt a code of conduct that complies with Iowa Code section 261F.2.

(6) For a covered institution under Iowa Code chapter 261F that offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(7) Provide documentation demonstrating that a program that prepares a student for an occupation that requires professional licensure in Iowa and that the postsecondary school proposes to offer under its registration:

1. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

2. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the postsecondary school did not offer in its professional licensure preparation program.

(8) Have procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publish contact information to be used by students and graduates who seek to obtain transcript information.

(9) Provide a complaint process for students to file a complaint about the postsecondary school. The postsecondary school must prominently provide on its website the link to the commission's web page for student complaints. The student must complete the postsecondary school's internal complaint or grievance process and receive a decision before filing a complaint with the commission.

(10) Comply with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

(11) Commit to meeting the provisions of rule 283—21.5(261B,261G) and to providing a teach-out plan or providing alternatives for students to complete their programs at other postsecondary schools and ensuring students have continued access to their transcripts if the postsecondary school closes, discontinues a program, or closes an Iowa site before students have completed their program of study.

c. Limitations and denials.

(1) A postsecondary school must meet, to the satisfaction of the commission, all requirements identified in paragraph 21.3(1)“b.”

(2) Pursuant to Iowa Code section 256.177(7), a nonpublic postsecondary school that is required to register under subrule 21.3(1) must demonstrate that its most recent, official federal financial composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.0. A postsecondary school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its independent auditor. For postsecondary institutions owned and controlled by another entity, the relevant composite score will be the composite score of the parent entity, as identified by the United States Department of Education. A postsecondary school that fails to demonstrate a federal financial composite score of at least 1.0 for two successive years may be subject to restrictions on new Iowa enrollments, may be required to provide a teach-out plan pursuant to subparagraph 21.3(1)“b”(11), or may be required to secure a letter of credit in an amount equal to 10 percent of the tuition charged to Iowa residents during the most recently completed fiscal year.

(3) The commission may take action that includes but is not limited to limiting a postsecondary school’s program offerings or enrollment or denying or revoking the postsecondary school’s registration as a result of any of the following:

1. An adverse notice, warning, or other sanction issued by the postsecondary school’s accrediting agency.
2. An adverse action or sanction issued by the United States Department of Education.
3. A publicly announced lawsuit filed by a state agency, a state attorney general’s office, or another enforcement authority.
4. A judgment issued by a state attorney general’s office or another enforcement authority.
5. Repeated complaints about a postsecondary school received from the postsecondary school’s students by the commission, by another state, or by a state attorney general’s office.
6. Failure to pay fees due to the commission in accordance with rule 283—21.4(261B,261G).
7. Failure to provide responses to any of the requirements in paragraph 21.3(1)“b” or provide evidence substantiating the postsecondary school’s compliance with those requirements.
8. Other actions deemed by the commission as significant evidence that the postsecondary school should not be allowed to operate under this chapter.

d. Exceptions. Notwithstanding paragraph 21.3(1)“a,” a nonaccredited postsecondary school may qualify for provisional registration if the postsecondary school is authorized under subrule 21.3(2), the postsecondary school is actively seeking accreditation to offer degrees, and the accreditor requires state authorization approval before accreditation approval.

21.3(2) Exception from registration.

a. Qualifying postsecondary schools. A postsecondary school that meets an exception in Iowa Code section 261B.11, meets the requirements of paragraph 21.3(2)“b,” and has a physical location in the state of Iowa must apply for an exception from registration.

b. Requirements. A qualifying postsecondary school must submit information requested by the commission. In addition, a qualifying postsecondary school must meet the following conditions:

(1) If the postsecondary school offers a course of instruction leading to a degree, with the exception of a postsecondary school that qualifies for an exception under Iowa Code section 261B.11(1)“h,” the postsecondary school is accredited by an accrediting agency recognized by the United States Department of Education or its successor agency and will notify the commission of any negative changes to its accrediting status.

(2) The postsecondary school adopts institutional policies that comply with the requirements of subparagraph 21.3(1)“b”(4).

(3) The postsecondary school has procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential

and publishes contact information to be used by students and graduates who seek to obtain transcript information.

(4) A covered institution under Iowa Code chapter 261F adopts a code of conduct that complies with Iowa Code section 261F.2.

(5) If a covered institution under Iowa Code chapter 261F offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(6) The postsecondary school provides a complaint process for students to file a complaint pursuant to subparagraph 21.3(1) “b”(9).

(7) The postsecondary school complies with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

c. Limitations and denials. The commission may take action that includes but is not limited to restricting a postsecondary school’s program offerings or enrollment or denying or revoking the postsecondary school’s authorization for failure to demonstrate to the commission that the postsecondary school qualifies for the exception and meets consumer protection standards established by the commission.

21.3(3) Commission-approved interstate reciprocity agreement.

a. Qualifying postsecondary schools. A participating resident institution pursuant to Iowa Code section 261G.2 that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency may qualify to apply to the commission to participate in a commission-approved interstate reciprocity agreement.

b. Requirements. A qualifying postsecondary school must be approved under subrule 21.3(1) or subrule 21.3(2), be in compliance with Iowa Code chapters 261B and 261G, and meet the conditions of the interstate reciprocity agreement. In addition, a postsecondary school will prominently disclose on its website the postsecondary school’s participation in the commission-approved interstate reciprocity agreement and provide a process for students to file a complaint pursuant to subparagraph 21.3(1) “b”(9).

c. Limitations and denials. A participating nonresident institution pursuant to Iowa Code section 261G.2 is not a postsecondary school that is eligible to apply to the commission to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G.

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

283—21.4(261B,261G) Authorization fees.

21.4(1) A postsecondary school that applies for initial registration as required under subrule 21.3(1) shall remit an initial registration application fee payable to the commission in the amount of \$5,000. This fee is nonrefundable regardless of the commission’s decision with respect to the postsecondary school’s eligibility for registration in Iowa. A postsecondary school that fails to pay the initial registration application fee shall be denied initial registration consideration.

21.4(2) A postsecondary school that is approved under subrule 21.3(1) or 21.3(3) shall remit an annual fee payable to the commission in the amount due on October 15 of each year. If a postsecondary school’s authorization terminates during a year, the postsecondary school shall pay the annual fee to the commission if the postsecondary school’s approval is valid as of October 15 of that year or on the date the payment is received. The annual fee is nonrefundable and will be assessed based on a postsecondary school’s full-time equivalent (FTE) enrollment as follows:

- a.* Under 2,500 FTE – \$2,000.
- b.* 2,500 to 9,999 FTE – \$4,000.
- c.* 10,000 FTE or more – \$6,000.

21.4(3) A postsecondary school that registers and pays fees under subrule 21.3(1) is not required to pay fees under subrule 21.3(3) if participating in the interstate reciprocity agreement.

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

283—21.5(261B,261G) Postsecondary school, Iowa site, or program closure.

21.5(1) A postsecondary school that is approved under subrule 21.3(1) or 21.3(2), or a degree-granting postsecondary school approved pursuant to Iowa Code section 714.18, must notify the commission in writing before the postsecondary school takes action to close the postsecondary school, close an Iowa site, or discontinue a program that is offered to Iowans.

21.5(2) If requested by the commission, the postsecondary school shall provide the following information to the commission:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the postsecondary school's Iowa campus(es). The postsecondary school shall organize this list in alphabetical order by student last name.

b. Documentation of the postsecondary school's proposed notice to students.

c. The postsecondary school's specific plan to provide alternatives for affected students to complete the programs offered under the postsecondary school's state authorization, and any external approvals of the plan if applicable.

d. The postsecondary school's plan for storage and retrieval of student transcript information pursuant to subparagraphs 21.3(1) "b"(8) and 21.3(2) "b"(3).

e. Specific information about how the postsecondary school will provide transitional support to affected students.

f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the postsecondary school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the postsecondary school and, if applicable, the postsecondary school's private preferred lender(s).

(5) Responding to inquiries from students, parents, and the commission.

21.5(3) An authorized postsecondary school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 will maintain the bond until the last currently enrolled Iowa student graduates or withdraws.

21.5(4) If the commission takes action to discontinue a postsecondary school's program, close a postsecondary school's Iowa site, or terminate a postsecondary school's operation in Iowa pursuant to subparagraph 21.3(1) "c"(3), the postsecondary school shall provide to the commission the information in subrule 21.5(2) and shall be subject to the requirements of subrule 21.5(3).

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

283—21.6(261B,261G) Postsecondary school closures. In the event of a postsecondary school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

21.6(1) *Eligible students.* The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence at the time of a postsecondary school closure.

21.6(2) *Assistance to impacted eligible students.* The commission may provide the following forms of assistance to eligible students impacted by a postsecondary school closure:

a. Procure, evaluate, and store records needed to establish the validity of claims against a postsecondary school for failure to faithfully perform all contracts and agreements.

b. Pay institutional charges on behalf of Iowans who enrolled at the school.

c. Support an arrangement in which the postsecondary school provides its current students with the opportunity to complete the students' courses of study after the postsecondary school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.

d. Pay private educational loan debt incurred by Iowans for attendance at the postsecondary school during the enrollment term that the college closes.

e. Reimburse Iowans who enrolled at the postsecondary school for other financial loss, as determined by the commission.

21.6(3) *Claims process.* An eligible student making a claim for reimbursement under paragraph 21.16(2) "b," "d," or "e" must contact the commission within six months of the postsecondary school closure for a claim form and provide the following supporting information and documentation:

a. Proof of enrollment at the time of postsecondary school closing.

b. Proof of attendance at the time of postsecondary school closing.

c. Proof of Iowa residency at the time of postsecondary school closing.

d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.

e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

21.6(4) *Approval process.* The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year from the date of the postsecondary school closure to ensure all claims related to a postsecondary school closure are received.

21.6(5) *Awarding of approved claims.*

a. All claims for reimbursement shall be submitted and approved within one year of the date of the postsecondary school closure.

b. Claims for reimbursement will first be made against the postsecondary school's surety bond.

c. If the postsecondary school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single postsecondary school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds to eligible students.

21.6(6) *Appeal process.* The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

[ARC 0052D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapters 256, 261B, and 261G.

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¹ Effective date of 3/24/04 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 8, 2004.

CHAPTER 24

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Rescinded **ARC 0053D**, IAB 2/4/26, effective 3/11/26

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Rescinded **ARC 8868C**, IAB 2/19/25, effective 3/26/25

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Rescinded **ARC 9585C**, IAB 10/1/25, effective 11/5/25

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Rescinded **ARC 9587C**, IAB 10/1/25, effective 11/5/25

CHAPTER 31

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Rescinded **ARC 0055D**, IAB 2/4/26, effective 3/11/26

CHAPTER 32

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Rescinded **ARC 8871C**, IAB 2/19/25, effective 3/26/25

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INSPECTIONS DIVISION

CHAPTER 30

FOOD AND CONSUMER SAFETY

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—30.1(10A,137C,137F) Food and consumer safety bureau. The food and consumer safety bureau inspects food establishments and food processing plants, including food storage facilities (warehouses) and food and beverage vending machines, and hotels and motels. It is also responsible for social and charitable gambling and amusement devices.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.2(10A,137C,137F) Definitions. The following definitions are applicable to 481—Chapters 30 and 31. If a term is defined herein and by the Food Code adopted in rule 481—31.1(137F), the definition set forth herein applies.

“Bed and breakfast home” means the same as defined in Iowa Code chapter 137F.

“Bed and breakfast inn” means the same as defined in Iowa Code section 137C.2.

“Catering” means the preparation of food for distribution to an individual, business, institution or organization for exclusive service to the individual’s, business’s or organization’s nonpaying guests, employees or members or an institution’s residents, students or employees.

“Certified wild-harvested mushroom identification expert” means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society, as evidenced by a document issued therefrom specifying the species of wild mushrooms the individual is qualified to certify. The training program must include a component of actual identification of physical specimens or simulations of mushroom species.

“Commissary” means the same as defined in Iowa Code section 137F.1.

“Contractor” means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C or 137F.

“Cottage food” means the same as defined in Iowa Code section 137F.1.

“Criminal offense” means a public offense as defined in Iowa Code section 701.2 that is prohibited by statute and is punishable by fine or imprisonment.

“Cultivated mushroom” means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

“Department” means the same as defined in Iowa Code section 137F.1.

“Event” means the same as defined in Iowa Code section 137F.1. For example, an event does not include a single store’s grand opening or sale.

“Farmers market” means the same as defined in Iowa Code section 137F.1.

“Farmers market time/temperature control for safety food license” means a license for a temporary food establishment that sells unpackaged time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to consumer customers.

“Food establishment” means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the

definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). “Food establishment” does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.
4. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.
5. Premises that operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.
6. Premises of a residence in which food is produced pursuant to Iowa Code section 137F.20.
7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client’s nonpaying guests.
9. A private home that receives catered or home-delivered food.
10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.
11. Supply vehicles or vending machine locations.
12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
13. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in prepackaged form.
14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler’s license.
16. Premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
17. Premises regularly used by a nonprofit organization that engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following:
 - The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
 - Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days;
 - The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.
18. A stand operated by a minor.

“*Food processing plant*” means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. “Food processing plant” does not include any of the following:

1. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in a prepackaged form.
2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

8. Premises or operations that are exclusively engaged in the production or processing of egg products, as defined in 9 CFR Part 590 as amended to March 11, 2026, including egg substitutes and freeze-dried egg products, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

"Food service establishment" means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

"Hotel" means the same as defined in Iowa Code section 137C.2.

"Mobile food unit" means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

"Patrol dog" means a dog that is accompanying a law enforcement officer or security officer.

"Personal chef" or *"hired cook"* means a person who provides food preparation services in a private home or at a private party for a client and the client's nonpaying guests. "Personal chef" or "hired cook" does not include a person who provides the ingredients intended to be used in food preparation.

"Pet dog" means a dog that does not meet the definition of a patrol dog or a service animal as defined in 28 CFR Part 36 as amended to March 11, 2026.

"Processed food" means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

"Pushcart" means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

"Raw agricultural commodity" means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

"Retail food establishment" means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

"Stand operated by a minor" means the same as defined in Iowa Code section 137F.1.

"Temporary food establishment" means the same as defined in Iowa Code section 137F.1.

"Time/temperature control for safety food" means the same as defined in Iowa Code section 137F.1.

"Transient guest" means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is presumed not to be a transient guest.

"Unattended food establishment" means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. "Controlled entry," for the purposes of the definition of "unattended food establishment," means selective restriction or limitation of access to a place or location.

"Unprocessed commodity" means a raw agricultural commodity.

"Vending" means selling or dispensing food to an individual consumer customer. Vending does not include catering.

"Vending machine" means the same as defined in Iowa Code section 137F.1. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned

candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. “Panned candies” are those with a fine, hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

“*Vending machine location*” means the same as defined in Iowa Code section 137F.1.

“*Wild-harvested mushroom*” means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). “Wild-harvested mushroom” does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.3(137C,137F) Licensing and postings. Applications for a license shall be completed using the department’s online application system at least 30 days prior to the anticipated opening of the hotel, food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

30.3(1) *Transferability.* A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market time/temperature control for safety food license or an annual temporary event food establishment license may be used at different locations without obtaining a new license. If the different locations are operated simultaneously, a separate license is required for each location. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

30.3(2) *Refunds.* License fees are refundable only if the license is surrendered to the department prior to the effective date of the license and only as follows:

- a. License fees of \$67.50 or less are an application processing fee and are not refundable.
- b. If an inspection has not occurred, license fees of more than \$67.50 will be refunded less the \$67.50.
- c. If an inspection has occurred, the entire license fee is nonrefundable.

30.3(3) *License expiration.* A license is renewable and expires after one year, with the exception of a temporary food establishment license issued in conjunction with a single event at a specific location, which is valid for a period not to exceed 14 consecutive days.

30.3(4) *Posting of inspection reports, licenses, and registration tags.* A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them and not be posted in such a manner that the public cannot reasonably read the report. Reports may be posted in paper form or through a QR code provided on the license. A paper report must be available upon request. The posting of a report behind a service area where the report can be seen but not easily read is not allowed. Vending machines shall bear a tag to affirm the license. For the purpose of this subrule, only founded complaint reports are considered complaints and shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

30.3(5) *Documentation of gross sales.* Documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant is required unless the establishment is paying the highest license fee required by rule 481—30.4(137C,137F). Documentation will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation includes:

- a. A copy of the firm’s business tax return;
- b. Quarterly sales tax data;

- c. A letter from an independent tax preparer;
- d. Other appropriate records.

30.3(6) *License eligibility for renewal limited to 60 days after expiration.* A delinquent license will only be renewed if application for renewal is made within 60 days of expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days will be closed by the department or a contractor.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.4(137C,137F) License fees. License fees are set by Iowa Code chapters 137F and 137C. The license fee is the same for an initial license and a renewal license. The department will charge a voluntary inspection fee of \$100 when a premises that is not a food establishment requests a voluntary inspection.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.5(137F) Penalty and delinquent fees.

30.5(1) *Late penalty.* Renewals submitted after the license expiration are subject to a penalty of 10 percent of the license fee per month in accordance with Iowa Code section 137F.4. A license will only be renewed if the license holder has provided documentation pursuant to subrule 30.3(5).

30.5(2) *Penalty for opening or operating without a license.* Operating without a license is subject to a penalty of up to twice the amount of the annual license fee in accordance with Iowa Code section 137F.9.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.6(137C,137F) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 137C or 137F is not honored for payment, the department will attempt to redeem the check and notify the applicant of the need to provide sufficient payment. An additional fee of \$25 will be assessed for each dishonored check. If the department does not receive payment, the establishment will be operating without a valid license. Late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.7(137F) Double licenses.

30.7(1) Any establishment that holds a food service establishment license and has gross sales over \$20,000 annually in packaged food items intended for consumption off the premises is also required to obtain a retail food establishment license. The license holder shall keep a record of these food sales and make it available to the department upon request.

30.7(2) Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment only need a retail food establishment license.

30.7(3) A food establishment that holds both a food service establishment license and a retail food establishment license shall pay a license fee based on the annual gross sales for the dominant form of business plus \$150.

EXAMPLE: A food establishment holds a food service establishment license and a retail food establishment license. It has annual gross sales of more than \$750,000 for its retail food establishment and \$120,000 for its food service establishment. The food establishment pays a license fee of \$400 for its retail food establishment license (Iowa Code section 137F.6) and \$150 for its food service establishment license.

30.7(4) The business with higher annual gross sales determines the type of license for establishments that engage in operations covered under both the definition of a food establishment and of a food processing plant. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license in addition

to the food establishment license. Regardless of the type of license, food processing plants will be inspected pursuant to food processing inspection standards and food establishments will be inspected pursuant to the Food Code.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.8(137C,137F) Inspection frequency. Inspections are based on risk assessment.

30.8(1) Food establishments. Food establishments will have routine inspections at least once every 60 months. Very low risk food establishments will not have a routine inspection frequency.

30.8(2) Food processing plants. Food processing plants that process foods will have routine inspections at least once every 60 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency.

30.8(3) Food processing plants that store foods. Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

30.8(4) Hotels. Hotels will be inspected in accordance with Iowa Code chapter 137C.

30.8(5) Farmers market time/temperature control for safety food. Farmers market time/temperature control for safety food licensees will be inspected based on risk.

30.8(6) Temporary food establishments. Temporary food establishments issued an annual license will be inspected based on risk.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.9(22) Examination of records.

30.9(1) Public information. Information collected by the food and consumer safety bureau and contractors is generally considered public information pursuant to Iowa Code chapter 22. Records are stored in computer files and are not matched with any other data system. Inspection reports are available at dial.iowa.gov. Requests for records of other state or federal agencies will be referred to the appropriate agency.

30.9(2) Confidential records. Certain records are confidential, including:

- a. Trade secrets and proprietary information, including items such as formulations, processes, policies and procedures, and customer lists;
- b. Health information related to foodborne illness complaints and outbreaks;
- c. The name or any identifying information of a person who files a complaint.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate. A license denial, suspension or revocation is effective 30 days after mailing or personal service of the notice.

30.10(1) Immediate suspension of license. To the extent not inconsistent with Iowa Code chapters 17A, 137C, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code is adopted for food establishments. A license may be immediately suspended in cases of an imminent health hazard. Iowa Code section 17A.18A and Food Code chapter 8 will be followed in cases of an imminent health hazard. The appeal process in rule 481—30.11(10A,137C,137F) is available following an immediate suspension.

30.10(2) Criminal offense—conviction of license holder. The department may revoke the license of a license holder who conducts an activity constituting a criminal offense in the licensed food establishment resulting in a felony, serious misdemeanor or aggravated misdemeanor conviction. A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.11(10A,137C,137F) Formal hearing.

30.11(1) An establishment may contest adverse action taken pursuant to this chapter by submitting a request for hearing to the department within 30 days of the mailing or service of the department's action. Appeals and hearings are governed by 481—Chapter 9.

30.11(2) For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.12(137F) Primary servicing laboratory. The primary servicing laboratory for the food and consumer safety bureau is the State Hygienic Laboratory at the University of Iowa created under Iowa Code section 263.7. If the laboratory is unable to perform laboratory services, the laboratory will assist in finding another laboratory with a preference toward laboratories that are in the Food Emergency Response Network (FERN) and have achieved ISO 17025 accreditation.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.13(10A,137F) Cottage food.

30.13(1) Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

a. The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer will provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.

b. The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.

c. The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.

d. The food is not unpasteurized fruit or vegetable juice.

e. The food is produced in a private residence.

f. The food is sold and delivered by the producer directly to the consumer.

g. The cottage food is labeled or affixed with the following information:

(1) Information to identify the name and address, phone number, or email address of the person preparing the food.

(2) The common name of the food.

(3) The ingredients of the cottage food in descending order of predominance.

(4) The following statement: "This product was produced at a residential property that is exempt from state licensing and inspection."

(5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.

(6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.

h. Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:

(1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.

(2) Each container that is sold or offered for sale must contain the date the food was processed and canned.

i. The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.

j. Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with paragraph 30.13(1) "g."

30.13(2) Reserved.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 137F.

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CHAPTER 31
FOOD ESTABLISHMENT AND FOOD
PROCESSING PLANT INSPECTIONS

[Prior to 8/26/87, see Inspections and Appeals Department[481]—Chs 21 and 22]

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—31.1(137F) Inspection standards for food establishments. The department adopts, with the following exceptions, the 2017 Food Code with Supplement of the Food and Drug Administration as the state's "food code," which is the inspection standard for food establishments.

31.1(1) Unattended food establishments—assignment of responsibility. For the purposes of section 2-101.11(C) of the 2017 Food Code with Supplement, unattended food establishments are not required to have a designated person in charge present during all hours of operation provided that the permit holder ensures the following requirements are met.

a. Unattended food establishment location. The unattended food establishment is located in the interior of a building, has controlled entry, and is not accessible by the general public. Access to the unattended food establishment will be limited to a defined population (e.g., employees, registered guests or occupants of the building where the establishment is located). For the purposes of this paragraph, registered guests are individuals whose names are officially recorded with a business by reservation or by appointment. The term ensures a secure and traceable record of who is occupying a space.

b. Nature and source of food and beverages offered for sale.

(1) Only commercially packaged foods properly labeled for individual retail sale, pursuant to Food Code section 3-201.11(C), will be offered.

(2) No unpackaged food is permitted except as provided by section 3-302.11(B)(1) of the Food Code.

(3) Food preparation by consumers is limited to heating/reheating food in a microwave oven.

(4) No dispensing of bulk food is permitted.

c. Refrigerated display equipment. An unattended food establishment will be equipped with refrigeration or freezer units that have the following features:

(1) Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer;

(2) An automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under section 3-501.16(A)(2) or of the freezer unit to maintain the product as frozen.

d. Food service equipment limitations.

(1) Beverages are dispensed by individual serving only. Beverage dispensers connected to the building water supply will be properly equipped with backflow prevention pursuant to section 5-203.14 of the Food Code.

(2) Food-contact surfaces.

1. Multiuse food-contact surfaces will be cleaned on a frequency consistent with the service pursuant to section 4-202.11 of the Food Code or are easily removed and replaced with cleaned surfaces.

2. No multiuse food-contact surfaces intended for use with time/temperature control for safety foods are permitted.

e. Security.

(1) An unattended food establishment will provide continuous video surveillance of areas where consumers view, select, handle and purchase products that will provide sufficient resolution to identify situations that may compromise food safety or food defense.

1. Video surveillance recordings will be maintained and made available for inspection by a representative of a regulatory agency within 24 hours of request.

2. Video surveillance recordings will be held by the establishment for a minimum of 14 days after the date of the surveillance.

- (2) The permit holder will take reasonable steps necessary to discourage individuals from returning food, beverages, or both that have not been selected for purchase.

f. Routine maintenance at an unattended food establishment.

- (1) The permit holder will service the unattended food establishment at least weekly, which may include:

1. Checking food supplies and equipment for signs of product damage, tampering, or both.

2. Verifying that refrigeration equipment is operating properly, including the temperature display and self-locking mechanism.

3. Rotating foods to better ensure first in/first out of food items.

4. Cleaning food service equipment and food display areas.

5. Stocking food and disposable single-use and single-service supplies.

6. Checking inventory for recalled foods.

- (2) The permit holder will ensure that:

1. Food is from an approved source.

2. Packaged food is provided in tamper-evident packaging.

3. Food is protected from potential sources of cross contamination.

4. Food is maintained at safe temperatures during transport and display.

g. Unattended food establishment oversight. Each unattended food establishment will have a sign readily visible at the automated payment station stating the name, mailing address, telephone number, email address and web information, if any, of the business entity responsible for the establishment and to whom complaints and comments should be addressed.

h. Designation of responsibilities. The permit holder bears all responsibilities for the operation of the food establishment. When the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment and for provision of supportive facilities/services, such as janitorial services and restroom facilities, pest control and removal of solid waste, may be approved by the regulatory agency. This agreement should outline actions that must be taken by both parties to maintain the establishment in compliance with all requirements including responding to imminent health hazards.

i. Inspections—on-site person in charge. When requested by the regulatory authority for the purposes of conducting an inspection, the permit holder will provide an on-site person in charge within a reasonable time frame not to exceed four hours.

31.1(2) *Certified food protection manager requirements, exceptions, and time frames for compliance.*

a. For the purposes of section 2-102.12(A) of the 2017 Food Code with Supplement, the food establishment may employ a single certified food protection manager who is not present at the food establishment during all hours of operation, as long as the following requirements are met:

- (1) The individual who is a certified food protection manager has supervisory and management responsibility and the authority to direct and control food preparation and service at the food establishment;

- (2) The person in charge demonstrates knowledge as prescribed in section 2-102.11 of the 2017 Food Code with Supplement;

- (3) The person in charge demonstrates active managerial control of food safety by complying with section 2-103.11 of the 2017 Food Code with Supplement.

b. A food establishment that, upon inspection, is found to be in violation of section 2-102.11 or 2-103.11 of the 2017 Food Code with Supplement will have six months to ensure that any individual designated as the person in charge is a certified food protection manager.

c. For the purposes of section 2-102.12(B), the following food establishments are not required to employ a certified food protection manager:

- (1) Temporary or farmers market food establishments.
- (2) Food establishments at which food is not prepared, where customers may purchase beverages and where the service of food is limited to the service of ice, beverages, prepackaged snack foods, popcorn or peanuts and to the reheating of commercially prepared foods for immediate service that do not require assembly, such as frozen pizza or prepackaged sandwiches.
- (3) Food establishments at which food is not prepared, where customers may purchase only commercially prepared non-time/temperature control for safety foods that are dispensed either unpackaged or packaged and that are intended for off-premises consumption.

d. Time frames for compliance with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” are as follows:

(1) Newly licensed facilities will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of licensure.

(2) If an individual meeting the requirement of paragraph 31.1(2)“a” leaves employment, the establishment will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of the individual’s departure.

31.1(3) Honey prepared in a residence. Section 3-201.11 is amended to allow honey that is stored; prepared, including by placement in a container; or labeled at or distributed from the premises of a residence to be sold in a food establishment.

31.1(4) Homemade food items prepared in a licensed home food processing establishment. Section 3-201.11 is amended to allow homemade food items that are eligible for resale and are prepared, packaged, and labeled pursuant to 481—Chapter 34 to be offered for human consumption in a food establishment.

31.1(5) Wild-harvested mushrooms. Section 3-201.16, paragraph (A), is amended by adding the following:

“A food establishment or farmers market time/temperature control for safety food licensee may sell or serve wild-harvested mushrooms provided:

“a. All wild-harvested mushrooms sold or served are varieties classified as one of the following:

Common name	Scientific name
Morel	<i>Morchella</i> spp. (<i>M. americana</i> , <i>M. angusticeps</i> , <i>M. punctipes</i>)
Oyster	<i>Pleurotus citrinopileatus</i> , <i>Pleurotus ostreatus</i> , <i>Pleurotus populinus</i> , or <i>Pleurotus pulmonarius</i>
Chicken of the woods	<i>Laetiporus</i> (<i>L. cincinnatus</i> , <i>L. sulphureus</i>)
Hen of the woods	<i>Grifola frondosa</i>
Chanterelle	<i>Cantharellus cibarius</i> group
Bear’s head tooth, Lion’s mane	<i>Hericium</i> spp. (<i>H. erinaceus</i> , <i>H. americanum</i>)
Pheasant back	<i>Polyporus squamosus</i>
Black trumpet	<i>Craterellus cornucopoides</i>

“b. All wild-harvested mushrooms sold or served in a food establishment must be obtained from sources where each mushroom is individually inspected and found to be safe by a certified wild-harvested mushroom identification expert.

“c. All wild-harvested mushroom species sold or served in a food establishment must have a written buyer specification. The buyer shall retain the written buyer specification for 90 days from the date of sale or service that must include:

- “1. Identification of each mushroom species by the scientific and common name;
- “2. Date of purchase;
- “3. Quantity by weight of each species received;
- “4. A statement indicating that each mushroom was identified in its fresh state and was not mixed or in contact with other mushroom species;

“5. The name, address, and telephone number of the certified wild-harvested mushroom identification expert;

“6. A copy of the certified wild-harvested mushroom identification expert’s certificate of successful completion of the program, including the date of completion.

“d. A consumer advisory shall inform consumers by brochures, deli case, menu advisories, label statements, table tents, placards, or other effective written means that ‘wild-harvested mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.’

“e. This section does not apply to cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.”

31.1(6) *Field-dressed wild game prohibition.* Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments unless:

a. The food establishment is also licensed and inspected by the Iowa department of agriculture and land stewardship (IDALS) meat and poultry inspection bureau pursuant to Iowa Code chapter 189A;

b. All field-dressed wild game is adequately separated from food, equipment, utensils, clean linens, and single-service and single-use articles;

c. Any equipment used in the processing of field-dressed wild game is adequately cleaned and sanitized before use with other foods.

31.1(7) *Reduced oxygen packaging in meat and poultry processing plants.* Meat and poultry processing plants that are licensed and inspected by the IDALS meat and poultry inspection bureau pursuant to Iowa Code chapter 189A and that are also licensed as a food establishment are exempt from section 3-502.11, paragraphs (A), (B), (D) and (F), and section 3-502.12 if these criteria are met:

a. Each food product formulation has been approved by the IDALS meat and poultry inspection bureau;

b. A copy of the approved formulation (T40/45) is maintained on file at the establishment and made available to the regulatory authority upon request;

c. Cooked products that do not include a curing agent or an antimicrobial agent that will control *Clostridium botulinum* and *Listeria monocytogenes* that are in a reduced oxygen package are stored and sold frozen and are labeled “Keep Frozen”;

d. The food products are properly labeled.

31.1(8) *Warewashing sinks in establishments serving alcoholic beverages.* Section 4-301.12 is amended by adding the following: “When alcoholic beverages are served in a food service establishment, a sink with at least three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. When food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils.”

31.1(9) *Prohibiting animals.* Section 6-501.115, paragraph (B), is amended by adding the following:

“(6) Pet dogs may be allowed on exterior premises of a food establishment, including outdoor patio and outdoor dining areas, provided the food establishment meets these requirements:

“a. A separate entrance is present so that pet dogs do not enter the food establishment to access the outdoor area;

“b. No food preparation is allowed in the outdoor area, including mixing or dispensing drinks and ice;

“c. Customer multiservice or reusable utensils such as plates, silverware, glasses, and bowls are not stored, displayed, or preset in the outdoor area;

“d. Food or water provided to pet dogs shall be in single-use disposable containers provided by the food establishment or a container provided by the pet owner that is filled without any contact between the container and any dispensing item of the food establishment;

“e. Employees are prohibited from direct contact with pet dogs while on duty;

“f. The outdoor area is maintained clean;

“g. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

“h. The outdoor area shall not be fully enclosed (an enclosed area is considered part of the interior of the facility);

“i. Disruptive pet dogs must be controlled or removed from the premises;

“j. Rules governing pet dogs shall be posted at each entrance of the food establishment and shall contain the following:

“i. Pet dogs shall be leashed at all times;

“ii. Pet dogs shall not enter any interior area of the food establishment at any time;

“iii. Pet dogs must be controlled at all times by the dog’s owner or designee;

“iv. Pet dogs are not permitted on chairs, tables, benches or seats;

“v. Pet dog owners must immediately notify the food establishment’s staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.

“(7) Pet dogs may be allowed on the interior premises of a food establishment that only stores, sells, distributes, or otherwise handles packaged food under these conditions:

“a. The food establishment is maintained clean;

“b. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

“c. Disruptive pet dogs must be controlled or removed from the premises;

“d. Rules governing pet dogs shall be displayed at or near the entrances of the food establishment and shall, at a minimum, contain the following:

“i. Pet dogs shall be leashed at all times;

“ii. Pet dogs must be controlled at all times by the dog’s owner or designee;

“iii. Pet dogs are not permitted on chairs, tables, benches, seats or in shopping carts;

“iv. Pet dog owners must immediately notify the food establishment’s staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.”

31.1(10) *Inspection standards for elder group homes.* Elder group homes as defined by Iowa Code section 231B.1 will be inspected by the department, but chapters 4 and 6 of the Food Code will not apply. Elder group homes will pay the lowest license fee set forth in 481—subrule 30.4(2).

31.1(11) *Nonprofit exception for temporary events.* Nonprofit organizations that are licensed as temporary food establishments may serve non-time/temperature control for safety food from an unapproved source for the duration of the event but cannot serve home-canned pickles, vegetables, or fruits produced in accordance with Iowa Code chapter 137F.

31.1(12) *Variance approval by department and submission of hazard analysis and critical control point (HACCP) plans.* Any variances or HACCP plans that require approval by the “regulatory authority” must be approved by the department. HACCP plans pursuant to paragraphs 3-502.12(B) and 8-201.13(B) shall be filed with the department prior to implementation, regardless of whether or not the plan requires approval.

[ARC 0059D, IAB 2/4/26, effective 3/11/26]

481—31.2(137F) Inspection standards for food processing plants. The following are the inspection standards for food processing plants including food storage facilities.

31.2(1) *Definitions.* For the purposes of this rule, the definitions of “food,” “label,” “labeling,” and “dietary supplement” are as defined in 21 U.S.C. Section 321.

31.2(2) *Prohibited acts.* The prohibited acts identified in 21 U.S.C. Section 331(a) to (f), (k), and (v) are prohibited acts in Iowa.

31.2(3) *Stop sale.* Any article of food that is adulterated or misbranded when introduced into commerce may be embargoed until such a time as the adulteration or misbranding is remedied or the product is destroyed. The action is immediate, but the licensee may appeal the decision following the process outlined in rule 481—30.11(10A,137C,137F).

31.2(4) *Standards for food.* If a standard that has been adopted for a food is adopted pursuant to 21 U.S.C. Section 341, the standard shall be met.

31.2(5) *Misbranded food.* A food is misbranded if it is found in violation of 21 U.S.C. Section 343.

31.2(6) *New dietary ingredients.* New dietary ingredients shall comply with the process in 21 U.S.C. Section 350(b) or will be deemed adulterated.

31.2(7) *Records.* Records shall be made available as required under 21 U.S.C. Section 373 for all interstate and intrastate food.

31.2(8) *Adoption of Code of Federal Regulations.* The following parts of the Code of Federal Regulations are adopted:

- a. 21 CFR Part 1, Sections 1.20 to 1.24 and Subpart O, Sections 1.900 to 1.934 (labeling).
- b. 21 CFR Part 7, Sections 7.1 to 7.13 and 7.40 to 7.59 (guaranty and recalls).
- c. 21 CFR Part 70, Sections 70.20 to 70.25 (labeling requirements for colors).
- d. 21 CFR Part 73, Sections 73.1 to 73.615 (color additives exempt from certification).
- e. 21 CFR Part 74.101 to 74.706 (listing of color additives subject to certification).
- f. 21 CFR Part 81, general specifications and general restrictions for provisional color additives for use in foods, drugs, and cosmetics.
- g. 21 CFR Part 82, Sections 82.3 to 82.706 (certified provisionally listed colors and specifications).
- h. 21 CFR Part 100, Section 100.155 (specific provisions for salt and iodized salt).
- i. 21 CFR Part 101, except Sections 101.69 and 101.108 (food labeling).
- j. 21 CFR Part 102, except Section 102.19 (common or usual name for nonstandard food).
- k. 21 CFR Part 104, nutritional quality guidelines for foods.
- l. 21 CFR Part 105, food for special dietary use.
- m. 21 CFR Part 106, except Section 106.120 (infant formula quality control procedures).
- n. 21 CFR Part 107, except Sections 107.200 to 107.280 (infant formula labeling).
- o. 21 CFR Part 108, Sections 108.25 to 108.35 (exceptions for when a permit is not required, acidified and thermal processing of low-acid foods packaged in hermetically sealed containers).
- p. 21 CFR Part 109, unavoidable contaminants in food for human consumption and food-packaging material.
- q. 21 CFR Part 110, current good manufacturing practice in manufacturing, packing or holding human food.
- r. 21 CFR Part 111, current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements.
- s. 21 CFR Part 113, thermally processed low-acid food packaged in hermetically sealed containers.
- t. 21 CFR Part 114, acidified foods.
- u. 21 CFR Part 115, shell eggs.
- v. 21 CFR Part 117, current good manufacturing practice and hazard analysis and risk-based preventive controls for human food shall apply, with the exception that warehousing operations located on the premises of residences that store unexposed, packaged frozen food for sale directly to a consumer customer or at a farmers market shall comply with subpart B of 21 CFR 117.
- w. 21 CFR Part 118, production, storage and transportation of shell eggs.
- x. 21 CFR Part 120, hazard analysis and critical control point (HACCP) systems (juice).
- y. 21 CFR Part 123, fish and fisheries products (seafood).
- z. 21 CFR Part 129, processing and bottling of bottled drinking water.
- aa. 21 CFR Part 130, except Sections 130.5, 130.6 and 130.17, food standards: general.
- ab. 21 CFR Part 131, milk and cream.
- ac. 21 CFR Part 133, cheeses and related cheese products.
- ad. 21 CFR Part 135, frozen desserts.
- ae. 21 CFR Part 136, bakery products.

- af.* 21 CFR Part 137, cereal flours and related products.
- ag.* 21 CFR Part 139, macaroni and noodle products.
- ah.* 21 CFR Part 145, canned fruits.
- ai.* 21 CFR Part 146, canned fruit juices.
- aj.* 21 CFR Part 150, fruit butters, jellies, preserves, and related products.
- ak.* 21 CFR Part 152, fruit pies.
- al.* 21 CFR Part 155, canned vegetables.
- am.* 21 CFR Part 156, vegetable juices.
- an.* 21 CFR Part 158, frozen vegetables.
- ao.* 21 CFR Part 160, egg and egg products.
- ap.* 21 CFR Part 161, fish and shellfish.
- aq.* 21 CFR Part 163, cacao products.
- ar.* 21 CFR Part 164, tree nut and peanut products.
- as.* 21 CFR Part 165, beverages.
- at.* 21 CFR Part 166, margarine.
- au.* 21 CFR Part 168, sweeteners and table syrups.
- av.* 21 CFR Part 169, food dressings and flavorings.
- aw.* 21 CFR Part 170, except Sections 170.6, 170.15, and 170.17, food additives.
- ax.* 21 CFR Part 172, food additives permitted for direct addition to food for human consumption.
- ay.* 21 CFR Part 173, secondary direct food additives permitted in food for human consumption.
- az.* 21 CFR Part 174, indirect food additives: general.
- ba.* 21 CFR Part 175, indirect food additives: adhesives and components of coatings.
- bb.* 21 CFR Part 176, indirect food additives: paper and paperboard components.
- bc.* 21 CFR Part 177, indirect food additives: polymers.
- bd.* 21 CFR Part 178, indirect food additives: adjuvants, production aids, and sanitizers.
- be.* 21 CFR Part 180, food additives permitted in food or in contact with food on an interim basis pending additional study.
- bf.* 21 CFR Part 181, prior-sanctioned food ingredients.
- bg.* 21 CFR Part 182, substances generally recognized as safe.
- bh.* 21 CFR Part 184, direct food substances affirmed as generally recognized as safe.
- bi.* 21 CFR Part 186, indirect food substances affirmed as generally recognized as safe.
- bj.* 21 CFR Part 189, substances prohibited from use in human food.
- bk.* 21 CFR Part 190, dietary supplements.

31.2(9) *Egg products processing plants.* The department will use the good manufacturing practices adopted in paragraph 31.2(8) “*b*,” unless such practices are inconsistent with standards set by the United States Department of Agriculture, Food Safety and Inspection Service, in 9 CFR Parts 590-592. If the standards are inconsistent, the standards adopted in 9 CFR Parts 590-592 apply.

31.2(10) *References.* All references to federal statutes and regulations in this rule are to those versions in effect on March 11, 2026.

[ARC 0059D, IAB 2/4/26, effective 3/11/26]

481—31.3(137F) Adulterated food and disposal. No one may produce, distribute, offer for sale or sell adulterated food. “Adulterated” is defined in the federal Food, Drug, and Cosmetic Act, Section 402, as amended to March 11, 2026. Adulterated food shall be disposed of in a reasonable manner as determined by the department. The destruction of adulterated food may be watched by a person approved by the department.

[ARC 0059D, IAB 2/4/26, effective 3/11/26]

481—31.4(137F) False label or defacement. Labels required by Iowa Code chapter 137F and this chapter shall be legibly printed and not be deceptive as to the true nature of the article or place of production.

[ARC 0059D, IAB 2/4/26, effective 3/11/26]

481—31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees. While the retail food code adopted in rule 481—31.1(137F) applies to temporary food establishments, the following subrules provide a simplified version of requirements for temporary food establishments. If the two rules are inconsistent, the standards in this rule apply.

31.5(1) Personnel. For the purposes of this rule, employees include volunteers.

a. Employees will keep their hands and exposed portions of their arms clean.

b. Employees will have clean garments and aprons and effective hair restraints. Smoking, eating or drinking in food booths is not allowed. All nonworking, unauthorized persons are to be kept out of the food booth.

c. All employees will be under the direction of the person in charge, who will ensure that the workers are effectively cleaning their hands; that time/temperature control for safety food is adequately cooked, held or cooled; and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.

d. Employees will not work at a temporary food establishment or farmers market time/temperature control for safety food establishment if they have open cuts, sores or communicable diseases. The person in charge will take appropriate action to ensure that employees and volunteers who have a disease or medical condition transmissible by food are excluded from the food operation.

e. Every employee will sign a logbook with the employee's name, address, and telephone number or email address and the date and hours worked. The logbook will be maintained for 30 days by the person in charge and made available to the department upon request.

31.5(2) Food handling and service.

a. Dry storage. All food, equipment, utensils and single-service items will be stored off the ground and above the floor on pallets, tables or shelving.

b. Cold storage. Refrigeration units will be provided to keep time/temperature control for safety foods at 41°F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of time/temperature control for safety food at events of short duration if the container maintains food temperatures at 41°F or below.

c. Hot storage. Hot food storage units will be used to keep time/temperature control for safety food at 135°F or above. Electrical equipment is required for hot holding, unless the use of propane stoves and grills capable of holding the temperature at 135°F or above is approved by the department. Sterno cans are allowed for hot holding if adequate temperatures can be maintained. Steam tables or other hot holding devices are not allowed to heat foods and are to be used only for hot holding after foods have been adequately cooked or heated.

d. Cooking temperatures. As specified in the following chart, the minimum cooking temperatures for food products are:

165°F	● Poultry and game animals that are not commercially raised ● Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite ● All products cooked in a microwave oven
155°F	● Rabbits, ratite and game meats that are commercially raised ● Ground or comminuted (such as hamburgers) meat/fish products ● Raw shell eggs not prepared for immediate consumption
145°F	● Pork and raw shell eggs prepared for immediate consumption ● Fish and other meat products not requiring a 155°F or 165°F cooking temperature as listed above

e. Consumer advisory requirement. If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) will post the consumer advisory as required by the food code.

f. Thermometers. Each refrigeration unit will have a numerically scaled thermometer to measure the air temperature of the unit accurately. An appropriate thermometer will be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0°F to 220°F.

g. Food display. Foods on display will be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar will be served in individual packets or from squeeze containers or pump bottles. Milk will be dispensed from the original container or from an approved dispenser. All fruits and vegetables will be washed before being used or sold. Food will be stored at least six inches off the ground. All cooking and serving areas will be adequately protected from contamination. Barbeque areas will be roped off or otherwise protected from the public. All food will be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

h. Food preparation. Unless otherwise approved by a variance from the department, no bare-hand contact of ready-to-eat food will occur.

i. Approved food source. All food supplies will come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant or home food processing establishment is prohibited. Transport vehicles used to supply food products are subject to inspection and will protect food from physical, chemical and microbial contamination. Cottage foods may be offered for sale in a temporary food establishment if the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled pursuant to rule 481—30.13(10A,137F).

j. Leftovers. Hot-held foods that are not used by the end of the day will be discarded.

31.5(3) Utensil storage and warewashing.

a. Single-service utensils. The use of single-service plates, cups and tableware is required.

b. Dishwashing. An adequate means to heat the water and a minimum of three basins large enough for complete immersion of the utensils are required to wash, rinse and sanitize utensils or food-contact equipment. Alternative dishwashing methods may be used if approved in advance by the regulatory authority.

c. Sanitizers. Chlorine bleach or another approved sanitizer will be provided for warewashing sanitization and wiping cloths. An appropriate test kit will be provided to check the concentration of the sanitizer used. The person in charge will demonstrate knowledge in the determination of the correct concentration of sanitizer to be used.

d. Wiping cloths. Wiping cloths will be stored in a clean, 100 ppm chlorine sanitizing solution or equivalent. Sanitizing solution will be changed as needed to maintain the solution in a clean condition.

31.5(4) Water.

a. Water supply. An adequate supply of clean water will be provided from an approved source. Water storage units and hoses will be food grade and approved for use in storage of water. If not permanently attached, hoses used to convey drinking water will be clearly and indelibly identified as to their use. Water supply systems will be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, will be maintained and adequate for their intended purpose.

b. Wastewater disposal. Wastewater will be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

31.5(5) Premises.

a. Hand-washing container. An insulated container with at least a two-gallon capacity filled with hot water and with a spigot, basin, soap and dispensed paper towels will be provided for hand washing.

b. Floors, walls and ceilings. If required, walls and ceilings will be of tight design and weather-resistant materials to protect against the elements and flying insects. If required, floors will be constructed of tight wood, asphalt, rubber or plastic matting or other cleanable material to control dust or mud.

c. Lighting. Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shatter-resistant or shielded.

d. Food preparation surfaces. All food preparation or food contact surfaces shall be of a safe design, smooth, easily cleanable and durable.

e. Garbage containers. An adequate number of cleanable containers with tight-fitting covers shall be provided both inside and outside the establishment.

f. Toilet rooms. An adequate number of approved toilet and hand-washing facilities shall be provided at each event.

g. Clothing. Personal clothing and belongings shall be stored at a designated place in the establishment, adequately separated from food preparation, food service and dishwashing areas.

[ARC 0059D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 137F.

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[Filed ARC 0059D (Notice ARC 9777C, IAB 12/10/25), IAB 2/4/26, effective 3/11/26]

- ¹ Rules 30—33.1(159) to 30—33.4(159) and 30—34.1(159) to 30—34.4(159) transferred to Inspections and Appeals Department[481] and rescinded.
- ² Rule 481—31.1(137F) published in the July 5, 2017, IAB as ARC 3188C has a January 1, 2018, effective date. For the rule in effect immediately prior to January 1, 2018, see 481—Chapter 31 as of June 21, 2017.

CHAPTER 35 CONTRACTOR REQUIREMENTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—35.1(137C,137D,137F) Definitions. The definitions in rule 481—30.2(10A,137C,137F) and Iowa Code sections 137C.2, 137D.1 and 137F.1 are hereby incorporated by reference as part of this chapter.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.2(137C,137D,137F) Contracts. A municipal corporation or county may enter into an agreement with the department to license, inspect and enforce under Iowa Code chapters 137C, 137D and 137F.

35.2(1) The department will investigate the municipal corporation or county to determine if it possesses adequate resources to fulfill the requirements of the contract.

35.2(2) A copy of the contract is available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.3(137C,137D,137F) Contractor.

35.3(1) The contractor will:

- a.* Furnish the personnel, materials, services and facilities necessary to perform the required functions of the contract;
- b.* Cooperate with the department's monitoring activities in areas under the scope of this agreement;
- c.* Provide 24-hour-per-day, seven-day-per-week coverage of the facilities under contract;
- d.* Ensure that personnel are available at all times to respond to complaints, investigations, emergencies and other situations;
- e.* Supply trained personnel who are prepared and have the capability to perform inspections; and
- f.* Provide other information as requested by the department in regard to inspections and licenses issued under the contract.

35.3(2) The contractor is not an authorized agent of the state of Iowa.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.4(137C,137D,137F) Contractor inspection personnel.

35.4(1) Contractor inspection personnel will possess experience and education qualifications equal to those required for state food inspectors, including application of the food code. Municipal corporations or counties that wish to contract with the department to perform food inspections under Iowa Code chapters 137C, 137D and 137F but do not have trained personnel to perform these services will reimburse the department for the cost of providing the required training.

35.4(2) The salary received by contractor inspection personnel should be comparable to state inspection personnel.

35.4(3) Contractor inspection personnel will participate in state-sponsored training activities.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.5(137C,137D,137F) Investigation. The contractor will investigate all alleged food-borne illnesses in areas licensed and inspected under the agreement. The contractor will notify the department immediately of the existence of any food-borne or other illness caused by, or suspected to have been caused by, unsanitary conditions existing within the jurisdiction of the contractor.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.6(137C,137D,137F) Inspection standards. Inspections will be completed using forms prescribed by the department for those inspections. The contractor will follow applicable standards for inspections found in Iowa Code chapters 137C, 137D and 137F and 481—Chapters 30, 31, 34, 35, and 37. Copies of inspection standards are available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.7(137C,137D,137F) Enforcement. The contractor will enforce state laws and rules, including regulations adopted by reference. These regulations are the legal basis of authority in licensing and inspection of establishments under this contract.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.8(137C,137D,137F) Licensing. The contractor will issue licenses and collect license fees.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.9(137C,137D,137F) Records. The contractor will maintain records of all inspections, license applications and fees for a minimum of three years and provide the records to the department upon its request.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.10(137C,137D,137F) Contract rescinded. If the department determines that Iowa Code chapters 137C, 137D and 137F are not being enforced by the contractor, the department may rescind the agreement. Notification will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapters 137C, 137D and 137F.

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CHAPTER 37
HOTEL AND MOTEL INSPECTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—37.1(137C) Building and grounds. Owners or managers are expected to keep hotels clean, meaning no litter nor accumulation of refuse anywhere on the premises. The floors, walls, and ceilings shall be kept clean and in good repair.

37.1(1) Screens, self-closing doors or other effective methods shall be used to keep flies, mosquitoes and other pests out of hotel lobbies, kitchens or any other indoor area.

37.1(2) All garbage must be kept in metal or plastic containers with tight-fitting lids and removed regularly to avoid offensive odors, a problem with insects or rodents, or health or fire hazards.

37.1(3) Any room or article that becomes infested with insects or vermin shall be cleaned or chemically treated until there are no more insects or vermin.

[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.2(137C) Guest rooms. Hotels built or extensively remodeled, as determined by the department, shall provide ventilation in guest rooms with windows or mechanical devices. The furniture, drapes and accessories shall be kept clean and in good repair.

[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.3(137C) Bedding. All materials used on a bed or any sleeping place shall be kept clean and in good repair.

37.3(1) There shall be an under sheet and top sheet that are large enough to cover the mattress for every bed. Pillows shall have pillow slips.

37.3(2) Each guest shall be furnished clean sheets and pillow slips.

37.3(3) All other bedding shall be aired between guests and kept clean.

[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.4(137C) Lavatory facilities. Hotels built or remodeled shall have lavatory facilities in each guest room, except for bed and breakfast inns.

37.4(1) Each guest room shall be equipped with hot and cold running water fixtures. The floors shall be nonabsorbent and impermeable so they can be washed with water.

37.4(2) Lavatory rooms shall be well-lighted and vented to the outside of the building, which may be done with electric units.

37.4(3) Each guest shall have a clean towel each day.

37.4(4) Bed and breakfast inns shall provide at least one restroom that is available to overnight guests that is equipped as provided in subrules 37.4(1) through 37.4(3).

[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.5(137C) Glasses and ice.

37.5(1) Each guest shall have clean glasses to use. All cups, glasses or utensils usable more than once shall be sanitized by:

a. A sanitizing solution used in accordance with the manufacturer's use instructions; or

b. A mechanical dishwasher that sanitizes and is operated in accordance with the manufacturer's instructions.

37.5(2) Sanitizing temperature or solution concentration measuring devices are readily available to frequently measure sanitizing temperatures and sanitizing solution concentrations.

37.5(3) Ice kept for guests to use shall be protected from contamination with tight lids on ice machines or storage bins. Containers used to store ice shall be continuously drained and have no direct

waste connection. Ice containers and utensils shall be designed so that the surfaces are made of a material that is safe for use as a food contact surface and so that the surface can be adequately cleaned.
[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.6 Reserved.

481—37.7(137C) Room rates. Room rates will be posted in accordance with Iowa Code chapter 137C.
[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.8(137C) Inspections. Hotels will be inspected in accordance with Iowa Code chapter 137C.
[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.9(137C) Enforcement. Violation of these rules or any provision of Iowa Code chapter 137C is a simple misdemeanor. The department may employ various remedies if violations are discovered, including suspension or revocation of licenses (Iowa Code section 137C.10) or injunction (Iowa Code section 137C.29).
[ARC 0061D, IAB 2/4/26, effective 3/11/26]

481—37.10(137C) Criminal offense—conviction of license holder.

37.10(1) The department may suspend or revoke the license of a license holder who conducts an activity constituting a criminal offense as set forth in Iowa Code section 137C.10(3).

37.10(2) A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction of the license holder.

[ARC 0061D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 137C.

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CHAPTER 66 BOARDING HOMES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—66.1(135O) Definitions.

“Activities of daily living” means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

“Affiliated person or entity” means an individual operating as a sole proprietorship who is related within the third degree of consanguinity to the boarding home owner or lessee; or a business entity with common ownership or with 25 percent or more ownership by the boarding home owner or lessee.

“Assistance” means aid or help.

“Assistance with activities of daily living” does not mean routine, total dependence on staff for the performance of activities of daily living or nursing care.

“Boarding home” means the same as defined in Iowa Code section 135O.1(1).

“Commencing operations” means the date on which a premises becomes a boarding home by renting to a third individual who meets the requirements pursuant to the definition of “boarding home.”

“Department” means the department of inspections, appeals, and licensing.

“Director” means the director of the department of inspections, appeals, and licensing.

“Known” means information that an owner, a lessee, or a manager possesses without seeking additional information from tenants.

“Lessee” means a person who leases the boarding home from its owner.

“Premises” means the same as defined in Iowa Code section 562A.6(7).

“Preponderance of the evidence” means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. A “preponderance of the evidence” standard does not require that the investigator personally witnessed the alleged violation.

“Probable cause” means a reasonable suspicion to believe that a boarding home is in violation of Iowa Code chapter 135O or licensing or other regulatory requirements of the department of health and human services or department of inspections, appeals, and licensing; or that dependent adult abuse of any individual living in the boarding home has occurred or is occurring.

“Responsible party” means the individual designated on the registration of a boarding home as the department’s primary contact.

“Room” means an apartment, group of rooms, or single room that is occupied as a separate living quarter or, if vacant, that is intended for occupancy as a separate living quarter, in which a tenant can live and sleep separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

“Supervision” means oversight necessary to prevent accidents or ensure the health, safety, and welfare of the tenant.

“Third degree of consanguinity” means the following relatives of the owner or lessee: spouse, children, parents, siblings or half-siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, great-grandparents, and great-grandchildren.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

481—66.2(135O) Registration of boarding homes.

66.2(1) A boarding home shall complete and submit the boarding home registration form located on the department’s website within 60 days of commencing operations.

66.2(2) The registration form may be submitted electronically via the department’s website or by mail to the Department of Inspections, Appeals, and Licensing, Health Facilities Division, 6200 Park Avenue, Des Moines, Iowa 50321.

66.2(3) The registrant shall include the following:

- a. Name(s) of the owner, lessee and manager;
- b. Number of rooms available for rent and maximum number of tenants for the entire boarding home;
- c. Location of the boarding home, including street address, city and ZIP code;
- d. Telephone number, mailing address and email address for the owner, lessee and manager;
- e. Occupant loads as calculated in accordance with the building and fire codes as adopted by the applicable jurisdictions;
- f. Whether the building is equipped with a fire sprinkler system;
- g. Whether the building is equipped with a centralized kitchen in which meals are prepared;
- h. Name of the responsible party to whom the department will send all notices regarding the boarding home.

66.2(4) The boarding home shall notify the department as provided in subrule 66.2(2) of any changes to the information on the initial statement of registration within 30 days of when the change occurs, including cessation of operation.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

481—66.3(135O) Occupancy reports.

66.3(1) Each boarding home shall update its boarding home registration form with the department annually between January 1 and January 31 as provided in subrule 66.2(2).

66.3(2) The owner or lessee shall include the following information on the occupancy report. If the owner or lessee is unable to answer the question because the owner or lessee does not have such information, the owner or lessee shall indicate such on the report.

- a. Current number of rooms occupied;
- b. Current number of tenants residing in the boarding home;
- c. Date of last fire inspection and any deficiencies noted and how such deficiencies have been corrected;
- d. The number of tenants receiving Medicaid;
- e. The number of tenants receiving food assistance benefits (EBT cards);
- f. The number of tenants receiving other types of state assistance and the types of state assistance received;
- g. Types of services provided or arranged by the owner, lessee, manager or an affiliated person or entity; frequency of services by type; and the name and contact information of the person or entity providing or arranging such services;
- h. Any assistance or supervision provided to tenants by the owner, lessee or manager;
- i. Method of rent payments, such as cash, check, or state assistance;
- j. The number of tenants with a power of attorney, guardian or conservator.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

481—66.4(135O) Complaints and investigations.

66.4(1) *Complaints.*

a. Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1.877.686.0027 or through the department's website at dial.iowa.gov.

b. When the nature of the complaint is outside the department's authority, the department will forward the complaint to the appropriate investigatory entity.

c. If other state agencies receive a complaint that relates to boarding homes, the agencies will forward the complaint to the department.

d. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis.

66.4(2) *Content of complaint reports.* The complaint will include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint.

66.4(3) *Initiation of investigations and time frames for investigation of complaints.* If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation will be initiated. The department will evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation. An investigation of the boarding home will be initiated within 45 working days. If there is the likelihood of immediate danger, the department will initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department will initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

66.4(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

66.4(5) *Notification of the boarding home or alleged boarding home of results of investigation.* The department will notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

66.4(6) *Notification of the complainant of results of investigation.* The complainant, if known, will be notified of the final findings of a complaint investigation or if the department determines not to investigate a complaint and will receive an explanation of the department's decision.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

481—66.5 Reserved.

481—66.6(1350) Penalties. The director will consider the following when determining whether to assess a penalty for violation of Iowa Code chapter 1350 or rules adopted thereunder and the amount of the penalty:

1. The duration of the noncompliance;
2. The nature of the noncompliance;
3. The response of the owner or lessee upon notification of noncompliance;
4. The number of tenants affected;
5. The impact to the tenants.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

481—66.7(1350) Public and confidential information.

66.7(1) *Public disclosure.* The following records are open and available for inspection:

- a. Registration forms and accompanying materials;
- b. Final findings of investigations, unless otherwise confidential by law, such as investigative findings of the division of criminal investigation of the department of public safety or dependent adult abuse investigations;
- c. Official notices of penalties.

66.7(2) *Confidential information.* Confidential information includes the following:

- a. Information that does not comprise a final finding;
- b. Names and identifying information of all complainants;
- c. Names of tenants of a boarding home, identifying personal or medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or lessee;
- d. Social security or employer identification numbers (EIN).

66.7(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information will be redacted prior to an agency's providing the record for inspection.

66.7(4) *Searchable database of all registered boarding homes.* The department will maintain a searchable database of all registered boarding homes on the health facilities division's website at dia-hfd.iowa.gov.

[ARC 0062D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 135O.

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CHAPTER 67
GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING
PROGRAMS, AND ADULT DAY SERVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—67.1(231B,231C,231D) Definitions. The following definitions apply to this chapter and to 481—Chapters 68, 69, and 70.

“Accredited” means that the program has received accreditation from an accreditation entity.

“Activities of daily living” means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

“Ambulatory” or *“ambulation”* means physically and cognitively able to walk without aid of another person.

“Applicable requirements” means the requirements in Iowa Code chapters 135C, 231B, 231C, 231D, 235B, 235E, and 562A, this chapter, and 481—Chapters 68, 69, and 70, as applicable, and includes any other applicable administrative rules and provisions of the Iowa Code.

“Assistance” means aid to a tenant who self-directs or participates in a task or activity or who retains the mental or physical ability, or both, to participate in a task or activity. Cueing of the tenant regarding a particular task or activity means the tenant has participated in the task or activity.

“Certified staff” means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

“Change of ownership” means the purchase, transfer, assignment or lease of a program and includes a change in the management company responsible for the day-to-day operation of the program, if the management company is ultimately responsible for any enforcement action taken by the department.

“Dementia” means an illness characterized by multiple cognitive deficits that represent a decline from previous levels of functioning and includes memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia and disturbance in executive functioning.

“Department” means the department of inspections, appeals, and licensing.

“Director” means the director of the department.

“Direct supervision” means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

“Elope” means that a tenant who has impaired decision-making ability leaves the program without the knowledge or authorization of staff.

“Global Deterioration Scale” or *“GDS”* means the seven-stage scale for assessment of primary degenerative dementia developed by Dr. Barry Reisberg.

“Health care professional” means a physician, physician assistant, registered nurse, licensed practical nurse via RN delegation or advanced registered nurse practitioner licensed in Iowa by the respective licensing board or eligible to practice in Iowa through compact licensure agreements.

“Health-related care” means the same as defined in Iowa Code section 231B.1(5) and includes nurse-delegated assistance.

“Human service professional” means an individual with a bachelor’s degree in a human service field, including but not limited to human services, gerontology, social work, sociology, psychology, or family science. Two years of experience in a human service field may be substituted for up to two years of the required education.

“Impaired decision-making ability” means a lack of capacity to make safe and prudent decisions regarding one’s own routine safety as determined by the program manager or nurse or means having a GDS score of five or above.

“Independent reviewer” means an attorney licensed in the state of Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared in front of the

department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience or training in long-term care.

“Indirect supervision” means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

“Instrumental activities of daily living” means those activities that reflect the tenant’s ability to perform household and other tasks necessary to meet the tenant’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

“In the proximate area” means an area located within a five-minute or less response time.

“Medication setup” means the same as defined in Iowa Code section 231B.1(6).

“Modification” means any addition to or change in physical dimensions or structure, except as incidental to the customary maintenance of the physical structure of the program’s facility.

“Monitoring” means an on-site evaluation of a program, a complaint investigation, or a program-reported incident investigation performed by the department to determine compliance with applicable requirements. A monitor who performs a monitoring for the department shall be a registered nurse, human service professional, or another person with program-related expertise.

“Nonaccredited” means that the program has been certified but has not received accreditation from an accreditation entity.

“Noncertified staff” means unlicensed and uncertified personnel employed by the program.

“Nurse delegation” means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent certified and noncertified staff to perform selected nursing tasks in selected situations. The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant, nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses may delegate within the scope of their license with the supervision of a registered nurse.

“Occupancy agreement” or *“contractual agreement”* means the same as defined in Iowa Code sections 231B.1(7) and 231C.2(9).

“Part-time or intermittent care” means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week or, for adult day services, 4 hours per day.

“Personal care” means the same as defined in Iowa Code section 231B.1(8).

“Preponderance of the evidence” means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true.

“Program” means one or more of the following, as applicable: an elder group home as defined in Iowa Code section 231B.1 and 481—Chapter 68, an assisted living program as defined in Iowa Code section 231C.1 and 481—Chapter 69, or adult day services as defined in Iowa Code section 231D.1 and 481—Chapter 70.

“Program staff” means all employees of the program, regardless of certification or licensure status.

“Qualified professional” means a facility plant engineer familiar with the type of program being provided, or a licensed plumbing, heating, cooling, or electrical contractor who furnishes regular service to such equipment.

“Recognized accrediting entity” means the same as defined in Iowa Code sections 231C.2(11) and 231D.1(11).

“Regulatory insufficiency” means a violation of an applicable requirement.

“Restraints” means any chemical or manual method that restricts freedom of movement or normal access to one’s body or any physical or mechanical device, material or equipment that is attached or adjacent to the tenant’s body that the tenant cannot remove easily and that restricts freedom of movement or normal access to one’s body.

“Routine” means more often than not or on a regular customary basis.

“Self-administration” means a tenant’s taking personal responsibility for all phases of medication except for any component assigned to the program under medication setup, and may include the tenant’s use of an automatic pill dispenser.

“Service plan” means the document that defines all services necessary to meet the needs and preferences of a tenant, whether or not the services are provided by the program or other service providers.

“Significant change” means the same as defined in Iowa Code section 231C.2(12).

“Substantial compliance” means the same as defined in Iowa Code section 231C.2(13) regarding a level of compliance with applicable requirements.

“Tenant” means the same as defined in Iowa Code sections 231B.1(9) and 231C.2(14). In the context of adult day services, “tenant” means a “participant” as defined in 481—Chapter 70.

“Tenant advocate” means the same as defined in Iowa Code section 231B.1(10).

“Tenant’s legal representative” means the same as defined in Iowa Code section 231B.1(11). In the context of adult day services, “tenant’s legal representative” means a “participant’s legal representative” as defined in 481—Chapter 70.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.2(231B,231C,231D) Program policies and procedures.

67.2(1) A program’s policies and procedures must meet the minimum standards set by applicable requirements. All programs shall have policies and procedures related to the following:

a. Reporting of incidents, including allegations of dependent adult abuse on incident report forms to provide a detailed incident report completed at the time of the incident and include statements from individuals, if any, who witnessed the incident. The program will identify in the program’s policy who of the program staff is responsible for completion of the initial report. The report will remain accessible for a minimum of three years. All accidents or unusual occurrences within the program’s building or on the premises that affect tenants will be reported as incidents.

b. Allegations of dependent adult abuse consistent with Iowa Code chapter 235E and rules adopted pursuant to that chapter and, at a minimum, reporting requirements for staff and employees, and requirements that the victim and alleged abuser be separated.

c. Evaluation of each tenant or participant. A copy of the evaluation tool or tools to be used to identify the functional, cognitive and health status of each tenant or participant will be included.

d. Service plans.

e. Medical needs of tenants or participants.

f. Food service, including policies and procedures related to staffing, nutrition, menu planning, therapeutic diets, and food preparation, service and storage.

g. Transportation.

h. Staffing and training.

i. Emergencies, including policies and procedures related to natural disasters, with an evacuation plan and procedures for notifying legal representatives in emergency situations as applicable.

j. Managing risk and upholding tenant or participant autonomy when decision-making results in poor outcomes for the tenant or participant or others.

k. Accidents and emergency response.

l. Addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the Global Deterioration Scale.

m. Extraordinary lifesaving measures, including policies and procedures related to cardiopulmonary resuscitation (CPR).

n. Narcotics protocol, including policies and procedures related to reconciliation and destruction.

67.2(2) The program shall follow the policies and procedures established by the program.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.3(231B,231C,231D) Tenant rights. All tenants have the following rights:

67.3(1) To be treated with consideration, respect, and full recognition of personal dignity and autonomy.

67.3(2) To receive care, treatment and services that are adequate and appropriate.

67.3(3) To receive respect and privacy in the tenant's medical care program. Personal and medical records shall be confidential, and the written consent of the tenant obtained for the records' release to any individual, including family members, except as needed in case of the tenant's transfer to a health care facility or as required by law or a third-party payment contract.

67.3(4) To be free from mental and physical abuse.

67.3(5) To receive from the manager and staff of the program a reasonable response to all requests.

67.3(6) To associate and communicate privately and without restriction with persons and groups of the tenant's choice, including the tenant advocate, on the tenant's initiative or on the initiative of the persons or groups at any reasonable hour.

67.3(7) To manage the tenant's own financial affairs unless a tenant's legal representative has been appointed for the purpose of managing the tenant's financial affairs.

67.3(8) To present grievances and recommend changes in program policies and services, personally or through other persons or in combination with others, to the program's staff or person in charge without fear of reprisal, restraint, interference, coercion, or discrimination.

67.3(9) To be free from restraints.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.4(231B,231C,231D) Program notification to the department. The director or the director's designee shall be notified within 24 hours, or the next business day, by the most expeditious means available:

67.4(1) Of any accident causing major injury, including a substantial injury.

a. "Major injury" is defined as any injury that:

(1) Results in death; or

(2) Requires admission to a higher level of care for treatment, other than for observation; or

(3) Requires consultation with the attending physician, designee of the physician, or physician extender who determines, in writing on a form designated by the department, that an injury is a "major injury" based upon the circumstances of the accident, the previous functional ability of the tenant, and the tenant's prognosis.

b. The following are not reportable accidents:

(1) An ambulatory tenant who falls when neither the program nor its employees have culpability related to the fall, even if the tenant sustains a major injury;

(2) Spontaneous fractures;

(3) Hairline fractures.

67.4(2) When damage to the program is caused by a natural or other disaster, including physical impairments affecting operating (e.g., failure of a heating or cooling system or water heater failure).

67.4(3) When there is an act that causes major injury to a tenant or when a program has knowledge of a pattern of acts committed by the same tenant on another tenant that results in any physical injury. "Pattern" means two or more times within a 30-day period.

67.4(4) When a tenant elopes from a program.

67.4(5) When a tenant attempts suicide, regardless of injury.

67.4(6) When a fire occurs in a program and the fire requires the notification of emergency services, requires full or partial evacuation of the program, or causes physical injury to a tenant.

67.4(7) When a defect or failure occurs in the fire sprinkler or fire alarm system for more than 4 hours in a 24-hour period.

NOTE: Additional reporting requirements are created by other rules and statutes, including but not limited to Iowa Code chapters 235B and 235E, which require reporting of dependent adult abuse.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.5(231B,231C,231D) Medications.

67.5(1) If a program handles, stores, or administers controlled substances, the program shall be registered with the Iowa board of pharmacy as a care facility in accordance with 481—Chapter 551.

67.5(2) Each program shall follow its own written medication policy, including the following:

a. The program will not prohibit a tenant from self-administering medications.

b. A tenant will self-administer medications unless:

(1) The tenant or the tenant's legal representative delegates in the occupancy agreement or signed service plan any portion of medication setup to the program.

(2) The tenant delegates medication setup to someone other than the program.

(3) The program assumes partial control of medication setup at the direction of the tenant. The medication plan will not be implemented by the program unless the program deems it appropriate under applicable requirements, including those in Iowa Code section 231C.16A and subrule 67.9(4).

c. A tenant will keep medications in the tenant's possession unless the tenant or the tenant's legal representative, if applicable, delegates in the occupancy agreement or signed service plan partial or complete control of medications to the program, including the tenant's choice related to storage.

d. When a tenant has delegated medication administration to the program, the program will maintain a list of the tenant's medications. If the tenant self-administers medications, the tenant may choose to maintain a list of medications in the tenant's apartment or to disclose a current list of medications to the program for the purpose of emergency response, but the tenant remains responsible for the accuracy of the list.

e. When medications are administered traditionally by the program:

(1) The administration of medications will be provided by a registered nurse, licensed practical nurse or advanced registered nurse practitioner registered in Iowa, by an individual who has successfully completed a department-approved medication aide or medication manager course and passed the respective department-approved medication aide or manager examination, or by a physician assistant (PA) in accordance with 481—Chapter 781. Injectable medications will be administered as permitted by Iowa law by a registered nurse, licensed practical nurse, advanced registered nurse practitioner, physician, pharmacist, or PA.

(2) The program will maintain a list of each tenant's medications and document the medications administered.

(3) Medications and treatments will be administered as prescribed by the tenant's physician, advanced registered nurse practitioner or PA.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.6(231B,231C,231D) Another business or activity located in a program.

67.6(1) A business or activity serving persons other than tenants of a program is allowed in a designated part of the physical structure in which the program is located if the other business or activity meets the requirements of applicable state and federal codes, administrative rules, and federal regulations.

67.6(2) A business or activity conducted in the designated part of the physical structure in which the program is located shall not interfere with the use of the program by tenants or with services provided to tenants or disturb tenants or reduce access, space, services, or staff available to tenants or necessary to meet the needs of tenants.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.7(231B,231C,231D) Waiver of criteria for retention of a tenant in the program.

67.7(1) *Time-limited waiver.* Upon receipt of a program's request for waiver of the criteria for retention of a tenant, the department may grant a waiver of the criteria under applicable requirements

for a time-limited basis. Absent extenuating circumstances, a waiver of the criteria for retention of a tenant is limited to a period of six months or less.

67.7(2) *Waiver petition procedures.* The following procedures shall be used to request and to receive approval of a waiver from criteria for the retention of a tenant:

a. A program will submit the waiver request on a form and in a manner designated by the department as soon as it becomes apparent that a tenant exceeds retention criteria pursuant to an evaluation by a health care or human service professional.

b. The department will respond in writing to a waiver request within 15 working days of receipt of all required documentation. In consultation with the program, the department may take an additional 15 working days to report its determination regarding the waiver request.

c. The program will provide to the department within five working days written notification of any changes in the condition of the tenant as described in the approved waiver request.

67.7(3) *Factors for consideration for waiver of criteria for retention of a tenant.* In addition to the criteria established in Iowa Code section 17A.9A(2), the following factors may be demonstrative in determining whether the criteria for issuance of a waiver have been met:

a. It is the informed choice of the tenant or the tenant's legal representative, if applicable, to remain in the program;

b. The program is able to provide the staff necessary to meet the tenant's service needs in addition to the service needs of the other tenants;

c. The waiver will not jeopardize the health, safety, security or welfare of the tenant, program staff, or other tenants;

d. The tenant has been diagnosed with a terminal illness and has been admitted to hospice, and the tenant exceeds the criteria for retention and admission for a temporary period of less than six months. A terminal diagnosis means the tenant is within six months of the end of life.

67.7(4) *Conditional waiver.* A conditional waiver may be granted contingent upon the department's receipt of additional information or performance of monitoring.

a. If a waiver has been in effect for six months, a monitoring may be conducted to determine whether the tenant meets the criteria to continue on a waiver.

b. The department may seek additional information during the period to determine if a waiver should be granted.

67.7(5) *Appeals.* The denial of a waiver request may be appealed by the program pursuant to Iowa Code chapter 17A.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.8(231B,231C,231D) All other waiver requests. Waiver requests relating to topics other than retention of a tenant in a program shall be filed in accordance with 481—Chapter 6.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.9(231B,231C,231D) Staffing.

67.9(1) *Number of staff.* A sufficient number of trained staff shall be available at all times to fully meet tenants' identified needs.

67.9(2) *Emergency procedures.* All program staff shall be able to implement the accident, fire safety, and emergency procedures.

67.9(3) *Documentation.* The program shall have training records and staffing schedules on file and maintain documentation of training received by program staff, including training of certified and noncertified staff on nurse-delegated procedures.

67.9(4) *Nurse delegation procedures.* The program's registered nurse shall ensure certified and noncertified staff are competent to meet the individual needs of tenants. Nurse delegation shall include the following:

a. The program's newly hired nurse will within 60 days of beginning employment as the program's registered nurse document a review to ensure that staff are sufficiently trained and competent in all tasks that are assigned or delegated.

b. Within 30 days of beginning employment, all program staff will receive training by the program's nurse(s).

c. Training for noncertified staff will include the provision of activities of daily living and instrumental activities of daily living.

d. Direct care staff will receive training regarding service plan tasks in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

e. The program's nurse(s) will provide direct or indirect supervision of all direct care staff as necessary in the professional judgment of the program's nurse(s) and in accordance with the needs of the tenants and staff.

f. Services will be provided to tenants in accordance with the training provided.

g. The program will have in place a system by which direct care staff communicate in writing occurrences that differ from the tenant's normal health and functional and cognitive status. The program's nurse or designee will train staff on reporting to the program's nurse(s) or designee(s) and documenting occurrences that differ from the tenant's normal health and functional and cognitive status. The written communication required by this paragraph will be retained by the program for a period of not less than three years and be accessible to the department upon request.

h. In the absence of the program's nurse(s) due to vacation or other temporary circumstances, the nurse(s) assuming the duties of the program's nurse(s) will have access to staff training in relation to tenant needs.

67.9(5) *Prohibited services.* A program staff member shall not be designated as attorney-in-fact, guardian, conservator, or representative payee for a tenant unless the program staff member is related to the tenant by blood, marriage, or adoption.

67.9(6) *Dependent adult abuse training.* Program staff shall receive training relating to the identification and reporting of dependent adult abuse as required by Iowa Code section 235B.16.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.10(17A,231B,231C,231D) Monitoring.

67.10(1) *Frequency of monitoring.* The department will monitor a certified program at least once during a 24-month period.

67.10(2) *Standard for determining whether a regulatory insufficiency exists.* The department will use a preponderance-of-the-evidence standard when determining whether a regulatory insufficiency exists. A preponderance-of-the-evidence standard does not require that the monitor shall have personally witnessed the alleged violation.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure.

67.11(1) *Complaints.* The process for filing a complaint is as follows:

a. Any person with concerns regarding the operation or service delivery of a program may file a complaint with the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321; by use of the complaint hotline, 1.877.686.0027; by facsimile sent to 515.281.7106; or through the website address: dial.iowa.gov.

b. When the nature of the complaint is outside of the department's authority, the department will forward the complaint or refer the complainant, if known, to the appropriate investigatory entity.

c. The complainant will include as much of the following information as possible in the complaint: the complainant's name, address and telephone number; the complainant's relationship to the program or tenant; and the reason for the complaint. The complainant's name shall be confidential information and shall not be released by the department. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the program. If the department, upon preliminary review, determines that the complaint is intended as harassment or is without reasonable basis, the department may dismiss the complaint.

67.11(2) *Program-reported incident reports.* When the program is required pursuant to applicable requirements to report an incident, the program will make the report to the department via:

- a. The web-based reporting tool accessible from the following website, dia-hfd.iowa.gov;
- b. Mail by sending the complaint to the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321;
- c. The complaint hotline, 1.877.686.0027; or
- d. Facsimile sent to 515.281.7106.

67.11(3) *Time frames for investigation of complaints or program-reported incident reports.* Upon receipt of a complaint or program-reported incident report made in accordance with this rule, the department will conduct a preliminary review of the complaint or report to determine if a potential regulatory insufficiency has occurred. If a potential regulatory insufficiency exists, the department will institute a monitoring of the program within the following time frames: within 2 working days of receipt of the complaint or incident report if there is the possibility of immediate danger, including that the potential regulatory insufficiency has caused or is likely to cause serious injury, harm, impairment, or death to a resident; or within 20 working days of receipt of the complaint or incident report if the potential regulatory insufficiency has caused or may cause harm that negatively impacts a tenant's mental, physical, or psychosocial status or function and is of such consequence to the tenant's well-being that a rapid response is warranted; or within 45 working days of receipt of the complaint or incident report for any other complaint or incident investigation, including a potential regulatory insufficiency that may have caused harm of limited consequence and does not significantly impair the tenant's mental, physical, or psychosocial status or function.

67.11(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance-of-the-evidence standard in determining whether or not a complaint or program-reported incident report is substantiated.

67.11(5) *Notification of program and complainant.* The department will notify the program and, if known, the complainant of the final report regarding the complaint investigation.

67.11(6) *Notification of accrediting entity.* For any credible report of alleged improper or inappropriate conduct or conditions within an accredited program, the department will notify the accrediting entity by the most expeditious means possible of any actions taken by the department with respect to certification enforcement.

67.11(7) *Notification of complainant when complaint not investigated.* The department will notify the complainant if the department does not investigate a complaint, including the reasons for not investigating the complaint.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.12(17A,231B,231C,231D,85GA,HF2365) Exit interview, final report, plan of correction.

67.12(1) *Exit interview.* The department will provide an exit interview pursuant to Iowa Code sections 231B.8 and 231C.8.

67.12(2) *Final report.* The department will issue the final report pursuant to Iowa Code sections 231B.8(2) and 231C.8(2).

67.12(3) *Plan of correction.* Within ten working days following receipt of the final report, the program shall submit a plan of correction to the department, which shall include:

- a. Elements detailing how the program will correct each regulatory insufficiency, including at the system level;
- b. The date by which the regulatory insufficiency will be corrected not to exceed 30 days from receipt of the final report without approval of the department;
- c. What measures will be taken to ensure the problem does not recur;
- d. How the program plans to monitor performance to ensure compliance; and
- e. Any other required information.

The department will review the plan of correction and may request additional information or suggest revisions to the plan.

67.12(4) *Monitoring revisit.* The department may conduct a monitoring revisit to ensure that the plan of correction has been implemented and the regulatory insufficiency has been corrected.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report. The program shall respond pursuant to Iowa Code sections 231B.9A, 231C.9A, and 231D.9A in the following manner.

67.13(1) *If not contesting.* If the program does not seek an informal conference or contest the final report and civil penalty, if assessed, the program shall remit to the department the amount of the civil penalty, if assessed. If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if the requirements of subrule 67.16(5) are met.

67.13(2) *Informal conference.*

a. Request for informal conference. The request for an informal conference must be in writing and include the following:

- (1) Identification of the regulatory insufficiency(ies) being disputed;
- (2) The type of informal conference requested: virtual or telephone conference;
- (3) A request for monitor's notes for the regulatory insufficiency(ies) being disputed, if desired.

b. Submission of documentation. The program will submit the following within ten working days from the date of the program's written request for an informal conference:

- (1) The names of those who will be attending the informal conference, including legal counsel;
- (2) Documentation supporting the program's position. The program will highlight or use some other means to identify written information pertinent to the disputed regulatory insufficiency(ies). Supporting documentation that is not submitted with the request for an informal conference will not be considered, except as otherwise permitted by the independent reviewer upon good cause shown. "Good cause" means substantial or adequate grounds for failing to submit documentation in a timely manner. In determining whether the program has shown good cause, the independent reviewer shall consider what circumstances kept the program from submitting the supporting documentation within the required time frame.

c. Virtual or telephone conference. A virtual or telephone conference, if requested, will be scheduled to occur within ten working days of the receipt of the written request, all supporting documentation and the plan of correction required by subrule 67.12(3).

(1) Failure to submit supporting documentation will not delay scheduling.

(2) The conference will be scheduled for one hour. The program will informally present information and explanation concerning the contested regulatory insufficiency(ies). The department will have time to respond to the program's presentation. Due to the confidential nature of the conference, attendance may be limited.

(3) If additional information is requested by the independent reviewer during the informal conference, the program will have two working days to deliver the additional materials to the independent reviewer.

(4) When extenuating circumstances exist, the program may be given one opportunity to reschedule.

d. Results. The results of the informal conference will generally be sent within ten working days after the date of the informal conference or within ten working days after the receipt of additional information, if requested.

(1) The department will issue an amended (changes in factual content) or corrected (changes in typographical/data errors) final report if changes result from the informal conference.

(2) The program must submit to the department a new plan of correction for the amended or corrected report within ten calendar days from the date of the letter conveying the results of the conference.

(3) If the informal conference results in dismissal of a regulatory insufficiency for which a civil penalty was assessed, the corresponding civil penalty will be rescinded.

67.13(3) *Procedure after informal conference.* After the conclusion of an informal conference:

a. If the program does not desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, remit to the department the civil penalty, if assessed.

b. If the program does desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, notify the department in writing that it desires to formally contest the final report.

67.13(4) *Contested case hearings.* Contested case hearings shall be conducted by the department's administrative hearings division pursuant to Iowa Code chapter 17A and 481—Chapter 9.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.14(17A,231B,231C,231D) Denial, suspension or revocation of a certificate.

67.14(1) *Notice and request for hearing.* The denial, suspension or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such actions. A denial, suspension or revocation shall be effective 30 days after certified mailing or personal service of the notice, unless the applicant or certificate holder gives the department written notice requesting a hearing within the 30-day period. If a timely request for hearing is made, the notice shall be deemed suspended pending the outcome of the hearing unless subrule 67.14(3) or 67.14(4) applies. If an enforcement action has been implemented immediately in accordance with subrule 67.14(3) or 67.14(4), the enforcement action remains in effect regardless of a request for hearing.

67.14(2) *Hearings.* Hearings shall be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

67.14(3) *Immediate suspension of a certificate.* When the department finds that an imminent danger to the health or safety of tenants of a program exists that requires action on an emergency basis, the department may direct removal of all tenants from the program and suspend the certificate or require additional remedies to ensure the ongoing safety of the program's tenants prior to a hearing.

67.14(4) *Immediate imposition of enforcement action.* When the department finds that an imminent danger to the health or safety of tenants exists that requires action on an emergency basis, the department may immediately impose a conditional certificate and accompanying conditions upon the program in lieu of immediate suspension of the certificate and removal of the tenants from the program if the department finds that tenants' health and safety would still be protected. The program may request a hearing, but the immediate enforcement action remains in effect regardless of the request for hearing.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.15(17A,231B,231C,231D) Conditional certification.

67.15(1) *Conditional certification.* In lieu of denial, suspension or revocation of a certificate, the department may issue a conditional certificate for a period of up to one year. Notwithstanding subrule 67.14(4), a conditional certificate shall be issued only when regulatory insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm.

a. The department will specify the reasons for the conditional certificate in the notice issuing the conditional certificate.

b. The department may place conditions upon a certificate, such as requiring additional training; restriction of the program from accepting additional tenants for a period of time; or any other action or combination of actions deemed appropriate by the department.

c. Failure by the program to adhere to the plan of correction or conditions placed on the certificate may result in suspension or revocation of the conditional certification and further enforcement action as available under applicable requirements.

d. A program must be in substantial compliance with applicable requirements before the removal of a conditional certificate by the department. Prior to lifting a conditional certificate, the department may conduct a monitoring to verify substantial compliance.

67.15(2) *Appeal of conditional certificate.* A written request for hearing must be received by the department within 30 days after the mailing or service of notice. The conditional certificate will not be suspended pending the hearing. Hearings will be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.16(17A,231B,231C,231D) Civil penalties.

67.16(1) *When civil penalties may be issued.* Civil penalties may be issued when the director finds that any of the following has occurred:

a. A program that does not comply with applicable requirements and the noncompliance results in imminent danger or a substantial probability of resultant death or physical harm to a tenant may be assessed a civil penalty of not more than \$10,000.

b. A program that continues to fail or refuses to comply with applicable requirements within prescribed time frames established by the department or approved by the department in the program's plan of correction and the noncompliance has a direct relationship to the health, safety, or security of tenants may be assessed a civil penalty of not more than \$5,000.

c. A program that prevents, interferes with or attempts to impede in any way any duly authorized representative of the department in the lawful enforcement of applicable requirements may be assessed a civil penalty of not more than \$1,000.

d. A program that discriminates or retaliates in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by Iowa Code chapter 231B, 231C or 231D and the corresponding administrative rules may be assessed a civil penalty of not more than \$5,000.

67.16(2) *Duplicate civil penalties prohibited.* The department shall not impose duplicate civil penalties on a program for the same set of facts and circumstances.

67.16(3) *Factors in determining the amount of a civil penalty.* The department will consider the following factors when determining the amount of a civil penalty:

a. The frequency and length of time the regulatory insufficiency occurred (i.e., whether the regulatory insufficiency was an isolated or a widespread occurrence, practice, or condition);

b. The past history of the program as it relates to the nature of the regulatory insufficiency (the department will not consider more than the current certification period and the immediately previous certification period);

c. The culpability of the program as it relates to the reasons the regulatory insufficiency occurred;

d. The extent of any harm to the tenants or the effect on the health, safety, or security of the tenants that resulted from the regulatory insufficiency;

e. The relationship of the regulatory insufficiency to any other types of regulatory insufficiencies that have occurred in the program;

f. The actions of the program after the occurrence of the regulatory insufficiency, including when corrective measures, if any, were implemented and whether the program notified the director as required;

g. The accuracy and extent of records kept by the program that relate to the regulatory insufficiency, and the availability of such records to the department;

h. The rights of tenants to make informed decisions;

i. Whether the program made a good-faith effort to address a high-risk tenant's specific needs and whether the evidence substantiates this effort.

67.16(4) *Civil penalties due.* The civil penalty shall be paid to the department within 30 days following the program's receipt of the final report and demand letter. The program may appeal in

accordance with rule 481—67.13(17A,231B,231C,231D,85GA,HF2365). If the program appeals, the civil penalty will be deemed suspended until the appeal is resolved.

67.16(5) *Reduction of civil penalty.* If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if both of the following requirements are met:

a. The program does not request a formal hearing pursuant to rule 481—67.13(17A,231B,231C,231D,85GA,HF2365) or withdraws its request for formal hearing within 30 calendar days of the date that the civil penalty was assessed; and

b. The civil penalty is paid and payment is received by the department within 30 calendar days of receipt of the final report.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.17(17A,231B,231C,231D) Judicial review. Judicial review shall be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 9.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.18(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks.

67.18(1) *Definitions.* The following definitions apply for the purposes of this rule.

“Background check” or “record check” means criminal history, child abuse and dependent adult abuse record checks.

“Comprehensive preliminary background check” means a criminal history check of all states in which the applicant has worked or resided over the seven-year period immediately prior to applying for employment that is conducted by an approved third-party vendor.

“Direct services” means services provided through person-to-person contact. “Direct services” excludes services provided by individuals such as building contractors, repair workers, or others who are in a program for a very limited purpose, who are not in the program on a regular basis, and who do not provide any treatment or services for residents, patients, tenants, or participants of the provider.

“Employed in a program” or “employment within a program” means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An employee of an assisted living program certified under Iowa Code chapter 231C, if the employee provides direct services to consumers;

2. An employee of an elder group home certified under Iowa Code chapter 231B, if the employee provides direct services to consumers;

3. An employee of an adult day services program certified under Iowa Code chapter 231D, if the employee provides direct services to consumers.

“Employee” means any individual who is paid, either by the program or any other entity (i.e., temporary agency, private duty, Medicare/Medicaid or independent contractors).

“Evaluation” means review by the department of health and human services (HHS) to determine whether a founded child abuse, dependent adult abuse or criminal conviction warrants the person’s being prohibited from employment in a program.

“Indirect services” means services provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance.

“Program,” for purposes of this rule, means the following, if the provider is regulated by the state or receives any federal or state funding:

1. An assisted living program certified under Iowa Code chapter 231C;

2. An elder group home certified under Iowa Code chapter 231B;

3. An adult day services program certified under Iowa Code chapter 231D.

67.18(2) *Explanation of “crime.”* For purposes of this rule, the term “crime” does not include offenses under Iowa Code chapter 321 classified as simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

67.18(3) *Requirements for employer prior to employing an individual.* Prior to employment of a person in a program, the program shall complete the background check requirements set forth below.

a. Informing the prospective employee. A program will ask each person seeking employment by the program, “Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions in this state or any other state?” The person will be informed that a background check will be conducted and sign an acknowledgment.

b. Conducting a background check. The program will either request that the department of public safety perform a criminal history check and that HHS perform child and dependent adult abuse record checks of the person in this state or access the single contact repository (SING) to perform the required background check. If SING is used, the program will submit the person’s maiden name, if applicable, with the background check request.

c. If a person considered for employment has been convicted of a crime under the law of any state. The program will request that HHS perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the program.

d. If a person considered for employment has a record of founded child abuse or dependent adult abuse under the laws of any state. The program will request that HHS perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the program.

e. Employment pending evaluation. The program may provisionally employ a person prior to completion of the required record check and evaluation by HHS, as applicable, subject to all of the following:

(1) The program shall have accessed SING to perform the required record check and be awaiting results from SING or awaiting evaluation by HHS, as applicable;

(2) If applicable, the program shall request an evaluation by HHS in accordance with paragraph 67.18(3) “c” or “d” within 30 days of receipt of SING record check results;

(3) The program shall have utilized an approved third-party vendor to perform a comprehensive preliminary background check;

(4) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, the crime does not constitute a felony as defined in Iowa Code section 701.7 and is not a crime specified pursuant to Iowa Code chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to Iowa Code section 726.3, 726.7, or 726.8;

(5) The comprehensive preliminary background check shall have determined that the person being considered for employment does not have a record of founded child abuse or dependent adult abuse, or if the comprehensive preliminary background check determines the person being considered for employment does have a record of founded child abuse or dependent adult abuse, subrule 67.18(8) is applicable;

(6) The provisional employment may continue until such time as the required record check through SING and evaluation by HHS, as applicable, are completed.

67.18(4) *Validity of background check results.* The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the program.

67.18(5) *Employment prohibition.* Except as provided in paragraph 67.18(3) “e,” a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a program unless an evaluation has been performed by HHS.

67.18(6) *Transfer of an employee to another program owned or operated by the same person without a lapse in employment.* The program is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

67.18(7) *Transfer of ownership of a program.* At the time of transfer of ownership of a program, the background check required by this rule will be performed for each employee for whom there is no documentation that such background check has been performed. The program may continue to employ such employee pending the performance of the background check and any related evaluation.

67.18(8) *Change of employment—person with criminal or abuse record—exception to record check evaluation requirements.* A person with a criminal or abuse record who is or was employed by a certified program and is hired by another certified program shall be subject to the background check.

a. A reevaluation of the latest record check is not required, and the person may commence employment with the other certified program if the following requirements are met:

(1) HHS previously performed an evaluation concerning the person's criminal or abuse record and concluded the record did not warrant prohibition of the person's employment;

(2) The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the prior evaluation;

(3) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;

(4) Any restrictions placed on the person's employment in the previous evaluation by HHS and still applicable remain applicable in the person's subsequent employment;

(5) The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a current record check evaluation will be performed.

b. For purposes of this subrule, a position is "substantially the same or has the same job responsibilities" if the position requires the same certification, licensure, or advanced training. For example, a licensed nurse has substantially the same or the same job responsibilities as a director of nursing; a certified nurse aide does not have substantially the same or the same job responsibilities as a licensed nurse.

c. The subsequent employer must maintain the previous evaluation in the employee's personnel file for verification of the exception to the requirement for a record check evaluation.

d. The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption under paragraph 67.18(8) "a" may be authorized.

67.18(9) *Employee notification of criminal convictions or founded abuse after employment.* If a person employed by an employer that is subject to this rule is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

a. The employer shall act to verify the information within seven calendar days of notification. "Verify," for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3) "c" and "d."

c. The employer may continue to employ the person pending the performance of an evaluation by HHS.

d. A person who is required by this subrule to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor under Iowa Code section 135C.33.

e. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under this subrule.

67.18(10) *Program receipt of credible information that an employee has been convicted of a crime or founded for abuse.* If the program receives credible information, as determined by the program, from someone other than the employee, that the employee has been convicted of a crime

or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee has not informed the employer of the information within the time required by subrule 67.18(9), the program shall take the following actions:

a. The program will act to verify credible information within seven calendar days of receipt. “Verify,” for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3) “c” and “d.”

67.18(11) *Proof of background checks for temporary employment agencies and contractors.* Proof of background checks may be kept in the files maintained by temporary employment agencies and contractors. Facilities may require temporary employment agencies and contractors to provide a copy of the result of the background checks. Copies of such results shall be made available to the department upon request.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.19(17A,231C,231D) Emergency removal of tenants. If the department determines that the health or safety of tenants is in jeopardy and the tenants need to be removed from the program, the department will use the following procedures to ensure a safe and orderly transfer.

67.19(1) The department will notify HHS, the tenant advocate, the appropriate area agency on aging, and other agencies as necessary and appropriate:

- a.* To alert them to the need to transfer tenants from a program;
- b.* To request assistance in identifying alternative programs or other appropriate settings;
- c.* To contact the tenants and their legal representatives or family members, if applicable, and others as appropriate, including health care professionals.

67.19(2) The department will notify the program of the immediate need to transfer tenants and of any assistance available, in coordination with the appropriate parties under subrule 67.19(1).

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.20(231C) Nursing assistant work credit.

67.20(1) A program may add an employee to the direct care worker registry by calling 515.281.4077 or by registering through the website at dia-hfd.iowa.gov.

67.20(2) A program shall complete and submit to the department a direct care worker registry application for each certified nursing assistant who works in the program. A registered nurse employed by the program shall supervise the nursing assistant. The application may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

67.20(3) A program shall complete and submit to the department a direct care worker registry quarterly employment report whenever a change in the employment of a certified nursing assistant occurs. The report form may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

481—67.21(231B,231C,231D) Public or confidential information.

67.21(1) *Public information.*

a. *Public disclosure of findings.* The program shall provide copies of the final report resulting from a monitoring in a prominent public place. Copies are available upon request from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50323; by telephone at 515.281.6325; or via the website at dia-hfd.iowa.gov.

b. *Open records.* The following records are open records available for inspection:

- (1) Certification applications, certification status, and accompanying materials;

- (2) Final findings of state monitorings, including a monitoring that results from a complaint or program-reported incident;
- (3) Reports from the fire safety bureau;
- (4) Plans of correction submitted by a program;
- (5) Official notices of certification sanctions, including enforcement actions;
- (6) Findings of fact, conclusions of law, decisions and orders issued pursuant to rules 481—67.10(17A,231B,231C,231D) and 481—67.12(17A,231B,231C,231D,85GA,HF2365);
- (7) Waivers, including the department's approval and denial letter and any letter requesting the waiver.

67.21(2) *Confidential information.* Confidential information includes the following:

- a.* Information that does not comprise a final report resulting from a monitoring, complaint investigation, or program-reported incident investigation. Information that does not comprise a final report may be made public in a legal proceeding concerning a denial, suspension or revocation of certification;
- b.* Names of all complainants;
- c.* Names of tenants of a program, identifying medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or operator;
- d.* Social security numbers or employer identification numbers (EIN).

67.21(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information shall be redacted before the records are provided for inspection.

[ARC 0063D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapters 231B, 231C, and 231D.

[Filed ARC 8174B (Notice ARC 7877B, IAB 6/17/09), IAB 9/23/09, effective 1/1/10]

[Filed ARC 0961C (Notice ARC 0809C, IAB 6/26/13), IAB 8/21/13, effective 9/25/13]

[Filed ARC 0963C (Notice ARC 0808C, IAB 6/26/13), IAB 8/21/13, effective 9/25/13]

[Filed ARC 1050C (Notice ARC 0907C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 1055C (Notice ARC 0941C, IAB 8/7/13), IAB 10/2/13, effective 1/1/14]

[Filed ARC 1547C (Notice ARC 1472C, IAB 5/28/14), IAB 7/23/14, effective 8/27/14]

[Filed ARC 1701C (Notice ARC 1616C, IAB 9/3/14), IAB 10/29/14, effective 1/1/15]

[Filed ARC 1994C (Notice ARC 1942C, IAB 4/1/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 2142C (Notice ARC 2067C, IAB 7/22/15), IAB 9/16/15, effective 10/21/15]

[Filed ARC 2463C (Notice ARC 2200C, IAB 10/14/15), IAB 3/16/16, effective 4/20/16]

[Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]

[Filed ARC 4976C (Notice ARC 4867C, IAB 1/15/20), IAB 3/11/20, effective 4/15/20]

[Filed ARC 5421C (Notice ARC 5335C, IAB 12/16/20), IAB 2/10/21, effective 3/17/21]

[Filed ARC 0063D (Notice ARC 9781C, IAB 12/10/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 68
ELDER GROUP HOMES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—68.1(231B) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231B, the following definitions apply:

“*Applicable requirements*” means the requirements in Iowa Code chapter 231B, this chapter and 481—Chapter 67 and any other applicable administrative rules and provisions of the Iowa Code.

“*Household occupant*” means a tenant and all others who reside in an elder group home (EGH).

“*Maximal assistance with activities of daily living*” means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

“*Medically unstable*” means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program’s staff in consultation with a physician or physician extender;
2. Resulting in two or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring supervision by a registered nurse more than once a week of the tenant for more than 21 days.

“*On-site manager*” means the person on duty responsible for direct supervision or provision of tenant care. The on-site manager may be any household occupant over 18 years of age, except a tenant, who is qualified to perform the necessary duties.

“*Personal care provider*” means an individual who, in return for remuneration, assists with the essential activities of daily living that the tenant can perform personally only with difficulty.

“*Program*” means an elder group home.

“*Unmanageable incontinence*” means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

“*Usable floor space*” means open floor space that is not under fixtures, furniture or other barriers and is available for walking or wheelchair use.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.2(231B) Program certification and posting requirements.

68.2(1) Certification. A program may obtain certification by meeting all applicable requirements.

68.2(2) Posting requirements. A program’s current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.3(231B) Certification—application process.

68.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

68.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 30 calendar days prior to the expected date of beginning operation.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.4(231B) Certification—application content. An application for certification or recertification of an EGH shall include the following:

68.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

68.4(2) A statement disclosing whether the individuals listed in subrule 68.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

68.4(3) A statement disclosing whether any of the individuals listed in subrule 68.4(1) meet the criteria set out in Iowa Code section 231B.10(1)“g,” including for a licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

68.4(4) Reserved.

68.4(5) The tenant occupancy agreement and all attachments.

68.4(6) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity’s current license or certification.

68.4(7) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

68.4(8) The fee set forth in Iowa Code section 231B.17.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.5(231B) Initial certification process.

68.5(1) Upon receipt of all completed documentation, including fire safety bureau approval and structural and evacuation review approval, the department will determine whether or not the proposed program meets applicable requirements.

68.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

68.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program’s compliance with applicable requirements.

68.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

68.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

68.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

68.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.6(231B) Expiration of program certification. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.7(231B) Recertification process. To obtain recertification, a program shall:

68.7(1) Submit one copy of the completed application, including the information from rule 481—68.4(231B), associated documentation, and the recertification fee as listed in Iowa Code section

231B.17 to the department at the address stated in subrule 68.3(1) at least 90 calendar days prior to the expiration of the program's certification.

68.7(2) Submit additional documentation that each of the following has been inspected and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.8(231B) Notification of recertification.

68.8(1) The department will review the application and associated documentation and fees. If the application is incomplete, the department will contact the program to request the additional information. After all finalized documentation is received, including fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

68.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

68.8(3) If the decision is to deny recertification, the department shall issue a notice of denial and provide the program the opportunity for a hearing pursuant to rule 481—67.14(17A,231B,231C,231D).

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.9(231B) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.10(231B) Change of ownership—notification to the department.

68.10(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

68.10(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231B and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documents to the department.

68.10(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.11(231B) Cessation of program operation that includes seeking decertification.

68.11(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department and the tenant advocate of the date on which the program will cease operation.

68.11(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 68.11(1).

68.11(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

68.11(4) When a program ceases operation, tenant advocates shall be allowed by the program to privately meet with tenants to provide education and service options.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.12(231B) Occupancy agreement.

68.12(1) The occupancy agreement shall be in 12-point type or larger and written in plain language using commonly understood terms that are easy for the tenant or the tenant's legal representative to understand.

68.12(2) In addition to the requirements of Iowa Code section 231B.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a.* The telephone number for filing a complaint with the department.
- b.* The telephone number for the office of the tenant advocate.
- c.* The telephone number for reporting dependent adult abuse.
- d.* A copy of the program's statement on tenants' rights.
- e.* A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.
- f.* A copy of the program's admission and transfer criteria.

68.12(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

68.12(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

68.12(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.13(231B) Evaluation of tenant.

68.13(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and becoming a household occupant to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

68.13(2) *Evaluation within 30 days of occupancy and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.14(231B) Criteria for admission and retention of tenants.

68.14(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

- a.* Is bed-bound; or
- b.* Requires routine, one-person assistance with standing, transfer or evacuation; or
- c.* Is dangerous to self or other tenants or staff, including but not limited to a tenant who:
 - (1) Despite intervention chronically elopes, is sexually, verbally or physically aggressive or abusive; or
 - (2) Displays behavior that places another tenant at risk; or
- d.* Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or
- e.* Is under the age of 18; or
- f.* Requires more than part-time or intermittent health-related care; or

- g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or
- h. Is medically unstable; or
- i. Requires maximal assistance with activities of daily living; or
- j. Is physically or mentally unable to immediately and without aid of another travel a normal path to safety, including the ascent and descent of stairs from the tenant's bedroom or bathroom.

68.14(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

68.14(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.15(231B) Involuntary transfer from the program.

68.15(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231B.6 and provide notification to the tenant advocate by certified mail and the tenant's treating physician, if any.

68.15(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. *Notification of the program.* Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any tenant who exceeds admission and retention criteria.

b. *Notification of others.* Each identified tenant, the tenant's legal representative, if applicable, and other providers of services to the tenant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including: specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. *Program agreement with the department's finding.* If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 68.15(1) will be utilized for appeals.

d. *Program disagreement with the department's finding.* If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may collect and submit all responses to the department, within ten working days of the receipt of the notice, including those from other interested parties. In the program's response, the program will identify the tenant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) *Consideration of response.* Within ten working days of receipt of the program's response for each identified tenant, the department will make a final finding regarding the continued retention of a tenant.

(2) *Amending the regulatory insufficiency.* If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) *Retaining regulatory insufficiency.* If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision. The department will provide to the tenant or the tenant's legal

representative the contact information for the tenant advocate. A copy of the final report will be sent to the tenant advocate.

(4) Effect of the filing of an appeal. If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living in the EGH until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.16(231B) Tenant documents.

68.16(1) Documentation for each tenant shall be maintained by the program and include:

- a.* An occupancy record including the tenant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;
- b.* Application forms;
- c.* The initial evaluations and updates;
- d.* A nutritional assessment as necessary;
- e.* The initial individual service plan and updates;
- f.* Signed authorizations for permission to release medical information, photographs, or other media information as necessary;
- g.* A signed authorization for the tenant to receive emergency medical care as necessary;
- h.* A signed managed risk policy and signed managed risk consensus agreements, if any;
- i.* When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;
- j.* Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";
- k.* Advance health care directives as applicable;
- l.* A complete copy of the tenant's occupancy agreement, including any updates;
- m.* A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;
- n.* A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;
- o.* Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);
- p.* A copy of waivers of admission or retention criteria, if any;
- q.* When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);
- r.* Authorizations for the release of information, if any.

68.16(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of service.

68.16(3) All records shall be protected from loss, damage and unauthorized use.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.17(231B) Service plans.

68.17(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with subrules 68.13(1) and 68.13(2) and be designed to meet the specific needs of the individual tenant.

68.17(2) Prior to the tenant's signing the occupancy agreement and becoming a household occupant, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

68.17(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan will be signed by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained. For example, with chronic exacerbation of a urinary tract infection, nurse review is adequate to institute the previously written evaluation and service plan.

68.17(4) The service plan shall be individualized and indicate:

- a.* The tenant's identified needs and preferences for assistance;
- b.* Any services and care to be provided pursuant to the occupancy agreement;
- c.* The service provider(s), if other than the program;
- d.* Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the elder group home occupancy.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.18(231B) Nurse review. If a tenant does not receive personal or health-related care, but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted. If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

68.18(1) To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

68.18(2) To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

68.18(3) To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

68.18(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—68.17(231B), showing the time, date and signature.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.19(231B) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs:

68.19(1) The program will be staffed by an on-site manager 24 hours per day, seven days per week.

68.19(2) Personal care providers will have completed a home care aide training program that meets the requirements and criteria established in 441—Chapter 81.

68.19(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

68.19(4) Personal care providers and nursing staff may be employed by the program or obtained through a contract with a home health agency or other service provider. Regardless of the source, the staff must meet all applicable requirements.

68.19(5) The program will notify the department in writing within ten business days of a change in the program's manager.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.20(231B) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

68.20(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making results in poor outcomes for the tenant or others;

68.20(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.21(231B) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

68.21(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

68.21(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

68.21(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

68.21(4) Wheelchairs will be secured when the vehicle is in motion.

68.21(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

68.21(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.22(231B) Identification of veteran's benefit eligibility.

68.22(1) Within 30 days of a tenant's participation in an elder group home that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

68.22(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, and the name of the contact person for this information, to the Iowa department of veterans affairs. The program may report such information to the Iowa department of health and human services.

68.22(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.23 Reserved.

481—68.24(231B) Life safety—emergency policies and procedures and structural safety requirements.

68.24(1) The program shall submit to the department and follow written emergency policies and procedures, including the following:

- a. An emergency plan, with procedures for natural disasters that is located for easy reference;
- b. Fire safety procedures;
- c. Other general or personal emergency procedures, including head injury protocols;
- d. Provisions for amending or revising the emergency plan;
- e. Provisions for periodic training of all employees;
- f. Procedures for fire drills;
- g. Regulations regarding smoking;
- h. Procedures for monitoring and testing of smoke-control systems;
- i. Tenant evacuation procedures;
- j. Procedures for reporting and documentation;
- k. Procedures for extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

68.24(2) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for elder group homes in administrative rules promulgated by the building code bureau and fire safety bureau. Approval of the bureaus indicating that the building complies with these requirements is necessary for certification of a program.

68.24(3) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

[ARC 0064D, IAB 2/4/26, effective 3/11/26]

481—68.25(231B) Structural standards.

68.25(1) The EGH shall be safe, sanitary, well-ventilated, and properly lighted, heated, and cooled; and comply with all applicable state and local housing ordinances for family residences and with fire safety rules promulgated by the fire safety bureau.

68.25(2) In addition to meeting the requirements in subrule 68.25(1), the EGH shall meet the following standards:

- a. *General.*
 - (1) The home, furnishings and fixtures will be clean, in good repair and appropriate for the tenants.
 - (2) Stairways will have handrails of a circumference, length, texture, strength and stability that can reasonably be expected to provide tenant support.
 - (3) A functioning light will be provided in each room, stairway and exit; all light bulbs will be protected from breakage or removal with appropriate covers.
 - (4) The yard, fire exits and exterior steps will be kept free of obstructions and accessible and appropriate to the condition of the tenants.
 - (5) There will be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the tenants at one time; common space will not be located in the basement or garage, unless such space was constructed for that purpose. Additional common living space may be required if wheelchairs, walkers or other durable medical equipment is to be accommodated. For an EGH constructed or remodeled after July 1, 2005, there will be 300 square feet of usable floor space.
 - (6) Interior and exterior doorways used by tenants will be wide enough to accommodate wheelchairs and walkers if tenants with impaired mobility are in residence.

(7) Hot and cold water at each tub, shower, and sink will be in sufficient supply to meet the needs of the tenants and staff.

(8) Grab bars will be present for each toilet, tub and shower. Access to toilet and bathing facilities will be barrier-free and provide individual privacy.

(9) A telephone will be available and accessible for tenants' use in a manner that allows for privacy.

b. Safety.

(1) All combustion appliances will be used and maintained properly and inspected annually by a qualified technician for carbon monoxide emissions and any other hazards to health and safety;

(2) Extension cord wiring will not be used in place of permanent electrical fixtures or outlets.

c. Sanitation requirements.

(1) A public water supply will be utilized if available. If a nonmunicipal water source is used, the owner or on-site manager will show documentation from the state laboratory that the water supply is potable and is tested as required by the rules of the environmental protection commission of the department of natural resources.

(2) Septic tanks or other nonmunicipal wastewater disposal systems will be in good working order and comply with state and local regulations for wastewater treatment.

(3) Garbage and refuse will be suitably stored and disposed of by a sanitation company providing service in the area.

(4) If laundry service is provided, soiled linens and clothing will be stored in containers in an area separate from food storage, kitchen and dining areas.

(5) Sanitation for household pets and other domestic animals will be adequate to prevent health and safety hazards.

(6) There will be adequate control of insects and rodents.

(7) Reasonable and prudent precautions for infection control will be taken, including washing hands and exposed portions of arms with soap and hot water immediately before engaging in food preparation and meal service and before and after providing personal care.

(8) There will be at least one toilet and one sink for every four household occupants. A minimum of one sink and toilet is required on each floor occupied by tenants. A sink will be located near each toilet. For an EGH constructed or remodeled after July 1, 2005, there will be at least one toilet and one sink for every two household occupants, with a minimum of one toilet and one sink on each floor occupied by tenants.

(9) At least one tub or shower is required for each six household occupants. For an EGH constructed or remodeled after July 1, 2005, there will be at least one tub or one shower for every four household occupants.

d. Bedroom requirements.

(1) Each tenant bedroom will:

1. Have a door that opens directly to a hallway or common use area without passage through another bedroom or common bathroom;

2. Be adequately ventilated, heated, cooled and lighted;

3. Have at least 70 square feet of usable floor space, excluding any area where a sloped ceiling does not allow a person to stand upright. For an EGH constructed or remodeled after July 1, 2005, each tenant bedroom will have at least 100 square feet of usable floor space;

4. Provide individual privacy and be occupied by one tenant, unless an alternative arrangement is agreed to in the occupancy agreement by the tenant or the tenant's legal representative;

5. Be on ground level for tenants with impaired mobility;

6. Be in sufficiently close proximity to the on-site manager to ensure that tenants are able to alert the on-site manager to nighttime needs or emergencies, or be equipped with a call system.

(2) Owners, operators, on-site managers, their family members, and personal care providers will not use as bedrooms areas that are designated as living areas or as tenant bedrooms;

(3) Common living space and tenant bedrooms will not be used for storage areas.

[**ARC 0064D**, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 231B.

CHAPTER 69 ASSISTED LIVING PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—69.1(231C) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231C, the following definitions apply:

“Applicable requirements” means the requirements in Iowa Code chapter 231C, this chapter, and 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

“CARF” means the Commission on Accreditation of Rehabilitation Facilities.

“Cognitive disorder” means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet the criteria for dementia, delirium, or amnesic disorder.

“Dementia-specific assisted living program” means an assisted living program certified under this chapter that:

1. Serves fewer than 55 tenants and has 5 or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale (GDS), or
2. Serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer’s disease, in a dedicated setting.

“Dwelling unit” means a single unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping and sanitation, and that may include permanent provisions for eating and cooking. “Sanitation” for purposes of this definition means bathroom fixtures as required by this chapter.

“Maximal assistance with activities of daily living” means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

“Medically unstable” means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program’s staff in consultation with a physician or physician extender;
 2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and
 3. Requiring frequent supervision of the tenant for more than 21 days by a registered nurse.
- For example, a tenant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the tenant receive frequent supervision may be considered medically unstable.

“Unmanageable incontinence” means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.2(231C) Program certification. A program may obtain certification by meeting all applicable requirements or may be voluntarily accredited by a recognized accreditation entity.

69.2(1) Posting requirements. A program’s current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

69.2(2) Dementia-specific programs. If a program meets the definition of a dementia-specific assisted living program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—69.30(231C); subrules 69.29(2), 69.29(4), 69.32(2), and 69.32(3); and paragraph 69.35(1) “d,” within 90 days of receiving the final report from the second sequential certification monitoring. If the

number of tenants served who have dementia between Stages 4 and 7 on the GDS goes below that which is required by the definition of dementia-specific program at any time after the program has been deemed dementia-specific by definition and the program is not holding itself out as providing dementia care in a specialized setting, the program will no longer be considered dementia-specific.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.3(231C) Certification of a nonaccredited program—application process.

69.3(1) The applicant shall complete an application packet obtained from the department's health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.381.7272.

69.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 90 calendar days prior to the expected date of beginning operation.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.4(231C) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

69.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

69.4(2) A statement disclosing whether the individuals listed in subrule 69.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

69.4(3) A statement disclosing whether any of the individuals listed in subrule 69.4(1) meet the criteria set out in Iowa Code section 231C.10(1)“g,” including for licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

69.4(4) The tenant occupancy agreement and all attachments.

69.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

69.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

69.4(7) The fee set forth in Iowa Code section 231C.18.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.5(231C) Initial certification process for a nonaccredited program.

69.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

69.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

69.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

69.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

69.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

69.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

69.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.6(231C) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.7(231C) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

69.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231C.18 to the department at least 30 calendar days prior to the expiration of the program's certification.

69.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.8(231C) Notification of recertification for a nonaccredited program.

69.8(1) The department will review the application and associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

69.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.9(231C) Certification or recertification of an accredited program—application process.

An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

69.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

69.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

69.9(3) Maintain compliance with the building code and fire safety bureau's requirements.

69.9(4) Submit the appropriate fees as set forth in Iowa Code section 231C.18.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.10(231C) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—69.3(231C) and include a copy of the current accreditation outcome from the recognized accrediting entity.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.11(231C) Initial certification process for an accredited program.

69.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the program meets applicable requirements and whether certification will be issued.

69.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

69.11(4) Unless conditionally issued, suspended or revoked, certification for a program will expire at the end of the time period specified on the certificate.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.12(231C) Recertification process for an accredited program.

69.12(1) To obtain recertification, an accredited program shall comply with rule 481—69.9(231C) at least 30 calendar days prior to the expiration of the program's certification.

69.12(2) If the facility is in good standing, a full certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.12(3) If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.13(231C) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.14(231C) Recognized accrediting entity.

69.14(1) The department designates CARF as a recognized accrediting entity for programs.

69.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an entity shall submit a letter of request, and its standards shall meet the applicable requirements for programs.

69.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

69.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.15(231C) Requirements for an accredited program. Each accredited program that is certified by the department shall:

69.15(1) Provide the department a copy of all survey reports, including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

69.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

69.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.16(231C) Maintenance of program accreditation.

69.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

- a.* The program complies with the requirements outlined in rule 481—69.15(231C).
- b.* The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

69.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.17(231C) Change of ownership—notification to the department.

69.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

69.17(2) In order to transfer certification, the applicant must:

- a.* Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231C and 481—Chapter 67 and this chapter;
- b.* At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

69.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.18(231C) Plan reviews of a building for a new program.

69.18(1) Before a building is constructed or remodeled for use in a new program, the state building code and fire safety bureau of the department shall review the construction documents and do fire inspections for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

69.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.18(4) The building code bureau of the department will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

69.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

69.18(6) Upon final notification by the building code bureau that the construction documents meet the bureau's requirements, construction or remodeling of the building may commence.

69.18(7) The fire safety bureau will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.19(231C) Plan review prior to the remodeling of a building for a certified program.

69.19(1) Before a building for a certified program is remodeled as defined in subrule 69.18(1), the building code bureau will review the construction documents for compliance with requirements set forth in rule 481—69.35(231C).

69.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.19(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.19(4) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

69.19(5) The building code and fire safety bureaus shall schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.20(231C) Cessation of program operation that includes seeking decertification.

69.20(1) At least 90 days in advance of cessation, the program shall provide to the department and the office of long-term care ombudsman written notification of the date on which the program will cease operation or decertify.

69.20(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 69.20(1).

69.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

69.20(4) When a program ceases operation, representatives from the office of long-term care ombudsman shall be allowed by the program to privately meet with tenants to provide education and service options.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.21(231C) Occupancy agreement.

69.21(1) The occupancy agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and be easy for the tenant or the tenant's legal representative to understand.

69.21(2) In addition to the requirements of Iowa Code section 231C.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a. The telephone number for filing a complaint with the department.
- b. The telephone number for the office of long-term care ombudsman.
- c. The telephone number for reporting dependent adult abuse.
- d. A copy of the program's statement on tenants' rights.
- e. A statement that the tenant landlord law applies to assisted living programs.
- f. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

69.21(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

69.21(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

69.21(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.22(231C) Evaluation of tenant.

69.22(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant's eligibility for the program,

including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the GDS shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(2) *Evaluation within 30 days of occupancy.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(3) *Evaluation annually and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.23(231C) Criteria for admission and retention of tenants.

69.23(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

- a. Is bed-bound; or
- b. Requires routine, two-person assistance with standing, transfer or evacuation; or
- c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:
 - (1) Despite intervention, chronically elopes or is sexually, verbally, or physically aggressive or abusive; or
 - (2) Displays behavior that places another tenant at risk; or
- d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or
- e. Is under the age of 18; or
- f. Requires more than part-time or intermittent health-related care; or
- g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or
- h. Is medically unstable; or
- i. Requires maximal assistance with activities of daily living; or
- j. Despite intervention, chronically urinates or defecates in places that are not considered acceptable according to societal norms.

69.23(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

69.23(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.24(231C) Involuntary transfer from the program.

69.24(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231C.6 and the following:

- a. The program will provide the tenant, or the tenant's legal representative, the contact information for the office of long-term care ombudsman.
- b. The program will immediately provide to the office of long-term care ombudsman, by mail or email, a copy of the notification and notify the tenant's treating physician, if any.
- c. Pursuant to statute, the office of long-term care ombudsman will offer the notified tenant or tenant's legal representative assistance with the program's internal appeal process.

69.24(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and need to be transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

a. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 69.24(1) will be utilized for appeals.

b. Program disagreement with the department's finding. If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may appeal the department's final report as provided in rule 481—67.14(17A,231B,231C,231D,85GA,HF2365). If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living at the program until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

c. Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.25(231C) Tenant documents.

69.25(1) Documentation for each tenant shall be maintained by the program and include:

a. An occupancy record, including the tenant's name, birth date, and home address; identification numbers; date of occupancy; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the tenant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";

k. Advance health care directives as applicable;

l. A complete copy of the tenant's occupancy agreement, including any updates;

m. A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of

routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

69.25(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of services.

69.25(3) All records shall be protected from loss, damage and unauthorized use.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.26(231C) Service plans.

69.26(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with rule 481—69.22(231C) and be designed to meet the specific needs of the individual tenant.

69.26(2) Prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

69.26(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan shall be signed by all parties, including the tenant or tenant's legal representative.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

69.26(4) The service plan shall be individualized and indicate:

a. The tenant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the occupancy agreement;

c. The service provider(s), if other than the program;

d. For tenants who are unable to plan their own activities, including tenants with dementia, a list of person-centered planned and spontaneous activities based on the tenant's abilities and personal interests;

e. Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the assisted living program occupancy.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.27(231C) Nurse review.

69.27(1) If a tenant does not receive personal or health-related care but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted.

69.27(2) If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

a. To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

b. To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

c. To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

d. To provide the program with written documentation of the nurse review, showing the time, date and signature.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.28(231C) Food service.

69.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals.

69.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

69.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

- a.* A minimum of 33⅓ percent if the program provides one meal per day;
- b.* A minimum of 66⅔ percent if the program provides two meals per day; and
- c.* One hundred percent if the program provides three meals per day.

69.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, advanced registered nurse practitioner or ordered by a licensed dietitian authorized by a qualified medical provider. A therapeutic diet provides food, fluids or nutrients by oral, enteral, or parenteral routes and is used in the treatment of a disease or clinical condition to modify, eliminate, decrease or increase specific macro- or micronutrients, or to provide mechanically altered food when medically indicated. The thirteenth edition of the Iowa Simplified Diet Manual published by the Iowa dietetic association shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

69.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

- (1) Obtaining certification as a dietary manager; or
- (2) Obtaining certification as a food protection professional; or
- (3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 69.28(5)“*a.*,” the requirement relating to completion of a state-approved food protection program will be considered to have been met.

69.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

- a.* All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to tenants.
- b.* Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with tenants may be stored in the program's kitchen. Tenant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of tenant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for tenant-requested menu-substitution items, but there will be no bare-hand contact.

e. Tenants may take food items left over from a meal back to their apartments, but no leftovers will be stored in the program's kitchen.

f. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

69.28(7) All perishable or potentially hazardous food shall be cooked to recommended temperatures and held at safe temperatures of 41°F (5°C) or below, or 135°F (57°C) or above.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.29(231C) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

69.29(1) Each tenant will have access to a 24-hour personal emergency response system that automatically identifies the tenant in distress and can be activated with one touch.

69.29(2) In lieu of providing access to a personal emergency response system, a program serving one or more tenants with cognitive disorder or dementia will follow a system, program, or written staff procedures that address how the program will respond to the emergency needs of the tenant(s).

69.29(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and the target population.

69.29(4) A dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan. The staff will be awake and on duty 24 hours a day on site and in the proximate area.

A non-dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan, be able to respond to a call light or other emergent tenant needs, and be in the proximate area 24 hours a day on site.

69.29(5) All programs employing a new program manager after January 1, 2010, will require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living programs. Managers who have completed a similar training prior to January 1, 2010, will not be required to complete additional training to meet this requirement.

69.29(6) All programs employing a new delegating nurse after January 1, 2010, will require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program will complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training will train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training described in this subrule.

69.29(7) The program will notify the department in writing within ten business days of a change in the program's manager.

69.29(8) The program must develop and implement policy and procedure for addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the GDS.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.30(231C) Dementia-specific education for program personnel.

69.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

69.30(2) The dementia-specific education or training shall include:

- a. An explanation of dementia and related disorders;
- b. The program's specialized dementia care philosophy and program;
- c. Skills for communicating with persons with dementia;
- d. Skills for communicating with family and friends of persons with dementia;
- e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;
- f. The importance of planned and spontaneous activities;
- g. Skills in assistance with instrumental activities of daily living;
- h. The importance of the service plan and social history information;
- i. Skills in working with challenging tenants;
- j. Techniques for simplifying, cueing, and redirecting;
- k. Staff support and stress reduction;
- l. Medication management and nonpharmacological interventions.

69.30(3) Dementia-specific continuing education.

a. Except as otherwise provided in this subrule, all personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually.

b. Direct-contact personnel employed by or contracting with a dementia-specific program or employed by a contracting agency providing staff to a dementia-specific program shall receive a minimum of eight hours of dementia-specific continuing education annually.

c. Contracted personnel who have no contact with tenants (e.g., persons providing lawn maintenance or snow removal) are not required to receive the two hours of training required in paragraph 69.30(3) "a."

d. The contracting agency may provide the program with documentation of dementia-specific continuing education that meets the requirements of this subrule.

69.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 69.30(1).

69.30(5) Dementia-specific training will include hands-on training and any of the following: classroom instruction, web-based training, and case studies of tenants in the program.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.31(231C) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

69.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making could result in poor outcomes for the tenant or others;

69.31(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.32(231C) Life safety—emergency policies and procedures and structural safety requirements.

69.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

- a. An emergency plan with procedures for natural disasters that is located for easy reference;
- b. Fire safety procedures;
- c. Other general or personal emergency procedures, including head injury protocols;
- d. Provisions for amending or revising the emergency plan;
- e. Provisions for periodic training of all employees;
- f. Procedures for fire drills;
- g. Regulations regarding smoking;
- h. Monitoring and testing of smoke-control systems;
- i. Tenant evacuation procedures;
- j. Procedures for reporting and documentation;
- k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

69.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program.

69.32(3) The program shall obtain approval from the fire safety bureau of the department before the installation of any specialized door locking systems.

69.32(4) A program serving a person(s) with cognitive disorder or dementia shall have written procedures regarding:

- a. Alarm systems, if an alarm system is in place.
- b. Appropriate staff response when a tenant's service plan indicates a risk of elopement or when a tenant exhibits wandering behavior.
- c. Appropriate staff response if a tenant with cognitive disorder or dementia is missing.

69.32(5) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for assisted living programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

69.32(6) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.33(231C) Transportation. When transportation services are provided directly or under contract with the program, the following shall apply:

69.33(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

69.33(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

69.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

69.33(4) Wheelchairs will be secured when the vehicle is in motion.

69.33(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

69.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

69.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.34(231C) Activities. The program shall have a policy related to activities, including the following:

69.34(1) The program will provide appropriate activities for each tenant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

69.34(2) Activities will be planned to support the tenant's service plan consistent with occupancy policies.

69.34(3) A written schedule of activities will be developed at least monthly and made available to tenants and their legal representatives.

69.34(4) Tenants will be given the opportunity to choose their levels of participation in all activities offered in the program.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.35(231C) Structural requirements.

69.35(1) *General requirements.*

- a. The structure of the program will be designed and operated to meet the needs of the tenants.
- b. The buildings and grounds will be well-maintained, clean, safe and sanitary.
- c. Programs will have private dwelling units with a single-action, lockable entrance door.
- d. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the lock on an entrance door and disable or remove the lock if its presence presents a danger to the health and safety of the tenant.
- e. The structure in which a program is housed shall comply with the administrative rules promulgated by the building code and fire safety bureaus.
- f. Programs may have individual cooking facilities within the private dwelling units. Any program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or easily remove appliances and disable or remove them if their presence presents a danger to the health and safety of the tenant or others.

69.35(2) *Programs certified prior to July 4, 2001.* Facilities for programs certified prior to July 4, 2001, shall meet the following requirements:

- a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.
- b. Each dwelling unit will have not less than 190 square feet of floor area, excluding bathrooms.
- c. A dwelling unit used for double occupancy will have not less than 290 square feet of floor area, excluding bathrooms.
- d. The program will have a minimum of 15 square feet of common area per tenant.

69.35(3) *New construction built on or after July 4, 2001.* Programs operated in new construction built on or after July 4, 2001, shall meet the following requirements:

- a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.
- b. Each dwelling unit used for single occupancy will have a total square footage of not less than 240 square feet of floor area, excluding bathrooms and door swing.
- c. A dwelling unit used for double occupancy will have a total square footage of not less than 340 square feet of floor area, excluding bathrooms and door swing.
- d. Each dwelling unit will contain a bathroom, including a toilet, sink and bathing facilities. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the sink or bathing facility water control and

will disable or remove the water control if its presence presents a danger to the health and safety of the tenant.

e. Self-closing doors are not required for individual dwelling units, whether in a general or dementia-specific setting, unless the authority with jurisdiction determines that the level of hazard has increased to require the installation of closure hardware (for example, presence of a stove, range or oven).

69.35(4) *Structure being converted to or remodeled for use by a program on or after July 4, 2001.* A program operating in a structure that was converted or remodeled for use for a program on or after July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that has not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit used for single occupancy will have a total square footage of not less than 190 square feet of floor area, excluding bathrooms and door swing.

c. A dwelling unit used for double occupancy will have a total square footage of not less than 290 square feet of floor area, excluding bathrooms and door swing.

d. Each dwelling unit will have a bathroom, including a toilet, sink and bathing facility.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.36(231C) Dwelling units in dementia-specific programs. Dementia-specific programs are exempt from the requirements in subrules 69.35(2) through 69.35(4) as follows:

69.36(1) For a program built in a family or neighborhood design:

a. Each dwelling unit used for single occupancy will have a total square footage of not less than 150 square feet of floor area, excluding a bathroom; and

b. Each dwelling unit used for double occupancy will have a total square footage of not less than 250 square feet of floor area, excluding a bathroom.

69.36(2) Dementia-specific programs may choose not to provide bathing facilities in the dwelling units.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.37 Reserved.

481—69.38(83GA,SF203) Identification of veteran's benefit eligibility.

69.38(1) Within 30 days of a tenant's admission to an assisted living program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

69.38(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the department of veterans affairs. The program may report such information to the department of health and human services.

69.38(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

481—69.39(231C) Respite care services. "Respite care services" means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person, or on request of the tenant as a trial of the program. An assisted living program that chooses to provide respite care services must meet the following requirements related to respite care services and be certified as an assisted living program.

69.39(1) *Length of stay.* Respite care services will be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period beginning on the first day the individual stays in the program.

69.39(2) *No separate certificate.* An assisted living program that chooses to provide respite care services is not required to obtain a separate certificate or pay a certification fee.

69.39(3) *Assessment.* The program nurse will assess the individual prior to the individual's stay and will document:

- a.* Safety and supervision needs;
- b.* Medical needs;
- c.* Dietary needs;
- d.* Bowel and bladder function.

69.39(4) *Written direction to staff.* The program nurse will document the care needs of the individual based on the assessment conducted pursuant to subrule 69.39(3) and provide the documentation to staff.

69.39(5) *Involuntary termination of respite care services.* The program may terminate the respite care services for the individual. Rule 481—69.24(231C) will not apply. The program will make proper arrangements for the welfare of the individual prior to involuntary termination of respite care services, including notification of the individual's family or legal representative.

69.39(6) *Contract.* The program will have a contract with each individual, including:

- a.* The time period during which the individual will be considered to be receiving respite care services, not to exceed 30 consecutive days.
- b.* A description of all fees, charges, and rates for respite care services, and any additional and optional services and their related costs.
- c.* A statement that respite care services may be involuntarily terminated. Rule 481—69.24(231C) will not apply.
- d.* Identification of the party responsible for payment of fees and identification of the respite care individual's legal representative, if any.
- e.* Identification of emergency contacts, including but not limited to the individual's family member(s) and physician.
- f.* A statement that all individual information will be maintained in a confidential manner to the extent required under state and federal law.
- g.* The refund policy, if applicable.
- h.* A statement regarding billing and payment procedures.

69.39(7) *Admission to program.*

- a.* Individuals receiving respite care will not be considered an admission to the program.
- b.* Individuals receiving respite care will be included in the program's census.
- c.* The program will not enter into multiple 30-day contracts with an individual receiving respite care in order to lengthen the individual's stay in the program.
- d.* If an individual receiving respite care remains in the program beyond 30 consecutive days and is eligible for admission, the department will consider the individual a tenant in the program. The program will follow all requirements for admission to the program.

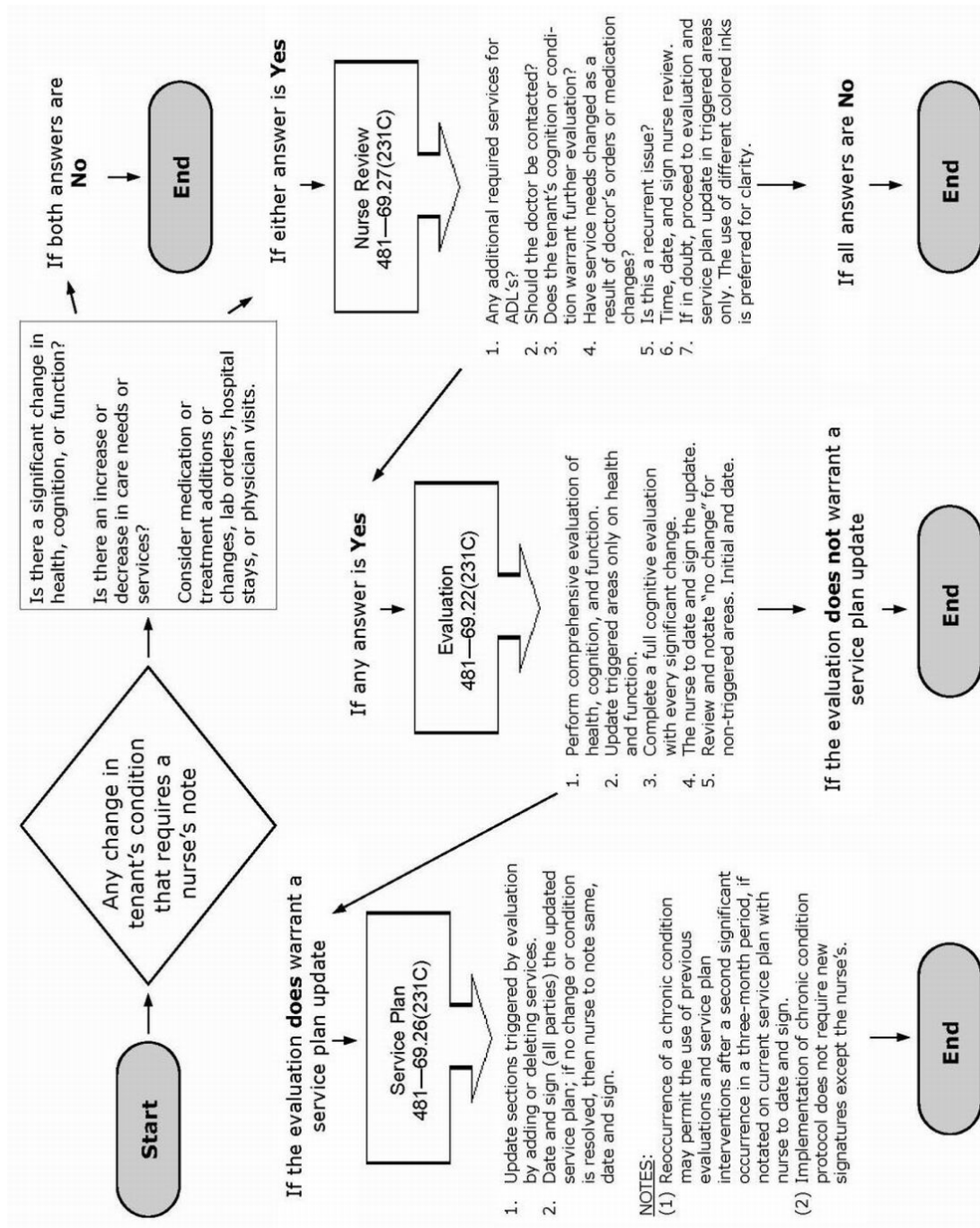
69.39(8) *Level of care criteria.* Individuals receiving respite care must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services will not be provided by an assisted living program to persons requiring a level of care that is higher than the level of care the program is certified to provide.

69.39(9) *Accessibility by the department.* The department shall have the same access to respite care services records as provided in 481—subrule 67.10(2).

[ARC 0065D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 231C.

Table A



[Filed ARC 8176B (Notice ARC 7878B, IAB 6/17/09), IAB 9/23/09, effective 1/1/10]
 [Filed ARC 1376C (Notice ARC 1291C, IAB 1/22/14), IAB 3/19/14, effective 4/23/14]
 [Filed ARC 1667C (Notice ARC 1511C, IAB 6/25/14), IAB 10/15/14, effective 11/19/14]
 [Filed ARC 1927C (Notice ARC 1860C, IAB 2/4/15), IAB 4/1/15, effective 5/6/15]
 [Filed ARC 2463C (Notice ARC 2200C, IAB 10/14/15), IAB 3/16/16, effective 4/20/16]
 [Filed ARC 4976C (Notice ARC 4867C, IAB 1/15/20), IAB 3/11/20, effective 4/15/20]
 [Filed ARC 6054C (Notice ARC 5920C, IAB 9/22/21), IAB 11/17/21, effective 12/22/21]
 [Filed ARC 0065D (Notice ARC 9783C, IAB 12/10/25), IAB 2/4/26, effective 3/11/26]

CHAPTER 70 ADULT DAY SERVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—70.1(231D) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231D, the following definitions apply:

“Applicable requirements” means the requirements in Iowa Code chapter 231D, this chapter, 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

“CARF” means the Commission on Accreditation of Rehabilitation Facilities.

“Cognitive disorder” means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet criteria for dementia, delirium, or amnesic disorder.

“Dementia-specific adult day services program” means an adult day services program certified under this chapter that:

1. Serves fewer than 55 participants and has 5 or more participants who have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
2. Serves 55 or more participants and 10 percent or more of the participants have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer’s disease, in a dedicated setting.

“Maximal assistance with activities of daily living” means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

“Medically unstable” means that a participant has a condition or conditions:

1. Indicating physiological frailty as determined by the program’s staff in consultation with a physician or physician extender;
2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring frequent supervision of the participant for more than 21 days by a registered nurse.

For example, a participant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the participant receive frequent supervision may be considered medically unstable.

“Unmanageable incontinence” means a condition that requires staff provision of total care for an incontinent participant who lacks the ability to assist in bladder or bowel continence care.

“Visiting day(s)” means up to 16 hours in a two-day period during which a person may visit a program prior to admission for the purpose of assessing eligibility for the program and personal satisfaction.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.2(231D) Program certification. A program may obtain certification by meeting all applicable requirements or being voluntarily accredited by a recognized accreditation entity.

70.2(1) Posting requirements. A program’s current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

70.2(2) Dementia-specific programs. If a program meets the definition of a dementia-specific adult day services program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—70.30(231D) and in subrule 70.32(2).

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.3(231D) Certification of a nonaccredited program—application process.

70.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at the above address at least 90 calendar days prior to the expected date of beginning operation.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.4(231D) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

70.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

70.4(2) A statement disclosing whether the individuals listed in subrule 70.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

70.4(3) A statement disclosing whether any of the individuals listed in subrule 70.4(1) fall under the provisions in Iowa Code section 231D.5, including for a licensed health care facility as defined in Iowa Code section 135C.1 or a licensed hospital as defined in Iowa Code section 135B.1.

70.4(4) The contractual agreement and all attachments.

70.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

70.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

70.4(7) The fee set forth in Iowa Code section 231D.4.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.5(231D) Initial certification process for a nonaccredited program.

70.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

70.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept participants.

70.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

70.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

70.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

70.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

70.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.6(231D) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.7(231D) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

70.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231D.4 to the department at the address stated in subrule 70.3(1) at least 30 calendar days prior to the expiration of the program's certification.

70.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.8(231D) Notification of recertification for a nonaccredited program.

70.8(1) The department will review the application, associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

70.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.9(231D) Certification or recertification of an accredited program—application process. An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

70.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

70.9(3) Maintain compliance with the requirements of the building code and fire safety bureau of the department pursuant to this chapter.

70.9(4) Submit the appropriate fees as set forth in Iowa Code section 231D.4.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.10(231D) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—70.4(231D) and include a copy of the current accreditation outcome from the recognized accrediting entity.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.11(231D) Initial certification process for an accredited program.

70.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the accredited program meets applicable requirements and whether certification will be issued.

70.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

70.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.12(231D) Recertification process for an accredited program.

70.12(1) To obtain recertification, an accredited program shall comply with rule 481—70.9(231D) at least 30 calendar days prior to the expiration of the program's certification.

70.12(2) If the facility is in good standing, a full certification shall be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity. If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.13(231D) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov/DIA_HFD/Home.do.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.14(231D) Recognized accrediting entity.

70.14(1) The department designates CARF as a recognized accrediting entity for programs.

70.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an accrediting entity shall submit a letter of request and its standards shall meet the applicable requirements for programs.

70.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

70.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.15(231D) Requirements for an accredited program. Each accredited program that is certified by the department shall:

70.15(1) Provide the department a copy of all survey reports including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

70.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

70.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.16(231D) Maintenance of program accreditation.

70.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

a. The program complies with the requirements outlined in rule 481—70.15(231D).

b. The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

70.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.17(231D) Change of ownership—notification to the department.

70.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

70.17(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231D and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

70.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.18(231D) Plan reviews of a building for a new program.

70.18(1) Before a building is constructed or remodeled for use in a new program, the state building code bureau shall review the blueprints for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

70.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

70.18(4) The building code bureau will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

70.18(6) Upon final notification by the building code bureau that the construction documents meet requirements, construction or remodeling of the building may commence.

70.18(7) The building code and fire safety bureaus will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.19(231D) Plan review prior to the remodeling of a building for a certified program.

70.19(1) Before a building for a certified program is remodeled as defined in subrule 70.18(1), the building code bureau shall review the construction documents for compliance with requirements set forth in rule 481—70.35(231D).

70.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.19(3) The documents won't be reviewed until the fee is received.

70.19(4) The building code bureau will review the documents within 35 working days of receipt and notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.19(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau in 20 working days to state how any noncompliance will be resolved.

70.19(6) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

70.19(7) The building code and fire safety bureaus will schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.20(231D) Cessation of program operation that includes seeking decertification.

70.20(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department of the date on which the program will cease operation.

70.20(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly discharge or transition of all participants within the 90-day period specified by subrule 70.20(1).

70.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of participants during the discharge process or transition process.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.21(231D) Contractual agreement.

70.21(1) The contractual agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and easy for the participant or the participant's legal representative to understand.

70.21(2) In addition to the requirements of Iowa Code section 231D.17, the written contractual agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a. The telephone number for filing a complaint with the department.
- b. The telephone number for reporting dependent adult abuse.
- c. A copy of the program's statement on participants' rights.
- d. A statement that the program will notify the participant at least 90 days in advance of any planned program cessation, except in cases of emergency.
- e. A copy of the program's admission criteria.

70.21(3) The contractual agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

70.21(4) A copy of the contractual agreement shall be provided to the participant or the participant's legal representative, if any, and a copy shall be kept by the program.

70.21(5) A copy of the most current contractual agreement shall be made available to the general public upon request.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.22(231D) Evaluation of participant.

70.22(1) *Evaluation prior to participation.* A program shall evaluate each prospective participant's functional, cognitive and health status prior to the participant's signing the contractual agreement and participating in the program, with the exception of visiting day(s), to determine the participant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall be appropriate to the population served. When the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the participant subsequently returns to the participant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

70.22(2) *Evaluation within 30 days of participation and with significant change.* A program shall evaluate each participant's functional, cognitive and health status within 30 days of the participant's beginning participation in the program. A program shall evaluate each participant's

functional, cognitive and health status as needed with significant change, but not less than annually, to determine the participant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

70.22(3) *Requirements for visiting day(s).* Evaluation of the participant is not required during visiting day(s), but the program shall provide the participant or the participant's legal representative with a written explanation of the expectations for the visiting day(s).

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.23(231D) Criteria for admission and retention of participants.

70.23(1) *Persons who may not be admitted or retained.* Criteria are set forth in Iowa Code section 231D.19.

70.23(2) *Disclosure of additional participation and discharge criteria.* A program may have additional participation or discharge criteria if the criteria are disclosed in the written contractual agreement prior to the participant's participation in the program.

70.23(3) *Assistance with discharge from the program.* A program shall assist a participant and the participant's legal representative, if applicable, to ensure a safe and orderly discharge from the program when the participant exceeds the program's criteria for admission and retention.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.24(231D) Involuntary discharge from the program.

70.24(1) *Program initiation of discharge.* If a program initiates the involuntary discharge of a participant and the action is not the result of a monitoring, including a complaint investigation or program-reported incident investigation, by the department and if the participant or participant's legal representative contests the discharge, the procedures in Iowa Code section 231D.18 shall apply.

70.24(2) *Discharge pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more participants are identified as exceeding the admission and retention criteria for participants and need to be discharged as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

a. Notification of the program. Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any participant who exceeds admission and retention criteria.

b. Notification of others. Each identified participant, the participant's legal representative, if applicable, and other providers of services to the participant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary discharge proceedings, the program's internal appeal process in subrule 70.24(1) shall be utilized for appeals.

d. Program disagreement with the department's finding. If the program does not agree with the department's finding that the participant exceeds admission and retention criteria, the program may collect and submit all responses to the department, including those from other interested parties, within ten working days of receipt of the notice. In the program's response, the program will identify the participant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements, including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) *Consideration of response.* Within ten working days of receipt of the program's response for each identified participant, the department will consider the response and make a final finding regarding the continued retention of a participant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision.

(4) Effect of the filing of an appeal. If an appeal is filed, the participant who exceeds admission and retention criteria will be allowed to continue to participate in the program until all administrative appeals have been exhausted. Appeals filed that relate to the participant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the participant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a participant in a program. To allow a participant to continue to participate in the program, the program may request a waiver of criteria for retention of a participant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.25(231D) Participant documents.

70.25(1) Documentation for each participant shall be maintained by the program and include:

- a.* A participation record including the participant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;
- b.* Application forms;
- c.* The initial evaluations and updates;
- d.* A nutritional assessment as necessary;
- e.* The initial individual service plan and updates;
- f.* Signed authorizations for permission to release medical information, photographs, or other media information as necessary;
- g.* A signed authorization for the participant to receive emergency medical care as necessary;
- h.* A signed managed risk policy and signed managed risk consensus agreements, if any;
- i.* When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;
- j.* Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";
- k.* Advance health care directives as applicable;
- l.* A complete copy of the participant's contractual agreement, including any updates;
- m.* A written acknowledgment that the participant or the participant's legal representative, if applicable, has been fully informed of the participant's rights;
- n.* A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;
- o.* Incident reports involving the participant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the participant's medical record);
- p.* A copy of waivers of admission or retention criteria, if any;
- q.* When the participant is unable to advocate on the participant's own behalf or the participant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);
- r.* Authorizations for the release of information, if any.

70.25(2) The program records relating to a participant shall be retained for a minimum of three years after termination of service.

70.25(3) All records shall be protected from loss, damage and unauthorized use.
[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.26(231D) Service plans.

70.26(1) A service plan shall be developed for each participant based on the evaluations conducted in accordance with rule 481—70.22(231D) and designed to meet the specific service needs of the individual participant.

70.26(2) Prior to the participant's signing the contractual agreement and participating in the program, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the participant and, at the participant's request, with other individuals identified by the participant, and, if applicable, with the participant's legal representative. All persons who develop the plan and the participant or the participant's legal representative shall sign the plan.

70.26(3) When a participant needs personal care or health-related care, the service plan shall be updated within 30 days of the participant's participation and as needed with significant change, but not less than annually. The updated service plan shall be signed and dated by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

70.26(4) The service plan shall be individualized and indicate:

- a.* The participant's identified needs and preferences for assistance;
- b.* Any services and care to be provided pursuant to the contractual agreement;
- c.* The service provider(s), if other than the program;
- d.* For participants who are unable to plan their own activities, including participants with dementia, planned and spontaneous activities based on the participant's abilities and personal interests.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.27(231D) Nurse review. If a participant does not receive personal or health-related care, but an observed significant change in the participant's condition occurs, a nurse review shall be conducted. If a participant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

70.27(1) To monitor, at least every 90 days, or after a significant change in the participant's condition, any participant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

70.27(2) To ensure that health care professionals' orders are current for participants who receive health care professional-directed care from the program;

70.27(3) To assess and document the health status of each participant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the participant's health status;

70.27(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—70.26(231D), showing the time, date and signature.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.28(231D) Food service.

70.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals, unless otherwise noted in the contractual agreement.

70.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

70.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

- a.* A minimum of 33⅓ percent if the program provides one meal per day;
- b.* A minimum of 66⅔ percent if the program provides two meals per day; and
- c.* One hundred percent if the program provides three meals per day.

70.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner, or ordered by a licensed dietitian authorized by a qualified medical provider. A therapeutic diet provides food, fluids, or nutrients by oral, enteral, or parenteral routes and is used in the treatment of a disease or clinical condition to modify, eliminate, decrease, or increase specific macro- or micronutrients, or to provide mechanically altered food when medically indicated. A copy of the Iowa Simplified Diet Manual, Thirteenth Edition, published by the Iowa Academy of Nutrition and Dietetics shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

70.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and shall have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

- (1) Obtaining certification as a dietary manager; or
- (2) Obtaining certification as a food protection professional; or
- (3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 70.28(5)“a,” the requirement relating to completion of a state-approved food protection program will be considered to have been met.

70.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

a. All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to participants.

b. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with participants may be stored in the program's kitchen. Participant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of participant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to

prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for participant-requested menu-substitution items, but no bare-hand contact.

e. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.29(231D) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

70.29(1) No fewer than two staff persons who monitor participants will be awake and on duty during all hours of operation when two or more participants are participating in the program.

70.29(2) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

70.29(3) A program that serves one or more participants with cognitive disorders or dementia will follow written procedures that address how the program will respond to the emergency needs of the participants.

70.29(4) The program will notify the department in writing within ten business days of a change in the program's manager.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.30(231D) Dementia-specific education for program personnel.

70.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

70.30(2) The dementia-specific education or training shall include the following:

- a.* An explanation of Alzheimer's disease and related disorders;
- b.* The program's specialized dementia care philosophy and program;
- c.* Skills for communicating with persons with dementia;
- d.* Skills for communicating with family and friends of persons with dementia;
- e.* An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;
- f.* The importance of planned and spontaneous activities;
- g.* Skills in assistance with instrumental activities of daily living;
- h.* The importance of the service plan and social history information;
- i.* Skills in working with challenging participants;
- j.* Techniques for simplifying, cueing, and redirecting;
- k.* Staff support and stress reduction;
- l.* Medication management and nonpharmacological interventions.

70.30(3) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually.

70.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 70.30(1).

70.30(5) Dementia-specific training will include hands-on training and include: classroom instruction, web-based training, and case studies of participants in the program.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.31(231D) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the participant along with the contractual agreement and include:

70.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the participant and the process for managing risk and for upholding participant autonomy when participant decision making results in poor outcomes for the participant or others;

70.31(2) A consensus-based process to address specific risk situations. Program staff and the participant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the participant and the signatures of all others who participated in the process and be included in the participant's file.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.32(231D) Life safety—emergency policies and procedures and structural safety requirements.

70.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

- a. An emergency plan, with procedures for natural disasters that is located for easy reference;
- b. Fire safety procedures;
- c. Other general or personal emergency procedures, including head injury protocols;
- d. Provisions for amending or revising the emergency plan;
- e. Provisions for periodic training of all employees;
- f. Procedures for fire drills;
- g. Regulations regarding smoking;
- h. Monitoring and testing of smoke-control systems;
- i. Participant evacuation procedures;
- j. Procedures for reporting and documentation;
- k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

70.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person(s) with cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding:

- a. Alarm systems and appropriate staff response when a participant's service plan indicates a risk of elopement or a participant exhibits wandering behavior.
- b. Appropriate staff response if a participant with cognitive disorder or dementia is missing.

The program shall obtain approval from the fire safety bureau before the installation of any specialized door locking systems.

70.32(3) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for adult day services programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

70.32(4) The program shall have the means to control the maximum temperature of water at sources accessible by a participant to prevent scalding and control the maximum water temperature for participants with cognitive impairment or dementia or at a participant's request.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.33(231D) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

70.33(1) The vehicle will be accessible and appropriate to the participants who use it, with consideration for any physical disabilities and impairments.

70.33(2) Every participant transported will have a seat in the vehicle, except for a participant who remains in a wheelchair during transport.

70.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

70.33(4) Wheelchairs will be secured when the vehicle is in motion.

70.33(5) During loading and unloading of a participant, the driver will be in the proximate area of the participants in a vehicle.

70.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

70.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.34(231D) Activities.

70.34(1) The program shall provide appropriate activities for each participant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

70.34(2) Activities shall be planned to support the participant's service plan and be consistent with the program statement and participation policies.

70.34(3) A written schedule of activities shall be developed at least monthly and made available to participants and their legal representatives.

70.34(4) Participants shall be given the opportunity to choose their levels of participation in all activities offered in the program.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.35(231D) Structural requirements.

70.35(1) The structure, equipment and physical environment of the program will be designed and operated to meet the needs of the participants. The building, grounds and equipment will be well-maintained, clean, safe and sanitary.

70.35(2) There will be at least one toilet for every ten participants and staff members.

70.35(3) Toilets and bathing and toileting appliances will be equipped for use by participants with multiple disabilities.

70.35(4) There will be a ratio of at least one hand-washing sink for every two toilets. The sink(s) will be proximate to the toilets. Hand-washing facilities will be readily accessible to participants and staff.

70.35(5) Shower and tub areas, if provided, will be equipped with grab bars and slip-resistant surfaces.

70.35(6) Signaling emergency call devices will be installed or placed in all bathroom areas, restroom stalls and showers.

70.35(7) A telephone will be available to participants to make and receive calls in a private manner and for emergency purposes.

70.35(8) A storage area(s) will be provided for storage of program supplies and participants' possessions, which will be stored in such a manner that, when not in use, will prevent personal injury to participants and staff.

70.35(9) The program will provide a separate area to permit privacy for evaluations and to isolate participants who become ill.

70.35(10) The program will meet other building and public safety codes, including rules pertaining to accessibility contained in the state building code and provisions of the state building code relating to persons with disabilities.

70.35(11) The program will meet the requirements in subrule 70.32(4).

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

481—70.36(231D) Identification of veteran's benefit eligibility.

70.36(1) Within 30 days of a participant's participation in an adult day services program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the participant or the participant's personal representative whether the participant is a veteran or whether the participant is the spouse, widow or dependent of a veteran and document the response.

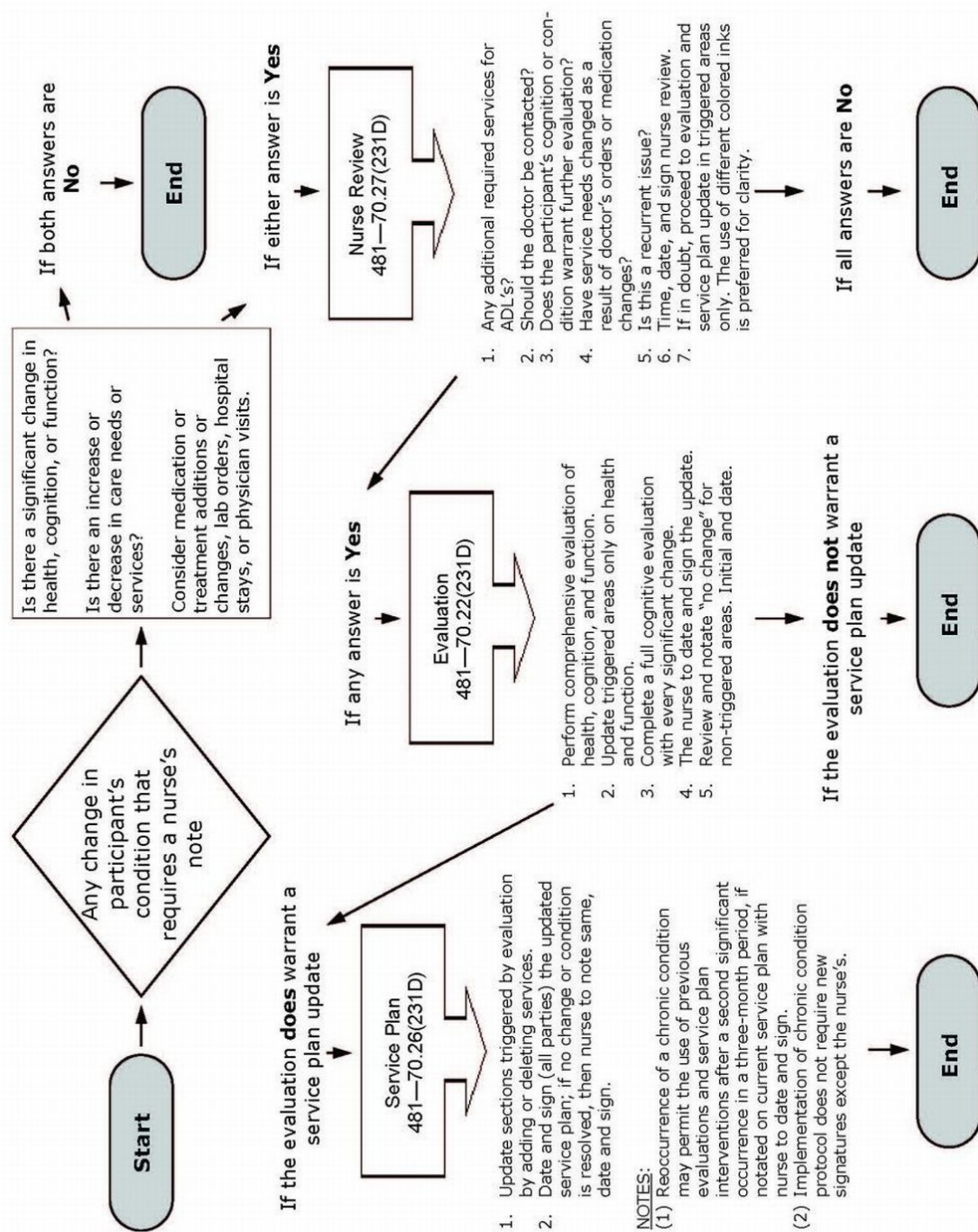
70.36(2) If the participant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the participant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the Iowa department of veterans affairs. The program may also report such information to the Iowa department of health and human services.

70.36(3) If a participant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

[ARC 0066D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 231D.

Table A



[Filed ARC 8177B (Notice ARC 7959B, IAB 7/15/09), IAB 9/23/09, effective 1/1/10]

[Filed ARC 1376C (Notice ARC 1291C, IAB 1/22/14), IAB 3/19/14, effective 4/23/14]

[Filed ARC 1547C (Notice ARC 1472C, IAB 5/28/14), IAB 7/23/14, effective 8/27/14]

[Filed ARC 1927C (Notice ARC 1860C, IAB 2/4/15), IAB 4/1/15, effective 5/6/15]

[Filed ARC 2463C (Notice ARC 2200C, IAB 10/14/15), IAB 3/16/16, effective 4/20/16]

[Filed ARC 4976C (Notice ARC 4867C, IAB 1/15/20), IAB 3/11/20, effective 4/15/20]

[Filed ARC 0066D (Notice ARC 9784C, IAB 12/10/25), IAB 2/4/26, effective 3/11/26]

CHAPTERS 482 to 484
Reserved

CHAPTER 485
SWIMMING POOLS, SPAS, AND SPRAY PADS
[Prior to 2/4/26, see Public Health Department[641] Ch 15]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/24/30

481—485.1(135I) Applicability.

485.1(1) These rules apply to spray pads, swimming pools, and spas as provided by Iowa Code section 135I.2. Spray pads, swimming pools, and spas must also comply with other applicable federal, state or local laws, rules, or ordinances.

485.1(2) A homeowners' association or housing cooperative shall notify the department in writing if its bylaws are amended as provided in Iowa Code section 135I.2. The inspector designated by the association or cooperative shall be a certified operator as defined in subrule 485.3(1). A report of the inspection shall be filed with the association or cooperative secretary and be available to the department or any association or cooperative member on request.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

481—485.2 Reserved.

481—485.3(135I) Definitions.

485.3(1) Definitions. The definitions set forth in Iowa Code section 135I.1 are incorporated herein by reference. Additionally:

“Air break” is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into a receptacle at a point below the flood-level rim of the receptacle.

“Air gap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from an inlet pipe and the flood-level rim of a receptacle.

“Board of health” means a county, city, or district board of health.

“Body feed” means the continuous addition of controlled amounts of filtering aid during the operation of a diatomaceous earth filter to maintain a permeable filter cake.

“Certified operator” means a person who has:

1. Successfully completed the Certified Pool/Spa Operator® course sanctioned by PHTA, the Aquatic Facility Operator course sanctioned by NRPA, the Professional Pool & Spa Operator course sanctioned by the PHTA, or the Licensed Aquatic Facility Technician course sanctioned by the American Swimming Pool and Spa Association; and

2. Been recertified as required by the sanctioning organization; and

3. Obtained the continuing education required by subrule 485.11(2).

“Combined chlorine” means nitrogen-chlorine compounds formed by the reaction of a chlorine disinfectant chemical with ammonia and organic nitrogen compounds as measured with a DPD test kit.

“Construction” means the installation of a new swimming pool facility or modifications to an existing facility that change the total recirculated water volume or the total water surface area by 20 percent or more.

“Deck” means a walkway immediately adjacent to a swimming pool.

“Decorative fountain” means a basin with water sprays or jets that does not serve primarily as a wading or swimming pool and whose drain is not directly connected to any type of suction device for removing or recirculating the water.

“Deep water” means water that is more than 5 ft deep.

“Engineering plans” means plans and specifications certified in accordance with the rules of the examining board by an engineer or architect licensed to practice in the state of Iowa.

“Equalizer” means an arrangement including a pipe from an opening below the water level in a swimming pool or spa to the body of a skimmer and a normally closed valve at the skimmer body.

“Facility” means a building, fenced enclosure, or lot where there is at least one spray pad, swimming pool, or spa subject to regulation under Iowa Code chapter 135I and these rules.

“Field fabricated,” when applied to a sump or a cover/grate for a fully submerged outlet, means constructed on site with conventional building materials or of a size and shape different from readily available commercial sumps or cover/grates.

“Fill and drain wading pool” means a wading pool having no recirculation system.

“Filter” means a mechanical device for removing suspended particles from the swimming pool water and refers to the complete mechanism including all component parts.

“Flow rating,” when applied to the cover/grate for a fully submerged outlet, means the maximum flow rate in gpm through the cover/grate that will not cause body or hair entrapment as determined by the test methods in the ASME/ANSI standard.

“Fountain” means a water fountain that is not established primarily for swimming or wading, but where swimming or wading is allowed, and that has a drain that is connected to a mechanical suction device for removing or recirculating the water.

“Free chlorine” means the concentration of hypochlorous acid and hypochlorite ion in the swimming pool water as measured with a DPD test kit or as measured by another method approved by the department.

“Fully submerged outlet” means an outlet that is completely under water when the water is at the normal operating level.

“Gravity outlet” means an outlet that directly connects to a tank or other structure that is at atmospheric pressure.

“Hose bib” means a water outlet that is threaded to permit the attachment of a hose.

“Hydrostatic relief valve” means a relief valve installed in the bottom of the swimming pool and designed to operate automatically when the swimming pool is empty, relieving the groundwater pressure around the structure by allowing the groundwater into the swimming pool tank.

“Inlet” means a fitting or opening through which recirculation water enters the swimming pool or spa.

“Inspection agency” means the department or a city, county or district board of health that has executed with the department pursuant to the authority of Iowa Code chapters 28E and 135I an agreement to inspect swimming pool/spa facilities and enforce these rules. Within its geographic area, the city, county or district board of health is the “local inspection agency.”

“Leisure river” means a closed-path channel with a river-like flow of water. A leisure river may include water features and play devices.

“Lifeguard” means an individual who holds current lifeguard certification by one of the following organizations and current certification in first aid and infant, child and adult CPR, including compressions, rescue breathing, and two-person CPR:

1. American Red Cross.
2. YMCA.
3. Boy Scouts of America.
4. Ellis & Associates.
5. Starfish Aquatics Institute.
6. National Aquatic Safety Company (NASCO).

“Main drain” means the outlet(s) at the deepest part of a swimming pool or spa.

“Multisection water recreation pool” means a swimming pool with three or more distinct use areas.

“Outlet” means an opening through which water leaves the swimming pool or spa.

“Outlet system” means an arrangement of components associated with one or more connected fully submerged outlets including the cover/grate(s), the sump(s), the piping, and the pump(s) if one or more pumps are directly connected to the outlet(s).

“Perimeter overflow gutter” means a weir and trough around the perimeter of a swimming pool that is used to skim the surface of the water and return the water to the treatment system.

“Plunge pool” means a pool designed to serve as a landing area for a water slide.

“Recirculation system” means the pump(s), piping, inlets, outlets, filtration system, chemical feed systems and accessories provided to convey and treat the spray pad, swimming pool, or spa water to meet the water quality standards in these rules.

“Reconstruction” means the replacement or modification of a spray pad, swimming pool, or spa shell or deck, a spray pad, swimming pool, or spa recirculation system, a perimeter overflow gutter or skimmer, or a bathhouse associated with a public spray pad, swimming pool, or spa. “Reconstruction” does not include the replacement of equipment or piping previously approved by the department, provided that the type and size of the equipment are not revised, nor does it include normal maintenance or repair.

“Residential swimming pool” means any swimming pool that is used, or intended to be used, in connection with a single-family residence and that is available only to the family of the householder and the householder’s private guests. A residential swimming pool used for private swimming lessons for over 207 hours in a calendar month, or the number of hours prescribed by local ordinance applicable to such use of a residential swimming pool, whichever is greater, is considered a public swimming pool and is subject to all the requirements of this chapter. A residential swimming pool used for any other commercial purposes for more than 60 hours in a calendar month is considered a public swimming pool and is subject to all the requirements of this chapter.

“Shallow water” means those areas of a swimming pool where the water is 5 ft deep or less.

“Skimmer” means a manufactured device designed to be directly connected to the recirculation pump suction and used to skim the swimming pool over a self-adjusting weir.

“Spa” means a structure, chamber, or tank, with a bench and a means of agitation, that is designed for recreational or therapeutic use and is not drained, cleaned, and refilled after each individual use. A swimming pool with a bench equipped with agitation is not considered a spa provided that the water temperature is maintained at 90°F or less.

“Speed slide” means a water slide that is designed to enter users into a plunge pool or other deceleration arrangement at a speed of 30 ft per second or more.

“Suction outlet” means an outlet that is directly connected to the inlet side of a circulation pump.

“Superchlorination” means the addition of a chlorine disinfectant compound to a spray pad, swimming pool, or spa to a concentration at least 10 ppm chlorine concentration.

“Swimming pool slide” means any device used to enter a swimming pool by sliding down an inclined plane or through a tube similar to a playground slide that has a slide path of 20 ft or less in length and a water flow down the slide of 20 gpm or less. A slide exceeding either of these criteria is a water slide.

“Total bromine” means the concentration of hypobromous acid, hypobromite ion and nitrogen-bromine compounds in the swimming pool water as measured with a DPD test kit.

“Tri-chlor” means trichloro-s-triazinetriene. Tri-chlor is a form of chlorine that includes cyanuric acid in its formulation.

“Unblockable,” when applied to a cover/grate for a fully submerged outlet, means a size and shape that cannot be fully covered by an 18-inch by 23-inch mat with 4-inch-diameter rounded corners and the differential pressure generated by the flow through the uncovered open area is not enough to cause body entrapment.

“Wading pool” means a swimming pool that is no more than 24 inches deep at any point.

“Water slide” means a recreational ride that is a sloped trough-like or tubular structure using water as a lubricant and as a method of regulating rider velocity and that terminates in a plunge pool, swimming pool, or in a specially designed deceleration structure.

“Wave pool” means a swimming pool of special shape and design that is provided with wave-generating equipment.

“Zero-depth pool” means a swimming pool in which the pool floor intersects the water surface along at least one side of the pool.

485.3(2) *Abbreviations.*

“AFO” means aquatic facility operator.
 “AGA” means American Gas Association.
 “ANSI” means American National Standards Institute.
 “ASME” means American Society of Mechanical Engineers.
 “ASME/ANSI standard” means ASME/ANSI A112.19.8a-2008, “Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs.”
 “ASTM” means ASTM International (formerly American Society of Testing and Materials).
 “AWWA” means American Water Works Association.
 “BTU” means British thermal unit.
 “CO₂” means carbon dioxide.
 “CPO®” means certified swimming pool/spa operator.
 “CPR” means cardiopulmonary resuscitation.
 “DPD” means diethyl-p-phenylene diamine.
 “feet” means feet of water (feet × 0.43 = psi) when used in discussing pump requirements.
 “ft” means foot or feet (distance).
 “ft²” means square foot or square feet.
 “gal” means gallon(s).
 “GFCI” means ground fault circuit interrupter.
 “gpm” means gal per minute.
 “in Hg” means inches of mercury (in Hg × 0.49 = psi).
 “in²” means square inch(es).
 “LAFT” means licensed aquatic facility technician.
 “mg/L” means milligram(s) per liter.
 “mV” means millivolts.
 “NRPA” means National Recreation and Park Association.
 “NSF” means NSF International (formerly National Sanitation Foundation).
 “ORP” means oxidation-reduction potential.
 “PHTA” means the Pool & Hot Tub Alliance.
 “ppm” means parts per million; mg/L and ppm are equivalent terms.
 “PPSO” means professional pool and spa operator.
 “psi” means pounds per square inch.
 “SDS” means safety data sheets.
 “sec” means second (time).
 “Standard 50” means NSF/ANSI Standard 50-2016a (2017), “Circulation System Components for Swimming Pools, Spas, or Hot Tubs.”
 “TDH” means total dynamic head.
 “UL” means Underwriters Laboratories.

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SWIMMING POOLS

481—485.4(135I) Swimming pool operations. Swimming pools shall be operated in a safe, sanitary manner and shall meet the following operational standards.

485.4(1) Filtration and recirculation.

a. *Filtration.* A swimming pool shall have a filtration system in good working condition that provides water clarity in compliance with the water quality standards of subrule 485.4(2).

b. *Recirculation.* The recirculation system of a swimming pool shall meet the following requirements:

(1) During the operating season, pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the swimming pool water recirculation system shall be operated continuously except for backwashing or servicing.

(2) The recirculation system has an operating pressure gauge located in front of the filter if it is a pressure filter system. A vacuum filter system has a vacuum gauge located between the filter and the pump.

(3) The recirculation system has inlets adequate in design, number, location, and spacing to ensure effective distribution of treated water and maintenance of uniform disinfectant residual throughout the swimming pool.

(4) Swimming pools have a means for skimming the pool water surface.

1. Each skimmer has an easily removable basket or screen upstream from any valve. Self-adjusting weirs shall be in place to provide skimming action.

2. Gutter or skimmer drainage is sufficient to minimize flooding and prevent backflow of skimmed water into the swimming pool.

c. *Wastewater.* Backwash water from a swimming pool shall be discharged through an air break or an air gap.

d. *Water supply.* The water supplied to a swimming pool shall be from a water supply meeting the requirements of the department of natural resources for drinking water and meet the following criteria:

(1) Water supplied to a swimming pool is discharged to the pool system through an air gap or a reduced-pressure principle backflow device meeting AWWA C-511-97, "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Each hose bib at a facility is equipped with an atmospheric vacuum breaker or a hose connection backflow preventer.

e. *Water heaters.* Swimming pool water heaters shall meet the following criteria:

(1) Electric water heaters bear the seal of UL.

(2) Gas-fired water heaters are equipped with a pressure relief valve.

(3) Fuel-burning water heaters are vented to the outside in accordance with the state plumbing code.

(4) Each indoor swimming pool equipment room with fuel-burning water heating equipment has one or more openings to the outside of the room for the provision of combustion air.

485.4(2) *Water quality and testing.*

a. *Disinfection.*

(1) Swimming pool water shall have a free chlorine residual of at least 1.0 ppm and no greater than 8.0 ppm, or a total bromine residual of at least 2.0 ppm and no greater than 18 ppm when the swimming pool is open for use.

(2) The swimming pool shall be closed if the free chlorine is measured to be less than 0.6 ppm or the total bromine is measured to be less than 1.0 ppm or if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm.

(3) The swimming pool water shall have an ORP of at least 700 mV, but no greater than 880 mV, and be closed if the ORP is less than 650 mV or greater than 880 mV.

(4) The swimming pool shall be closed if the cyanuric acid concentration in the swimming pool water exceeds 80 ppm. The swimming pool may be reopened when the cyanuric acid concentration is 40 ppm or less.

(5) No cyanuric acid in any form shall be added to an indoor swimming pool.

b. *pH level.* The pH of swimming pool water shall be 7.2 to 7.8. An inspection agency may require that a swimming pool be closed if the pH is less than 6.8 or greater than 8.2.

c. *Water clarity.* A swimming pool shall be closed if the swimming pool is less than 8 ft deep and the grate openings on the main drain are not clearly visible from the deck or the swimming pool is 8 ft deep or deeper and the main drain is not clearly visible from the deck.

d. *Bacteria detection.*

(1) If coliform bacteria are detected in a sample taken in accordance with subparagraph 485.4(2) "e"(5), the swimming pool shall be superchlorinated and a check sample taken when the disinfectant residual is within the requirements of paragraph 485.4(2) "a." If coliform bacteria are detected in

the check sample, the swimming pool shall be closed. The swimming pool may reopen when no coliform bacteria are detected in a swimming pool water sample taken when the pool water meets the requirements of paragraphs 485.4(2) "a," "b" and "c."

(2) The facility management shall notify the local inspection agency of the positive bacteriological result within one business day after the facility management has become aware of the result.

e. Test frequency. The results of the tests required below shall be recorded in the swimming pool records.

(1) The disinfectant residual in the swimming pool water shall be tested or the ORP of the swimming pool water checked each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments, housing cooperatives, or homeowners associations with 25 or fewer living units, testing must be performed at least once each day that the swimming pool is available for use.

The operator may make visual readings of ORP on site from an automatic controller in lieu of manual testing, but the swimming pool water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the swimming pool records which results are from the manual tests.

(2) The pH of the swimming pool water shall be tested each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments, housing cooperatives, or homeowners associations with 25 or fewer living units, testing for pH must be performed at least once each day that the swimming pool is available for use.

The operator may make visual readings of pH on site from an automatic controller in lieu of manual testing, but the swimming pool water shall be tested manually for pH at least twice per day. The operator shall specify in the swimming pool records which results are from the manual tests.

(3) If a chlorine chemical is used for disinfection, the swimming pool water shall be tested for combined chlorine at least once in each week that the swimming pool is open for use.

(4) If cyanuric acid or a stabilized chlorine is used at a swimming pool, the swimming pool water shall be tested for cyanuric acid at least once in each week that the swimming pool is open for use.

(5) At least once in each month that a swimming pool is open for use, the facility management shall have a sample of the swimming pool water analyzed for total coliform by submitting the sample to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water.

f. Test equipment. Each facility shall have functional water testing equipment for free chlorine and combined chlorine, or total bromine; pH; total alkalinity; calcium hardness; and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility) that meets the following criteria:

(1) The test equipment provides for the direct measurement of free chlorine and combined chlorine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range, or total bromine from 0 to 20 ppm in increments of 0.5 ppm or less over the full range.

(2) The test equipment provides for the measurement of swimming pool water pH from 7.0 to 8.0 with at least five increments in that range.

(3) A controller used in lieu of manual disinfectant residual testing has a numerical analog or digital display with an ORP scale with a range of at least 600 to 900 mV with increments of 20 mV or less.

(4) A controller used in lieu of manual pH testing has a numerical analog or digital display with a pH range at least equal to the range required in subparagraph 485.4(2) "f"(2) with increments of 0.2 or less over the full range.

g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a swimming pool is open for use.

485.4(3) *Chemical feed equipment and cleaning.*

a. Chemical feed equipment.

(1) Equipment for continuous feed of chlorine, a chlorine compound or a bromine compound to the swimming pool water shall be provided and be operational. The equipment shall be adjustable in at least five increments over its feed capacity and, where applicable, the chemical feeder listed by NSF or another listing agency for compliance with Standard 50.

(2) Equipment for the continuous feed of a chemical for pH adjustment of the swimming pool water shall be provided and be operational for each swimming pool and, where applicable, the chemical feeder listed by NSF or another listing agency for compliance with Standard 50.

b. Cleaning.

(1) The inspection agency may require that a swimming pool be drained and scrubbed with a disinfecting agent prior to further usage.

(2) A vacuum system shall be provided to remove dirt from the bottom of the swimming pool.

485.4(4) *Safety.*

a. Chemical safety. Swimming pool chemical safety shall meet the following criteria:

(1) When chemical additions are made from the deck, the swimming pool is closed from use for at least one-half hour. The operator tests the swimming pool water as appropriate before allowing use of the swimming pool. The chemical addition and the test results are recorded in the swimming pool records.

(2) Swimming pool treatment chemicals shall be stored and handled in accordance with the manufacturer's recommendations.

(3) SDS for the chemicals used at the pool are at the facility in a location known and readily accessible to the facility staff.

(4) Chemical storage containers are clearly labeled.

(5) A chemical hazard warning sign is placed at the entrance of a room where chemicals are used or stored or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps. Swimming pool stairs, ladders, recessed steps, and ramps shall meet the following criteria:

(1) Ladders or recessed steps are provided in the deep portion of a swimming pool. Stairs, ladders, recessed steps, or ramps are provided in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2 ft.

(2) Ladders, ladder rungs and ramps are securely anchored.

(3) The distance between the swimming pool wall to the vertical rail of a ladder is no greater than 6 inches and no less than 3 inches. The lower end of each ladder rail is securely covered with a smooth nonmetallic cap and within 1 inch of the swimming pool wall.

(4) Stairs, ladder rungs, ramps and recessed steps are slip-resistant.

(5) If a swimming pool is over 30 ft wide, recessed steps, ladders, ramps, or stairs are installed on each side. If a stairway centered on the shallow end wall of the swimming pool is within 30 ft of each side of the swimming pool, that end of the swimming pool is considered in compliance with this subparagraph.

(6) Each set of recessed steps are equipped with a securely anchored grab rail on each side of the recessed steps.

(7) Each set of stairs and each ramp are equipped with a securely anchored handrail(s).

(8) When stairs are provided for entry into a swimming pool, a slip-resistant stripe at least 1 inch wide of a color contrasting with the step surface and with the swimming pool floor is marked at the top front edge of each tread.

c. Diving areas. Swimming pool diving areas shall meet the following criteria:

(1) No diving is permitted in areas where the water is 5 ft deep or less except for purposes of competition or training. The diving is supervised by a lifeguard, swim instructor or swim coach.

(2) Starting blocks are only used for competition or training purposes under the supervision of a lifeguard, swim instructor, or swim coach. Starting blocks and starting block installation meet the requirements of the competition governing body (National Collegiate Athletic Association, USA

Swimming, or National Federation of State High School Associations). When the swimming pool is open for general use, the starting blocks are secured from use by removal, covering, or signage and active supervision.

(3) Diving boards are permitted only if the diving area dimensions conform to the minimum requirements indicated below in Figure 1 and Tables 1 and 2.

(4) There is a completely unobstructed clear distance of 13 ft above the diving board, measured from the center of the front end of the board, and extending at least 8 ft behind, 8 ft to each side, and 16 ft ahead of the measuring point.

(5) Diving boards and platforms over 3 meters in height are prohibited, except where used only for competition or training purposes under the supervision of a diving coach and diving area dimensions conform to minimum requirements of World Aquatics (FINA).

(6) Diving boards and platforms have a slip-resistant surface.

(7) Where the top of a diving board or platform is more than 18 inches above the deck, stairs or a ladder are provided for access to the diving board or platform.

(8) Handrails are provided at all steps and ladders leading to diving boards that are more than 32 inches above the deck.

(9) A platform or diving board that is 32 inches or more above the swimming pool deck has a guardrail on both sides. The guardrails are at least 36 inches high and extend to the edge of the deck.

(10) Supports, platforms, and steps for diving boards are of substantial construction and of sufficient structural strength to safely carry the maximum anticipated load.

NOTE: The information contained in Figure 1 and Tables 1 and 2 is for swimming pools constructed prior to March 14, 1990. Swimming pools constructed after March 14, 1990, shall comply with paragraph 485.5(13) "a."

When determining distances set out in Tables 1 and 2, measurements shall be taken from the top center of the front edge of the diving board. The reference water level shall be the midpoint of the skimmer opening for a skimmer pool or a stainless steel gutter system with surge weirs. The reference water level for a gutter pool shall be the top of the gutter weir.

Figure 1

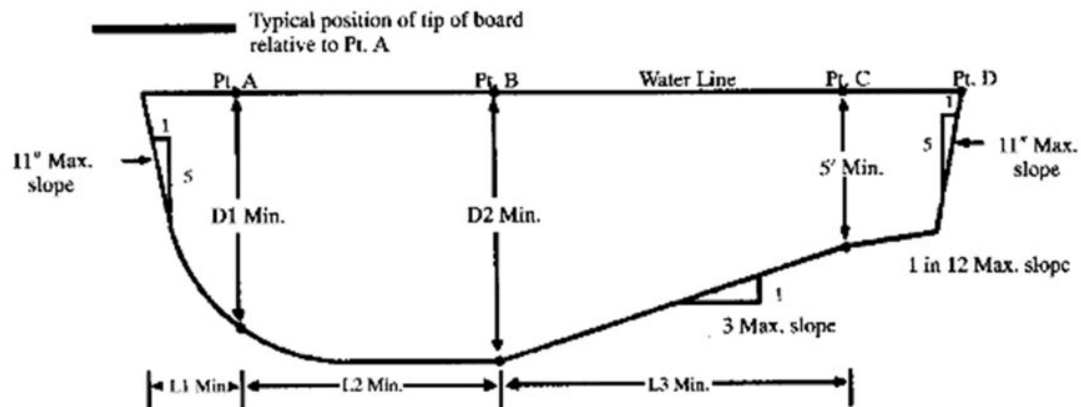


Table 1

		Minimum Dimensions				
Diving Board Height Above Water	Maximum Diving Board Length	D1	D2	L1	L2	L3
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8 ft	10.5 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft

Diving Board Height Above Water	Maximum Diving Board Length	Minimum Dimensions				
		D1	D2	L1	L2	L3
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft

Table 2

Diving Board Height Above Water	Minimum Distance		
	To Pool Side	To 1-Meter Diving Board	To 3-Meter Diving Board
Deck level to 1 meter	9 ft	8 ft	10 ft
Greater than 1 meter	11 ft	10 ft	10 ft

d. Lifeguards.

(1) Except for wading pools and spray pads, lifeguards are required at municipal and school swimming pools of any size and other swimming pools having a water surface area of 1,500 ft² or larger. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, manufactured home communities, or mobile home parks are exempt from lifeguard requirements.

(2) For open recreation swimming, there shall be at least one lifeguard guarding the pool at all times for up to 30 swimmers in the water; at least two lifeguards on duty for over 30 swimmers in the water and up to 125 swimmers in the water; and an additional lifeguard for each additional 125 swimmers in the water or fraction thereof.

NOTE: This is the minimum lifeguard coverage. It is the responsibility of the management of each facility to evaluate the facility configuration, the features of the facility, the patrons, and the type of use and to determine the facility-specific requirements for supervision by lifeguards.

(3) For a structured swimming program, such as lap swim, competitive swimming, water exercise classes, swim lessons and physical education classes, a lifeguard is not required provided the program is supervised by an instructor, teacher, or coach who is a lifeguard or who has current certification from the American Red Cross in basic water rescue, first aid, and infant, child and adult CPR, or equivalent training approved by the department. An instructor, teacher or coach may be responsible for a maximum of 30 persons within a structured activity. If more than 30 persons are involved in a structured activity, a second qualified supervisor must be present.

(4) Each water slide shall have one slide attendant trained in the operation of the slide stationed at the top of the slide and one lifeguard at the bottom of the slide.

If two or three water slides start at the same platform and the distance between the centerlines of any two start structures is 10 ft or less, one attendant may supervise the top of the slides. If two or three water slides terminate within the same landing area, one lifeguard may supervise the landing area.

e. Lifeguard chairs. For outdoor swimming pools where lifeguards are required by rule, elevated lifeguard chairs shall be provided as follows: at least one chair for a swimming pool with a water surface area of 2,000 to 4,000 ft² inclusive; at least two chairs if the area is 4,001 to 6,000 ft²; and at least three chairs if the area is 6,001 ft² or more. Swimming pools are not required to have more than three lifeguard chairs. This requirement does not apply to wave pools, leisure rivers, spray pads, or wading pools.

f. Emergency equipment and facilities. Emergency equipment and facilities at swimming pools shall meet the following criteria:

(1) Except for wading pools, a minimum of 1 unit of lifesaving equipment is provided for each 1,500 ft² of water surface area or fraction thereof. The area of a swimming pool where the water is

2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than 10 units of lifesaving equipment.

(2) A unit of lifesaving equipment consists of one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a 1/4-inch diameter line with a length of at least one-half the width of the pool, but no more than 60 ft; or
2. A life pole, or a “shepherd’s crook” of at least 8 ft in length and having blunted ends; or
3. A rescue buoy made of lightweight, hard, buoyant plastic with molded handgrips along each side and provided with a 4- to 6-ft tow rope and shoulder strap, or
4. A rescue tube made of a soft, strong foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the end with the ring shall be a 6-ft-long towline with a shoulder strap.

NOTE: Rescue equipment identified in numbered paragraphs 485.4(4) “f”(2) “3” and “4” above shall be used only at swimming pools where lifeguards are employed. If a facility employs lifeguards, the lifeguards shall be provided with the minimum equipment required by their training including but not limited to rescue tubes and personal CPR masks.

(3) Lifesaving equipment is mounted in conspicuous places around the swimming pool deck during normal operations.

(4) A swimming pool facility has a first-aid kit which contains, at a minimum, the following:

1. Band-Aids.
2. Sterile 4" × 4" bandage compress.
3. Self-adhering gauze bandage.
4. Disposable gloves.
5. Chemical cold compress.

Where lifeguards are not provided, the first-aid kit is prominently mounted in the swimming pool enclosure or a sign stating its location is posted near the swimming pool. The first-aid kit is accessible when the swimming pool is open.

(5) A standard spine board with straps and a head immobilizer is provided at each swimming pool where lifeguards are required by rule.

(6) Except for wading pools and spray pads, each swimming pool where lifeguards are not provided has a designated emergency telephone or equivalent emergency communication system available to users of swimming pools when the swimming pool is open. When the telephone is not within the confines of the swimming pool enclosure, the location of the emergency telephone is posted in at least one conspicuous place within the swimming pool enclosure. Instructions for emergency use of the telephone are posted near the telephone.

At each swimming pool where lifeguards are employed, a telephone is available to the swimming pool staff for emergency purposes.

g. *Water level.* Water level in swimming pools shall be maintained at the skimming level.

h. *Fully submerged outlets.* Swimming pools and fully submerged outlets shall meet the following criteria:

(1) Each outlet, including the main drain(s), is designed to prevent user entrapment. A swimming pool is closed if the cover/grate of a fully submerged outlet is missing or broken.

(2) Each fully submerged outlet shall have a cover/grate that has been tested for compliance with the requirements of the ASME/ANSI standard by a testing agency that is certified for compliance by an engineer licensed in Iowa.

1. The cover/grate for an outlet system with a single fully submerged outlet has a flow rating of at least 100 percent of the maximum system flow rate. The combined flow rating for the cover/grates for an outlet system with more than one fully submerged outlet is at least 200 percent of the maximum system flow rate.

The maximum system flow rate for a main drain system is at least the design filter flow rate but may include play feature and water slide flow. The maximum system flow rate for other fully submerged outlets is the design flow rate of the pump(s) directly connected to the outlet system.

2. Fully submerged outlet cover/grates are not removable without the use of tools.
3. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the cover/grate is purchased. If a field fabricated cover/grate is certified for compliance to the ASME/ANSI standard by an engineer licensed in Iowa, a copy of the certification letter is kept at the facility for at least five years from the certification date.

(3) A swimming pool with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet does not have a cover/grate that complies with the ASME/ANSI standard.

If a swimming pool has two or more fully submerged outlets on a single surface that are all less than 3 ft apart on center, are not unblockable, and are directly connected to a pump, the swimming pool is considered to have a single fully submerged outlet.

(4) A swimming pool with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet system is not equipped with a safety vacuum release system that is listed for compliance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04 (2012).

1. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the SVRS is purchased or another approved system is installed.

2. An SVRS is installed in accordance with the manufacturer's instructions.

3. An SVRS is tested for proper function at the frequency recommended by the manufacturer but at least once in each month the swimming pool is operated. The date and result of each test is recorded.

(5) In lieu of compliance with subparagraphs 485.4(4) "h"(2), (3) and (4) above, a fully submerged outlet in a swimming pool may be disabled with the approval of the department, except that an equalizer in a skimmer may be plugged without department approval if the management of the swimming pool submits to the department information, including but not necessarily limited to:

1. The area and volume of the pool;
2. The functional areas of the pool and the depths in those areas;
3. Detailed information about the inlet system, including the location of the inlets, the depth of the inlets, and the type of inlet fitting;
4. Detailed information about the overflow system, gutter or skimmer, number of skimmers, and pipe sizes;
5. Pump information and flow rates for the outlet system;
6. Filter type, number of filters, the size of the filter(s), and whether multiple filters are backwashed together or separately.

If the department approves the application to disable the outlet, the outlet valve is closed and the valve secured by removing the handle, by locking the handle closed, or by another method approved by the department. The outlet may be physically disconnected from the pump system.

i. *Surface finish and float lines.* Surface finish and float lines shall meet the following criteria:

- (1) The bottom and sides of a swimming pool are white or a light color. This does not prohibit painting or marking racing lines, stairs or turn targets with contrasting colors.

- (2) The swimming pool walls and floor have a smooth surface to facilitate cleaning.

- (3) The boundary between shallow and deep water (5 ft) is marked by a float line with floats spaced no more than 5 ft apart. The float line is installed on the shallow side of the boundary within 12 inches of the boundary. When the slope of the floor of a swimming pool exceeds 1 ft vertical to 12 ft horizontal at a depth of less than 5 ft, the float line is placed on the shallow side of the slope change within 12 inches of the slope change in lieu of a float line at the 5 ft depth.

- (4) A wave pool is equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep-end wall. Users are not permitted between the float line and the deep-end wall.

(5) The landing area for a swimming pool slide or a water slide that terminates in a swimming pool is delineated by a float line.

A float line is not required when the landing area is in deep water provided the distance between the slide and any diving board(s) meets the requirements for diving board spacing. The distance between the side of the slide at the slide's terminus and the swimming pool wall is in accordance with the manufacturer's recommendations, but shall be at least 8 ft.

A float line is not required for a slide that is designed for toddlers and young children and that terminates in water that is 2 ft deep or less. The landing area is designated by a brightly colored pad securely fastened to the floor of the swimming pool or by painting the floor at the end of the slide.

j. Depth marking. Depth marking shall meet the following criteria:

(1) Depth markers are painted or otherwise marked on the deck within 3 ft of the edge of the swimming pool. The depth of a wave pool is also marked on the side walls of the wave pool, above the maximum static water level, where the depth is 3 ft or more, and on the deep-end wall of the wave pool. Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool. Depth markers are not required at a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

(2) Depth markers are located at 1-ft depth intervals but not more than 25 ft apart measured between the centers of the depth markers around the area of a swimming pool that has a water depth of 5 ft or less.

(3) Depth markers are located not more than 25 ft apart measured between the centers of the depth markers around the deep end of the swimming pool. The words "Deep Water" may be used in place of numerals.

(4) In lieu of subparagraph 485.4(4) "j"(2) above, the maximum depth of a wading pool may be posted at each entrance to a wading pool enclosure and at one conspicuous location inside the wading pool enclosure in letters or numbers at least 3 inches high.

(5) The depth of a leisure river is posted at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users are permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center. The depth markers at a leisure river constructed before May 4, 2005, are not required to be changed until the deck or channel structure is replaced or repaired.

(6) "No Diving" or equivalent wording or graphics are marked on the swimming pool deck within 3 ft of the edge of the swimming pool where the water is shallow and at other pool areas determined by management. The markers are 25 ft apart or less, center to center, around the perimeter of the area. This marking is not required for wading pools or at the zero-depth end of a wave pool or of a zero-depth swimming pool. "No Diving" or equivalent wording or graphics are marked on the deck of a leisure river in areas where users are permitted. The "No Diving" markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center. The "No Diving" markers at a leisure river constructed before May 4, 2005, are not required to be changed until the deck or channel structure is replaced or repaired.

(7) Letters, numbers, and graphics marked on the deck are slip-resistant, of a color contrasting with the deck and at least 4 inches in height.

k. Deck safety. Deck safety shall meet the following criteria:

(1) Decks are maintained slip-resistant, and free of litter, obstructions and tripping hazards.

(2) Glass objects, other than eyeglasses and safety glass doors and partitions, are not permitted on the deck.

l. Enclosure. Swimming pool enclosure shall meet the following criteria:

(1) Except for a circulated wading pool that is drained when not in use, or a spray pad, a swimming pool is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The enclosure is constructed of durable materials.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and are not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the swimming pool, or if the gap between the vertical members of the fence is greater than 1¼ inches.

(3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of subparagraph 485.4(4)“l”(2). Gates and doors are lockable. Except where lifeguard or structured program supervision is provided whenever the swimming pool is open, gates and doors are self-closing and self-latching.

(4) If a wading pool is within 50 ft of a swimming pool, the wading pool has a barrier at least 36 inches high separating it from the swimming pool. A barrier installed after May 4, 2005, has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The barrier has at least one 36-inch-wide gate or door. Gates and doors are lockable. Except where lifeguard supervision is provided, gates and doors are self-closing and self-latching.

The department may approve alternate management of the area between the wading pool and swimming pool at a facility where lifeguards are provided whenever the pools are open. The alternate management plan will be in writing and shall be at the facility when the pools are open.

(5) An indoor swimming pool is enclosed by a barrier at least 3 ft high if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas that are used by children and that open directly into the swimming pool area. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the pool is open, gates and doors are self-closing and self-latching.

(6) A wave pool has a continuous barrier along the full length of each side of the wave pool. The barrier is at least 42 inches high and is installed no more than 3 ft from the side of the wave pool. Wave pool users are not permitted in this area.

m. Electrical. Electrical systems and components shall meet the following criteria:

(1) Each electrical outlet in the deck, shower room, and pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker. GFCI receptacles and breakers are tested at least once in each month that the swimming pool is in operation. Testing dates and results are recorded in the pool records.

(2) Lighting.

1. Artificial lighting is provided at a swimming pool that is to be used at night or that does not have adequate natural lighting so that all portions of the swimming pool, including the bottom and main drain, may be clearly seen.

2. Underwater lights and fixtures are designed for their intended use. When the underwater lights operate at more than 15 volts, the underwater light circuit is equipped with a GFCI. When an underwater light needs to be repaired, the electricity is shut off until repairs are completed.

3. For outdoor swimming pools, no electrical wiring, except for overhead illumination, extends over a swimming pool.

n. Chlorine gas and carbon dioxide. Swimming pool facilities shall meet the following criteria:

(1) Chlorine gas feed equipment and full and empty chlorine cylinders are housed in a room or building used exclusively for that purpose during the pool operation season. Chlorine gas installations constructed prior to March 14, 1990, that are housed within chain-link fence or similar enclosure may be used provided that the chlorine cylinders are protected from direct sunlight and the applicable requirements below are met.

1. A chlorine gas room or building has an airtight exhaust system that takes its suction near the floor and discharges out of doors in a direction to minimize the exposure to swimming pool patrons. The system provides one air change every four minutes.

2. An air intake is provided near the ceiling.

3. The exhaust fan is operated from a switch in a nearby location outside the chlorine room or building. The switch is clearly labeled "Chlorine Exhaust Fan."

4. The discharge from the exhaust system is outside the pool enclosure.

5. Artificial lighting is provided in the chlorine room or building.

6. The door of a chlorine room or building is secured in an open position whenever the room is occupied.

7. A plastic bottle of commercial strength ammonia solution for leak detection is provided.

8. Rooms or buildings where chlorine is stored or used are placarded in accordance with 481—Chapter 221.

- (2) CO₂ cylinders.

1. Chlorine gas and CO₂ cylinders are individually anchored with safety chains or straps.

2. Storage space is provided so that chlorine cylinders are not subject to direct sunlight.

3. The chlorinator is designed to prevent the backflow of water or moisture into the chlorine gas cylinder.

4. An automatic shutoff is provided to shut off the gas chlorinator and the pH control chemical pump when the recirculation pump stops.

- o. Water slides.* Water slides shall meet the following criteria:

- (1) Water slide support structures are free of obvious structural defects.

- (2) The internal surface of a flume is smooth and continuous for its entire length.

- (3) The flume has no sharp edges within reach of a user while the user is in the proper sliding position.

- p. Projections or obstructions.* There shall be no underwater or overhead projections or obstructions that would endanger swimmer safety or interfere with proper swimming pool operation.

485.4(5) Showers, dressing rooms, and sanitary facilities. Swimming pool users shall have access to showers, dressing rooms, and sanitary facilities that are clean and free of debris. If a bathhouse is provided, the following shall be met:

- a.* Floors have a slip-resistant surface.

- b.* Floors provide adequate drainage to prevent standing water.

- c.* Olefin or other approved carpeting may be used in locker room or dressing room areas provided there is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other area where water can accumulate.

- d.* All lavatories, showers, and sanitary facilities are functional.

- e.* Soap is available at each lavatory and at each indoor shower fixture.

485.4(6) Management, notifications, and records.

- a. Certified operator required.* Each facility shall employ a certified operator. One certified operator may be responsible for a maximum of three facilities. Condominium associations, apartments, housing cooperatives, and homeowners associations with 25 or fewer living units are exempt from this requirement.

- b. Pool rules sign.* A legible pool rules sign shall be posted conspicuously at a minimum of two locations within the swimming pool enclosure. The sign shall include the following stipulations:

- (1) No diving in the shallow end of the swimming pool and in other areas marked "No Diving."

- (2) No rough play in or around the swimming pool.

- (3) No running on the deck.

- c. Other rules.* Management may adopt and post such other rules as it deems necessary to provide for user safety and the proper operation of the facility.

- d. "No Lifeguard" signs.* Where lifeguards are not provided whenever the pool is open, a sign shall be posted at each entry to a swimming pool, stating that lifeguards are not on duty and children

under the age of 12 must be accompanied by an adult, or at each entry to a wading pool, stating that lifeguards are not on duty and children must be accompanied by an adult.

e. Water slide rules. Rules and restrictions for the use of a water slide shall be posted near the slide and address the following as applicable:

- (1) Use limits.
- (2) Attire.
- (3) Riding restrictions.
- (4) Water depth at exit.
- (5) Special rules to accommodate unique aspects of the attraction.
- (6) Special warnings about the relative degree of difficulty.

f. Operational records. The operator of a swimming pool shall have the swimming pool operational records for the previous 12 months at the facility and make these records available when requested by a swimming pool inspector. These records shall contain a day-by-day account of swimming pool operation, including:

- (1) ORP and pH readings, results of pH, free chlorine or total bromine residual, cyanuric acid, combined chlorine, and any other chemical test results.
- (2) Results of microbiological analyses.
- (3) Reports of complaints, accidents, injuries, and illness.
- (4) Dates and quantities of chemical additions, including resupply of chemical feed systems.
- (5) Dates when filters were backwashed or cleaned or when a filter cartridge was changed.
- (6) Monthly ground fault circuit interrupter test results.
- (7) Dates of review of material safety data sheets.
- (8) If applicable, dates and results of tests of each SVRS installed at a facility.

g. Submission of records. An inspection agency may require a facility operator to submit to the inspection agency on a monthly basis a copy of the records of the ORP and pH readings, chemical test results and microbiological analyses. The inspection agency will notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility management shall submit the required reports to the inspection agency within ten days after the end of each month of operation.

h. Certificates. Copies of certified operator certificates and copies of lifeguard, first-aid, basic water rescue, and CPR certificates for the facility staff shall be kept at the facility.

i. Operations manual. A permanent manual for the operation of the swimming pool shall be kept at the facility and include instructions for routine operations at the swimming pool including but not necessarily limited to:

- (1) Water testing procedures, including the required frequency of testing.
- (2) Maintaining the chemical supply for the chemical feed systems.
- (3) Filter backwash or cleaning.
- (4) Vacuuming and cleaning the swimming pool.
- (5) Superchlorination.
- (6) Controller sensor maintenance, where applicable.

j. Schematic drawing. A schematic drawing of the pool recirculation system shall be posted in the swimming pool filter room or in the operations manual. Clear labeling of the swimming pool piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

k. Safety data sheets. Copies of SDS of the chemicals used at the swimming pool shall be kept at the facility in a location known and readily accessible to facility staff with chemical-handling responsibilities. Each member of the facility staff with chemical-handling responsibilities shall review the SDS at least annually. The facility management shall retain records of the SDS reviews at the facility and make the records available upon request by a swimming pool inspector.

l. Emergency plan. The facility management shall develop a written emergency plan. The plan shall include but not be limited to actions to be taken in cases of drowning, serious illness or injury,

chemical-handling accidents, weather emergencies, and other serious incidents. The emergency plan shall be reviewed with the facility staff at least once a year, and the dates of review or training shall be recorded in the pool records. The written emergency plan shall be kept at the facility and be available to a swimming pool inspector upon request.

m. Lifeguard staffing plan. The lifeguard/program staffing plan for the facility shall be available to the swimming pool inspector at the facility and include staffing assignments for all programs conducted at the pool.

485.4(7) Reports. Swimming pool and spa operators shall report to the local inspection agency, within one business day of occurrence, all deaths; near drowning incidents; head, neck, and spinal cord injuries; and any injury that renders a person unconscious or requires immediate medical attention.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

481—485.5(135I) Construction and reconstruction. A swimming pool that is constructed or reconstructed shall comply with the following standards. Nothing in these rules exempts swimming pools and associated structures from any applicable federal, state or local laws, rules, or ordinances.

485.5(1) Construction permit.

a. Permit required. No swimming pool with a water surface area greater than 500 ft² shall be constructed or reconstructed without the owner or a designated representative of the owner first receiving a permit from the department. Construction shall be completed within 24 months from the date the construction permit is issued unless an extension is granted in writing by the department.

NOTE: While plan review and permitting are voluntary for swimming pools with a water surface area of 500 ft² or less under this rule, such swimming pools must still comply with all other requirements of this chapter, including but not limited to all other construction and reconstruction requirements under this rule (including notification of completion pursuant to paragraph 485.5(1)“e”) and all operational requirements under rule 481—485.4(135I).

b. Permit application. The owner of a proposed or existing facility or a designated representative of the owner shall apply for a construction permit on forms provided by the department.

c. Plan submission and fee. Three sets of plans and specifications shall be submitted with the application, as well as a nonrefundable plan review fee for each swimming pool, leisure river, water slide, wave pool, wading pool, spray pad, zero-depth swimming pool, and multisection water recreation pool as required in subrule 485.12(3).

d. Exception. After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner’s authorized representative.

e. Notification of completion. The owner of a newly constructed or reconstructed swimming pool, or the owner’s designated representative, shall notify the department in writing at least 15 business days prior to opening the swimming pool.

485.5(2) Plans and specifications.

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the engineering and land surveying examining board or the architectural examining board by an engineer or architect licensed to practice in Iowa. This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, or a simple replacement of a filter or pump or both, or combination thereof.

If the requirement for engineering plans is waived, the owner of the facility assumes full responsibility for ensuring that the reconstruction complies with these rules and with any other applicable federal, state and local laws, rules and ordinances.

b. Content of plans. Plans and specifications submitted shall contain sufficient information to demonstrate to the department that the proposed swimming pool will meet the requirements of this chapter, including but not limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications. If a swimming pool contractor applies for a construction permit, the name, address, and telephone number of the swimming pool contractor shall be included.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the pool in relation to buildings, streets, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the swimming pool and its appurtenances, including a plan view and cross sections, showing the location of inlets, overflow system components, main drains, the deck and deck drainage, the location and size of pool piping, the swimming pool ladders, stairs and deck equipment, including diving stands and boards, and fencing.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, heaters, and surge tanks; and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the make-up water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply; drain and vent systems; gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the swimming pool, for the swimming pool equipment and for the swimming pool appurtenances.

c. Deviation from plans. No deviation from the plans and specifications or conditions of approval may be made without prior written approval of the department.

485.5(3) General design.

a. Construction of fill and drain wading pools is prohibited.

b. Materials. Swimming pools shall be constructed of materials that are inert, stable, nontoxic, watertight, and durable.

c. Structural loading.

(1) Swimming pools shall be designed and constructed to withstand the anticipated structural loading for both full and empty conditions.

(2) Except for aboveground swimming pools, a hydrostatic relief valve or a suitable underdrain system shall be provided.

d. The water supplied to a swimming pool shall comply with paragraph 485.4(1)“*d.*”

e. No part of a swimming pool recirculation system may be directly connected to a sanitary sewer. An air break or an air gap shall be provided.

485.5(4) Decks.

a. Deck width. A swimming pool shall be surrounded by a deck. The deck shall be at least 6 ft wide for a swimming pool with a water surface area of 1,500 ft² or greater, and 4 ft wide for a smaller swimming pool, and extend at least 4 ft beyond the diving stands, lifeguard chairs, swimming pool slides, or any other deck equipment.

b. Materials. Decks shall be constructed of stable, nontoxic, durable, and impervious materials and shall be provided with a slip-resistant surface.

c. Deck coverings. Porous, nonfibrous deck coverings may be used, subject to department approval, provided that:

(1) The covering allows drainage so that the covering and the deck underneath it do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) The covering is durable and cleanable.

d. Deck drainage. The deck of a swimming pool shall not drain to the pool or to the pool recirculation system, except as provided in paragraphs 485.5(15)“*c*” and 485.5(16)“*b*.” For deck-

level swimming pools (“rim flow” or “rollout” gutter), a maximum of 5 ft of deck may slope to the gutter.

e. Deck slope. The deck slope shall be at least 1/8 inch/ft and no more than 1/2 inch/ft to drain. The deck shall be designed and constructed so that there is no standing water on the deck during normal operation of the facility.

f. Surface runoff. For outdoor swimming pools, the drainage for areas outside the facility and for nondeck areas within the facility shall be designed and constructed to keep the drainage water off the deck and out of the swimming pool.

g. Carpeting. The installation of a floor covering of synthetic material may be used only in separate sunbathing, patio, or refreshment areas, except as permitted by paragraph 485.5(4) “c.”

h. Hose bibs. At least one hose bib shall be provided for flushing the deck.

i. Rinse showers. If users are permitted free access between the deck and an adjacent sand play area without having to pass through a bathhouse, a rinse shower area shall be installed between the deck and the sand play area, with fences, barriers and other structures installed so that users must pass through the rinse shower area when going from the sand play area to the deck, and meet the following criteria:

- (1) Tempered water is provided for the rinse shower(s).
- (2) The rinse shower area has sufficient drainage so that there is no standing water.
- (3) Foot surfaces in the rinse shower area are impervious and slip-resistant.

485.5(5) Recirculation.

a. Combined recirculation. Two or more swimming pools may share the same recirculation system, but a wading pool cannot share a recirculation system with any other wading pool or swimming pool. Combined recirculation shall meet the following criteria:

(1) The recirculation flow rate for each swimming pool is calculated in accordance with 15.5(5) “b.” The recirculation flow rate for the system is at least the arithmetic sum of the recirculation flow rates of the swimming pools.

(2) The flow to each pool is adjustable. A flow meter is provided for each pool.

b. Recirculation flow rate. The recirculation flow rate shall provide for the treatment of one pool volume within:

- (1) Four hours for a swimming pool with a volume of 30,000 gal or less.
- (2) Six hours for a swimming pool with a volume of more than 30,000 gal.
- (3) Two hours for a wave pool.
- (4) Four hours for a zero-depth pool.
- (5) One hour for a wading pool.
- (6) One hour for a water slide plunge pool.
- (7) Four hours for a leisure river.
- (8) Thirty minutes for a spray pad with its own filter system.
- (9) For swimming pools with skimmers, the recirculation flow rate shall be at least 30 gpm per skimmer or the recirculation flow rate defined above, whichever is greater.

The recirculation flow rate for pools not specified in subparagraphs 485.5(5) “b” (1) through “b” (9) will be determined by the department.

c. Recirculation pump. The recirculation pump(s) shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and shall comply with the following requirements:

(1) The pump(s) supply the recirculation flow rate required by paragraph 485.5(5) “b” at a TDH of at least that given in “1,” “2,” or “3” below unless a lower TDH is shown by the designer to be appropriate. A valve for regulating the rate of flow is provided in the recirculation pump discharge piping.

1. 40 feet for vacuum filters; or
2. 60 feet for pressure sand filters; or
3. 70 feet for pressure diatomaceous earth filters or cartridge filters.

(2) For sand filter systems, the pump and filter system are designed so that each filter can be backwashed at a rate of at least 15 gpm/ft² of filter area.

(3) If a pump is located at an elevation higher than the pool water surface, it is self-priming or the piping is arranged to prevent the loss of pump prime when the pump is stopped.

(4) Where a vacuum filter is used, a vacuum limit control is provided on the pump suction line. The vacuum limit switch is set for a maximum vacuum of 18 in Hg.

(5) A compound vacuum-pressure gauge is installed on the pump suction line as close to the pump as practical. A vacuum gauge may be used for pumps with suction lift. A pressure gauge is installed on the pump discharge line as close to the pump as practical. Gauges are of such a size and located so that they may be easily read by the facility staff.

(6) On pressure filter systems, a hair and lint strainer is installed on the suction side of each recirculation pump. The hair and lint strainer basket is readily accessible for cleaning, changing, or inspection. A spare strainer basket shall be provided, except where the strainer basket has a volume of 15 gallons or more. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Water heaters. Swimming pool water heaters shall meet the following criteria:

(1) A heating coil, pipe or steam hose cannot be installed in a swimming pool.

(2) Gas-fired pool water heaters comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004.

(3) Electric pool water heaters comply with the requirements of UL 1261 (2017) and bear the UL mark.

(4) A swimming pool water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) has a water heating vessel constructed in accordance with ASME Boiler Code, Section 8 (2007). The data plate of the heater bears the ASME mark.

(5) A thermometer is installed in the piping to measure the temperature of the water returning to the pool. The thermometer is located so that it may be easily read by the facility staff.

(6) Combustion air is provided for fuel-burning water heaters as required by the state plumbing code, 481—Chapter 425, or as required by local ordinance.

(7) Fuel-burning water heaters are vented as required by the state plumbing code, 481—Chapter 425, or as required by local ordinance.

(8) Each fuel-burning water heater is equipped with a pressure relief valve sized for the energy capacity of the water heater.

e. Flow meters. Swimming pool flow meters shall meet the following criteria:

(1) Each swimming pool recirculation system is provided with a permanently installed flow meter to measure the recirculation flow rate.

(2) In a multiple pool system, a flow meter is provided for each pool.

(3) A flow meter is accurate within 5 percent of the actual flow rate between ± 20 percent of the recirculation flow rate specified in paragraph 485.5(5)“b” or the nominal recirculation flow rate specified by the designer.

(4) A flow meter is installed on a straight length of pipe with sufficient clearance from valves, elbows or other sources of turbulence to attain the accuracy required by subparagraph 485.5(5)“e”(3). The flow meter is installed so that it may be easily read by facility staff, or a remote readout of the flow rate is installed where it may be easily read by the facility staff. The designer may be required to provide documentation that the installation meets the requirements of subparagraph 485.5(5)“e”(3).

f. Vacuum cleaning system.

(1) A swimming pool vacuum cleaning system capable of reaching all parts of the pool bottom shall be provided.

(2) A vacuum system may be provided that utilizes the attachment of a vacuum hose to the suction piping through a skimmer.

(3) Automatic vacuum systems may be used provided they are capable of removing debris from all parts of the swimming pool bottom.

485.5(6) Filtration. A filter shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and comply with the following requirements:

a. Each pressure filter has a pressure gauge on the inlet side. Gauges are of such a size and located so that they may be read easily by the facility staff. A differential pressure gauge that gives the difference between the inlet and outlet pressure of the filter may be used in place of a pressure gauge.

b. An air relief valve is provided for each pressure filter.

c. Backwash water from a pressure filter discharges through an observable free fall, or a sight glass is installed in the backwash discharge line.

d. Backwash water is discharged indirectly to a sanitary sewer.

e. Rapid sand filter.

(1) The filtration rate does not exceed 3 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

f. High-rate sand filter.

(1) The filtration rate does not exceed 15 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

(3) If more than one filter tank is served by a pump, the designer demonstrates that the backwash flow rate to each filter tank meets the requirements of subparagraph 485.5(6) “f”(2), or an isolation valve is installed at each filter tank to permit each filter to be backwashed individually.

g. Vacuum sand filter.

(1) The filtration rate does not exceed 15 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

(3) An equalization screen is provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system has an automatic air-purging cycle.

h. Sand filter media complies with the filter manufacturer’s specifications.

i. Diatomaceous earth filter.

(1) The filtration rate does not exceed 1.5 gpm/ft² of effective filter area, except that a maximum filtration rate of 2.0 gpm/ft² may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems have piping to allow recycling of the filter effluent during precoat.

(3) Waste diatomaceous earth is discharged to a sanitary sewer. The discharge may be subject to the requirements of the local wastewater utility.

j. Cartridge filter.

(1) The filtration rate does not exceed 0.38 gpm/ft² of filter area.

(2) A duplicate set of cartridges is provided.

485.5(7) Piping.

a. Piping standards. Swimming pool piping shall conform to applicable nationally recognized standards and be specified for use within the limitations of the manufacturer’s specifications. Swimming pool piping shall comply with the applicable requirements of NSF/ANSI Standard 61 (2020), “Drinking Water System Components—Health Effects.” Plastic swimming pool pipe shall comply with the requirements of NSF/ANSI Standard 14 (2016b), “Plastic Piping Components and Related Materials,” for potable water pipe.

b. Pipe sizing. Swimming pool recirculation piping shall be sized so water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow. Gravity piping shall be sized in accordance with recognized engineering principles.

c. Overflow system piping. The piping for an overflow perimeter gutter system shall be designed to convey at least 125 percent of the recirculation flow rate. The piping for a skimmer system shall be designed to convey at least 100 percent of the recirculation flow rate.

d. Main drain piping. If the main drains are connected to the recirculation system, the main drains and main drain piping shall be designed to convey at least 100 percent of the recirculation flow rate.

e. Play feature circulation. Where there are features that circulate water to the swimming pool and through the main drain and overflow systems, the main drain and overflow systems and the associated piping shall be designed to accommodate the combined flow of the recirculation system and the features within the requirements of paragraph 485.5(7) “b” and the applicable requirements of subrules 485.5(9) and 485.5(10).

485.5(8) Inlets.

a. Inlets required. Wall inlets or floor inlets, or both, shall be provided for a swimming pool. The inlets shall be adequate to ensure effective distribution of treated water and the maintenance of a uniform disinfectant residual throughout the swimming pool. The designer may be required to provide documentation of adequate distribution, such as dye testing of a pool.

b. Wall inlet spacing. Where wall inlets are used, they shall be no more than 20 ft apart around the perimeter of the area with an inlet within 5 ft of each corner of the swimming pool and meet the following criteria:

- (1) There is at least one inlet at each stairway or ramp leading into a swimming pool.
- (2) Except for wading pools, wall inlets are located at least 6 inches below the design water surface.
- (3) Wall inlets in pools with skimmers are directional flow-type inlets.
- (4) Each inlet has a directional flow inlet fitting with an opening of 1-inch diameter or less, or a fixed fitting with openings ½-inch wide or less.

c. Floor inlets. Floor inlets shall be provided for the areas of a zero-depth swimming pool or wave pool where the water is less than 2 ft deep and may be used throughout a swimming pool in lieu of or in combination with wall inlets. Floor inlets shall be flush with the pool floor, as well as no more than 20 ft apart and within 15 ft of each wall of the swimming pool in the area where they are used.

485.5(9) Overflow system.

a. Skimmers. Swimming pool skimmers shall meet the following criteria:

- (1) Recessed automatic surface skimmers are listed by NSF or by another listing agency as complying with the requirements of Standard 50, except that an equalizer is not required for a skimmer installed in a swimming pool equipped with an automatic water level maintenance device.
- (2) Skimmers may be used for swimming pools that are no more than 30 ft wide.
- (3) A swimming pool has at least one skimmer for each 500 ft² of surface area or fraction thereof.
- (4) Each skimmer is designed for a flow-through rate of at least 30 gpm or 3.8 gpm per lineal inch of weir, whichever is greater. The combined flow capacity of the skimmers in a swimming pool cannot be less than the total recirculation rate.
- (5) Each skimmer has a weir that adjusts automatically to variations in water level of at least 4 inches.
- (6) Each skimmer is equipped with a device to control flow through the skimmer.
- (7) If a swimming pool is not equipped with an automatic water level maintenance device, each skimmer that is a suction outlet has an operational equalizer. The equalizer opening in the swimming pool is covered with a fitting listed by a listing agency as meeting the requirements of the ASME/ANSI standard.
- (8) A skimmer pool has a handhold around the perimeter of the pool. The handhold is 9 inches or less above the minimum skimmer operation level.

b. Perimeter overflow gutters. Swimming pool perimeter overflow gutters shall meet the following criteria:

- (1) A swimming pool greater than 30 ft in width, except for a wave pool or a wading pool, has a perimeter overflow gutter system.

(2) The overflow weir extends completely around the swimming pool, except at stairs, ramps, or water slide flumes.

(3) The gutter is designed to provide a handhold and to prevent entrapment.

(4) Drop boxes, converters, return piping, or flumes used to convey water from the gutter are designed to convey 125 percent of the recirculation flow rate. The flow capacity of the gutter and the associated plumbing are sufficient to prevent backflow of skimmed water into the swimming pool.

(5) Gutter overflow systems are designed with an effective surge capacity within the gutter system and surge tank of not less than 1 gal/ft² of swimming pool surface area. In-pool surge may be permitted for prefabricated gutter systems, subject to the approval of the department.

c. Alternative overflow systems. Overflow systems not meeting all of the requirements in paragraphs 485.5(9)“a” or “b” may be used if the designer can provide documentation that the alternative overflow system will skim the pool water surface at least as effectively as a skimmer system.

485.5(10) Main drain system. Swimming pool main drain systems shall meet the following criteria:

a. Main drains. Each swimming pool has a convenient means of draining the water from the pool for winterization and service.

b. Main drains for recirculation. If the main drain system is connected to the recirculation system, there are two or more main drains or a single main drain that is unblockable.

(1) Two main drains are at least 3 ft apart on center. If three or more main drains are installed, the distance between the drains farthest apart is at least 3 ft on center.

(2) Each main drain and its associated piping in a swimming pool are designed for the same flow rate. Multiple drains are plumbed in parallel, and the piping system is designed to equalize flow among the main drains.

(3) If one or two main drains are installed, each main drain cover/grate, sump and the associated piping is designed for at least 100 percent of the recirculation flow rate specified by paragraph 485.5(5)“b.” If three or more main drains are installed, the combined flow rating of the cover/grates, the sumps and the associated piping is at least 200 percent of the recirculation flow rate. If water for water slides, fountains and play features is circulated through the main drain and overflow systems, the main drains are designed for the combined feature and recirculation flow.

(4) Manufactured main drain sumps are listed by a listing agency for compliance with the ASME/ANSI standard. Field fabricated sumps are designed in accordance with the ASME/ANSI standard and certified by an engineer licensed in Iowa.

(5) There is a control valve to adjust the flow between the main drain and the overflow system.

(6) Main drain covers. Each main drain is covered with a cover/grate that complies with the ASME/ANSI standard.

1. The flow rating for each cover/grate complies with subparagraph 485.5(10)“b”(3).

2. The mark of a listing agency is permanently marked on the top surface of each manufactured cover/grate.

3. Field fabricated cover/grates are certified for compliance to the ASME/ANSI standard by a professional engineer licensed in Iowa. A certificate of compliance is provided to the swimming pool owner and to the department.

4. The main drain cover/grate is designed to be securely fastened to the pool so that the cover/grate is not removable without tools.

c. Feature outlets. Where fully submerged outlets for play or decorative features or water slides are in the swimming pool, the outlets shall be designed in accordance with paragraph 485.5(10)“b.”

485.5(11) Disinfection. Swimming pool disinfection shall meet the following criteria:

a. Each swimming pool recirculation system is equipped with an automatic controller for maintenance of the disinfectant level in the swimming pool water. The control output of the controller to the disinfectant feed system is based on the continuous measurement of the ORP of the water in the swimming pool recirculation system.

b. No disinfection system designed to use di-chlor or tri-chlor is installed for an indoor swimming pool.

c. A continuous feed disinfectant system is provided. The disinfectant feed system has the capacity to deliver at least 10 mg/L chlorine or bromine equivalent based on the recirculation flow rate required in paragraph 485.5(5) "b" for an outdoor swimming pool and 4 mg/L chlorine or bromine equivalent based on the recirculation flow rate required in paragraph 485.5(5) "b" for an indoor swimming pool.

d. A disinfectant feeder (except chlorine gas feed equipment) is listed by NSF or by another listing agency as complying with the requirements of Standard 50.

e. The disinfectant system is installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

f. Gas chlorinator facilities comply with applicable federal, state and local laws, rules and ordinances and the requirements below.

(1) The chlorine supply and gas feeding equipment is housed in a separate room or building.

1. No entrance or openable window to the chlorine room goes to the inside of a building used other than for the storage of chlorine.

2. The chlorine room is provided with an exhaust system that takes its suction not more than 8 inches from the floor and discharges out of doors in a direction to minimize the exposure of swimming pool patrons to chlorine gas. The exhaust system is capable of producing 15 air changes per hour in the chlorine room.

3. An automatic chlorine leak detector and alarm system is provided in the chlorine room. The alarm system provides visual and audible alarm signals outside the chlorine room.

4. An air intake is provided near the ceiling of the chlorine room. The air intake and the exhaust system outlet are at least 4 ft apart.

5. The room has a window at least 12 inches square. The window glass is shatterproof.

6. The door of the chlorine enclosure opens outward. The inside of the door is provided with panic hardware.

7. The chlorine room has adequate lighting.

8. Electrical switches for the exhaust system and for the lighting are outside the chlorine room and adjacent to the door, or in an adjoining room.

9. An anchoring system is provided so that full and empty chlorine cylinders can be individually secured.

10. Scales are provided for weighing the cylinders that are in use.

(2) A chlorine enclosure that is 30 inches deep or less and 72 inches wide or less and that is installed out of doors complies with the above requirements except:

1. An automatic chlorine leak detector is not required.

2. The enclosure has a window of at least 48 in².

3. The light and exhaust fan may be activated by opening the door rather than by a separate switch.

(3) The chlorinator is designed to prevent the backflow of water into the chlorine cylinder.

g. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container has a capacity of at least one day's supply at the rate specified in paragraph 485.5(11) "c," except that when the system is designed to feed directly from a 55-gal shipping container, a larger solution container is not required.

Secondary containment is provided when a tank larger than 55 gallons is installed for the storage of sodium hypochlorite.

h. The storage capacity of an erosion feeder is at least one day's supply of disinfectant at the rate specified in paragraph 485.5(11) "c."

485.5(12) pH control. Swimming pool pH control shall meet the following criteria:

a. *pH controller required.* Each swimming pool recirculation system approved for construction after May 4, 2005, is equipped with a controller that senses the pH of the swimming pool water and

that automatically controls the operation of a metering pump for the addition of a pH control chemical or the operation of a CO₂ gas feed system.

b. pH chemical feed required. Each swimming pool has a metering pump for the addition of a pH control chemical to the pool recirculation system, or a CO₂ gas feed system.

c. Metering pump listing. A metering pump is listed by NSF or by another listing agency as meeting the requirements of Standard 50.

d. CO₂ cylinder anchors. Where CO₂ is used as a method of pH control, an anchoring system is provided to individually secure full and empty CO₂ cylinders.

e. Chemical feed stop. The pH control system is installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

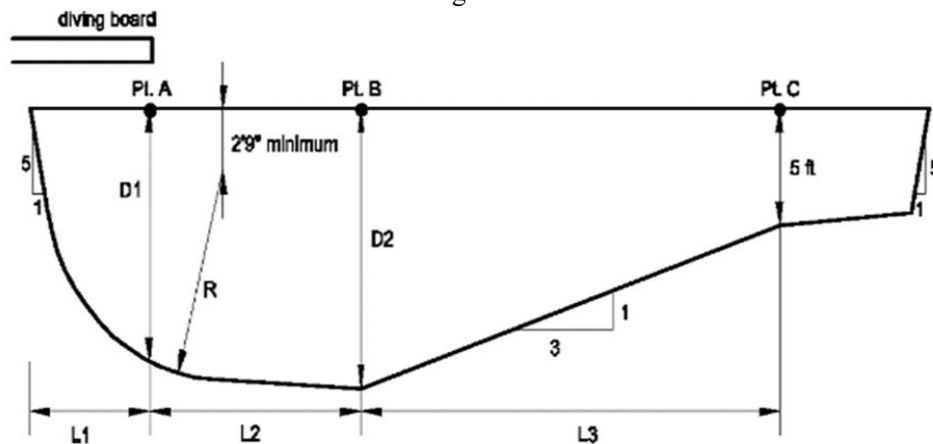
485.5(13) Safety.

a. Diving areas shall meet the following criteria:

(1) Diving boards are permitted only if the diving area dimensions conform to the minimum requirements shown in Figure 2 and Tables 3 and 4. The distances specified in Tables 3 and 4 are measured from the top center of the leading edge of the diving board. The reference water level is the midpoint of the skimmer opening for a skimmer pool or a stainless steel gutter system with surge weirs. The reference water level for a gutter pool is the top of the gutter weir.

(2) Where diving boards are specified that have been advertised or promoted to be “competition” diving boards, the diving area complies with the standards of the National Collegiate Athletic Association (NCAA) or the National Federation of State High School Associations (NFSHSA).

Figure 2



R minimum = Pool depth minus Vertical wall depth from the water line minus 3 inches.

Table 3

Diving Board Height Above Water	Maximum Board Length	Minimum Dimensions					Minimum Width of Pool		
		D1	D2	L1	L2	L3	Pt A	Pt B	Pt C
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8 ft	10.5 ft	16 ft	18 ft	18 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft	18 ft	20 ft	20 ft
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft	20 ft	22 ft	22 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft	22 ft	24 ft	24 ft

Table 4

Diving Board Height Above Water	To Pool Side	To 1-Meter Board	To 3-Meter Board
Deck level to 1 meter	10 ft	8 ft	10 ft

Diving Board Height Above Water	To Pool Side	To 1-Meter Board	To 3-Meter Board
Greater than 1 meter	11 ft	10 ft	10 ft

(3) There is a completely unobstructed clear distance of 13 ft above the diving board measured from the center of the front end of the board. This area extends at least 8 ft behind, 8 ft to each side, and 16 ft beyond the end of the diving board.

(4) Diving boards and platforms have slip-resistant surfaces.

(5) Diving board supports, ladders, and guardrails.

1. Supports, platforms, and steps for diving boards are of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads.

2. Ladders, steps, supports, handrails, and guardrails are of corrosion-resistant materials or are provided with a corrosion-resistant coating and are designed to have no exposed sharp edges. Ladder steps have slip-resistant surfaces.

3. Handrails are provided at steps leading to diving boards and diving platforms. Guardrails are provided for diving boards and platforms that are more than 1 meter above the water. Guardrails for diving boards and platforms are at least 36 inches high and extend to the edge of the water.

b. Starting blocks and starting block installation shall meet the requirements of the competition governing body (National Collegiate Athletic Association, USA Swimming, or National Federation of State High School Associations).

c. Stairs, ladders, and recessed steps shall meet the following criteria:

(1) Ladders or recessed steps are provided in the deep portion of a swimming pool and in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2 ft. Stairs or ramps may be used instead of ladders or recessed steps at the shallow end of the swimming pool.

(2) If a swimming pool is over 30 ft wide, recessed steps, ladders, ramps, or stairs are installed on each side. If a stairway centered on the shallow end wall of the swimming pool is within 30 ft of each side of the swimming pool, that end of the swimming pool is considered in compliance with this subrule.

(3) The foot contact surfaces of stairs, ramps, ladder rungs, and recessed steps are slip-resistant.

(4) Ladders.

1. Ladders have a handrail on each side that extends from below the water surface to the top surface of the deck.

2. Ladders, treads, or supports are of a color contrasting with the swimming pool walls; however, stainless steel ladders may be used with stainless steel wall pools.

3. A ladder has a tread width of at least 16 inches and a uniform rise of 12 inches or less.

4. The distance between the swimming pool wall and the vertical rail of a ladder is no greater than 6 inches and no less than 3 inches. The lower end of each ladder rail is securely covered with a smooth nonmetallic cap and within 1 inch of the swimming pool wall.

(5) Recessed steps.

1. Recessed steps have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.

2. Each set of recessed steps is equipped with a securely anchored deck-level grab rail on each side.

3. Recessed steps drain to the pool.

(6) Stairs.

1. Stairs have a uniform tread depth of at least 12 inches and a uniform rise of no more than 10 inches. The area of each tread shall be at least 240 in².

2. Stairs are provided with at least one handrail for each 12 ft in width. Handrails are between 34 inches and 38 inches high, measured vertically from the line defined by the front edge of the steps.

3. A slip-resistant stripe at least 1 inch wide of a color contrasting with the step surface and with the swimming pool floor is marked at the top front edge of each tread.

(7) Handrails and grab rails.

1. Ladders, handrails, and grab rails are designed to be securely anchored so that tools are required for their removal.

2. Ladders, handrails, and grab rails are constructed of corrosion-resistant materials or provided with corrosion-resistant coatings and have no exposed sharp edges.

d. Swimming pool floor slope shall meet the following criteria:

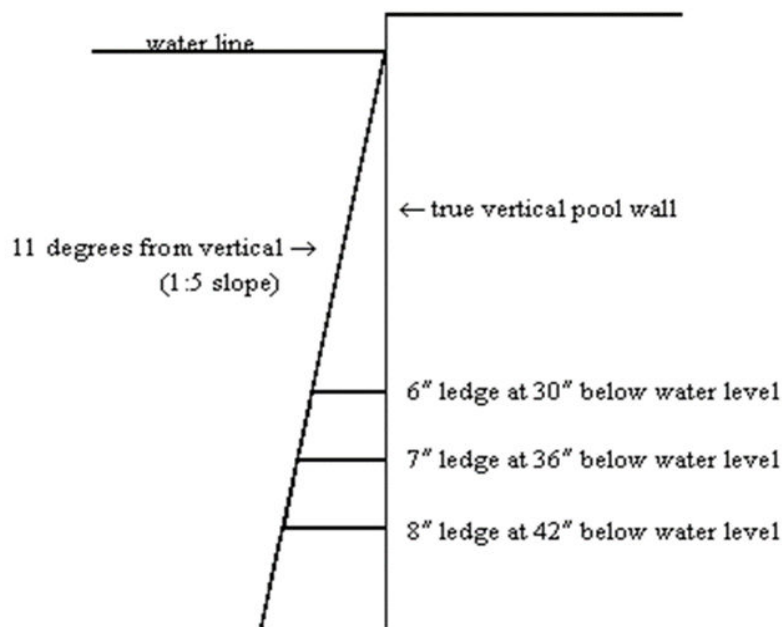
(1) The bottom of the swimming pool slopes toward the main drain(s). The slope of the swimming pool bottom where the water is less than 5 ft deep does not exceed 1 ft vertical in 12 ft horizontal.

(2) Subject to the written approval of the department, a swimming pool may be designed to have the change in slope (from 1:12 or less to a steeper slope) at a point where the water depth is less than 5 ft. The marking requirements of subparagraphs 485.5(13) "f"(3) and "f"(4) shall apply and, if possible, depth markers that are clearly visible to persons in the pool shall be provided.

e. Swimming pool walls shall meet the following criteria:

(1) Walls in the deep section of a swimming pool are vertical to a water depth of at least 2.8 ft. If a transition radius is provided, it complies with Figure 2.

Figure 3



(2) The term "vertical" is interpreted to permit slopes not greater than 1 ft horizontal for each 5 ft of depth of side wall (11° from vertical).

(3) Ledges, when provided, fall within an 11° line from vertical, starting at the water surface (Figure 3). A ledge is no less than 4 inches wide and no more than 8 inches wide. A ledge has a slip-resistant surface.

f. Surface finish and markings shall meet the following criteria:

(1) The swimming pool floor has a slip-resistant finish.

(2) The bottom and sides of the swimming pool are white or a light color. This does not prohibit painting or marking racing lines or turn targets.

(3) Where the slope of a swimming pool bottom in a shallow area changes from 1:12 or less to a slope greater than 1:12, or at the 5-ft depth area, the pool bottom and sides are marked with a stripe at least 4 inches wide in a color contrasting with the pool bottom and sides. The stripe is on the shallow side of the slope change or 5-ft depth area within 6 inches of the slope change or 5-ft depth area. Depending on the pool configuration, more than one stripe may be required.

(4) A float line with floats no more than 5 ft apart are installed on the shallow side of the stripe required in subparagraph 485.5(13) “f”(3) within 12 inches of the stripe.

(5) The landing area for a swimming pool slide or a water slide that does not terminate in a separate plunge pool is delineated by a float line or as approved by the department.

(6) Depth markers.

1. Depth markers are painted or otherwise marked on the deck within 3 ft of the edge of a swimming pool. The depth of a wave pool is also marked on the side walls of the wave pool above the maximum static water level where the static water depth is 3 ft or more and on the deep-end wall of the wave pool.

2. Depth markers are located 25 ft apart or less, center to center, around the full perimeter of a swimming pool.

EXCEPTIONS: Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool. Depth markers are not required on the deck of a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

3. The maximum depth of a swimming pool is marked on both sides of a swimming pool at the main drain.

4. The water depth of a swimming pool is marked at both ends of a float line required by subparagraph 485.5(13) “f”(4).

5. In shallow water, the depth is marked at 1-ft depth intervals starting at one of the points specified in “3” and “4” above, if the 1-ft depth interval is less than 25 ft. The zero depth is used as the starting point for a zero-depth swimming pool.

6. In deep water, the words “Deep Water” may be used in place of numerals except as required in “3” above.

7. “No Diving” or equivalent wording or graphics are marked on the swimming pool deck within 3 ft of the edge of the swimming pool where the water is shallow and at other pool areas determined by management. The markers are 25 ft apart or less, center to center, around the perimeter of the area. This marking is not required at the zero-depth end of a wave pool or of a zero-depth swimming pool. “No Diving” or equivalent wording or graphics are marked on the deck of a leisure river in the areas where users will be permitted. The “No Diving” markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.

8. Letter, number and graphic markers are slip-resistant, of a contrasting color from the deck and at least 4 inches in height.

9. In lieu of the requirements of “1” through “8” above, the maximum depth of a wading pool may be posted in lettering a minimum of 3 inches high at each entrance to the wading pool area and at least at one conspicuous location inside the wading pool enclosure. “No Diving” markers are not required at a wading pool.

10. The depth of a leisure river is posted at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users will be permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.

g. Elevated lifeguard chairs or stations shall be provided as follows: one chair or station for a swimming pool with a water surface area of 2,000 to 4,000 ft² inclusive; two chairs or stations if the area is 4,001 to 6,000 ft²; three chairs or stations if the area is 6,001 ft² or more. A swimming pool is not required to have more than three lifeguard chairs or stations. This requirement does not apply to wave pools, leisure rivers or wading pools.

h. Emergency equipment and facilities shall meet the following criteria:

(1) If a swimming pool facility employs lifeguards, whether required by rule or not, the lifeguards are provided with the minimum equipment required by their training, including but not necessarily limited to rescue tubes and personal CPR masks.

(2) A minimum of one unit of lifesaving equipment is provided for each 1,500 ft² of water surface area or fraction thereof. The area of a swimming pool where the water is 2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than ten units of lifesaving equipment.

(3) A unit of lifesaving equipment consists of at least one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a 1/4-inch diameter line with a length at least one-half the width of the pool, but no more than 60 ft; or
2. A life pole with a “shepherd’s crook,” having blunted ends with a minimum length of 8 ft; or
3. A rescue buoy which is made of a hard, buoyant plastic and is provided with molded handgrips along each side, a shoulder strap, and a towing rope between 4 and 6 ft long; or
4. A rescue tube made of a soft, strong foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the ring end is a 6-ft-long towline with a shoulder strap.

Rescue equipment identified in numbered paragraphs 485.5(13) “h”(3) “3” and “4” above is used only at swimming pools where lifeguards are employed.

(4) Whenever lifeguard chairs are provided, each chair is equipped with at least one unit of lifesaving equipment.

(5) A standard spine board with straps and head immobilizer is provided at each swimming pool where lifeguards are required by rule.

i. Pool enclosures shall meet the following criteria:

(1) Except for a circulated wading pool that is drained when not in use, or a spray pad, a swimming pool is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The enclosure is constructed of durable materials.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is accessible if it is on the exterior of the fence relative to the swimming pool or if the space between the vertical members of a fence is greater than 1 3/4 inches.

(3) Gates and doors are installed in the enclosure for general access, maintenance, and emergency access. At least one 36-inch-wide gate or door is installed for emergency access. When closed, gates and doors comply with the requirements of subparagraphs 485.5(13) “i”(1) and (2). Gates and doors are lockable. Except where lifeguard or structured program supervision is provided whenever the swimming pool is open, gates and doors are self-closing and self-latching.

(4) If a wading pool is within 50 ft of a swimming pool, the wading pool has a barrier at least 36 inches high separating it from the swimming pool. The barrier has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The barrier has at least one 36-inch-wide gate or door. Gates and doors are lockable. Except where lifeguard supervision is provided, gates and doors are self-closing and self-latching.

The department may approve alternate management of the area between the wading pool and swimming pool at facilities where lifeguards are provided whenever the pools are open. The alternate management plan will be in writing and shall be at the facility when the pools are open.

(5) An indoor swimming pool is enclosed by a barrier at least 3 ft high if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas that are used by children and that open directly into the swimming pool area. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the pool is open, gates and doors are self-closing and self-latching.

j. Construction or reconstruction shall comply with the state electrical code, 481—Chapter 404, including Article 680 of the adopted National Electrical Code, and the following requirements:

(1) Each electrical outlet in the deck, shower and dressing rooms and the pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker.

(2) An underwater light circuit is equipped with a GFCI unless the underwater light(s) operates at 15 volts or less.

k. Artificial lighting shall be provided at indoor swimming pools and at outdoor swimming pools which are to be used after sunset in accordance with the following:

(1) Underwater lighting of at least 8 lamp lumens/ft² or 0.5 watts/ft² of water surface area, located to provide illumination of the entire swimming pool bottom, and area lighting of at least 10 footcandles (fc) or 0.6 watts/ft² of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 fc or 2.0 watts/ft² of swimming pool water surface area are provided.

l. Swimming pool slides shall be installed in accordance with the manufacturer's recommendations.

485.5(14) Wading pools. Wading pools shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21), except as modified below.

a. A wading pool shall have at least 4 ft of deck.

b. Overflow system.

(1) Intermittent fixed weir overflow structures, including gutters, overflow fixtures, and drains at zero depth may be used. They shall have a hydraulic capacity of at least 125 percent of the recirculation flow rate.

(2) If skimmers are used, there shall be at least one skimmer for every 500 ft² of water surface area or fraction thereof.

1. The recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or as required in paragraph 485.5(5) "b," whichever is greater.

2. The skimmer(s) suction line may be connected to the main drain line in lieu of an equalizer.

3. A skimmer(s) may be used in combination with overflow drains in a zero-depth wading pool.

c. Inlets shall be designed to uniformly distribute treated water throughout the wading pool. Wall and floor inlets or other means may be used, alone or in combination.

485.5(15) Wave pools. Wave pools shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21), except as modified below.

a. Perimeter overflow gutters and skimmers are not required on the deep-end wall where the wave generation equipment is located.

b. There shall be an overflow drain or weir across the full width of the zero-depth end of the wave pool.

The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is securely fastened to the pool floor and cannot be removed without a tool or tools.

c. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

d. There shall be a perimeter overflow gutter or overflow fittings along both sides of the wave pool where the water is 3 ft deep or more.

(1) If a perimeter overflow gutter is used, it shall be designed to prevent entrapment during wave action. Overflow grates shall be securely fastened so they will not be dislodged by wave action.

(2) Overflow fittings need not be continuous, but they shall be spaced no more than 10 ft apart.

e. The combined hydraulic capacity of the overflow drain at zero depth and the gutter or overflow outlets shall be at least 125 percent of the recirculation flow rate.

f. The main drain system shall comply with the requirements of subrule 485.5(10).

g. Openings or connections between the wave pool and the wave generation equipment shall be designed to prevent entrapment of users.

h. There shall be a continuous barrier along the full length of each side of a wave pool. The barrier shall be at least 42 inches high and installed no more than 3 ft from the side of the wave pool.

i. Emergency switches that will stop the wave action shall be provided in at least four locations on the deck of the wave pool. Switch locations shall be marked by signs or contrasting bright colors.

j. A wave pool shall be equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep-end wall. Users shall not be permitted between the float line and the deep-end wall.

485.5(16) Zero-depth swimming pools. Zero-depth swimming pools shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21), except as modified below.

a. There shall be an overflow drain or weir across the full width of the zero-depth end of the swimming pool.

(1) The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is not removable without a tool.

(2) The drain and its associated piping shall be designed to convey at least 50 percent of the recirculation flow rate.

b. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

c. If a perimeter overflow gutter is provided, the gutter may be interrupted in the area where the water is less than 2 ft deep, provided that:

(1) The length of the perimeter overflow gutter and overflow drain shall be at least 60 percent of the total pool perimeter.

(2) The hydraulic capacity of the perimeter overflow gutter system combined with the overflow drain shall be at least 125 percent of the recirculation flow rate.

d. Recessed automatic surface skimmers may be used with the overflow drain at zero depth in accordance with paragraph 485.5(9) "a." The hydraulic capacity of the skimmer/drain system shall be at least 125 percent of the recirculation flow rate.

485.5(17) Water slides. Water slides shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21) and the following:

a. A water slide flume shall comply with the following:

(1) The flume is perpendicular to the plunge or swimming pool wall for at least 10 ft from the flume end.

(2) The flume is sloped no more than 1 ft vertical in 10 ft horizontal for at least 10 ft before the end of the flume.

(3) The flume terminates between 6 inches below and 2 inches above the design water level in the plunge pool or swimming pool.

(4) There is at least 5 ft between the side of the plunge pool or swimming pool and the side of the flume. Adjacent flumes are at least 10 ft apart on center.

(5) The inside surface of a flume is smooth and continuous.

(6) The flume is designed to ensure that users cannot be thrown out of the flume and to minimize user collisions with the sides of the flume.

(7) The flume has no sharp edges within reach of a user while the user is in the proper riding position.

(8) The flume path is designed to prevent users from becoming airborne while in the ride.

b. The landing area for a water slide flume shall comply with the following:

(1) The water depth is at least 3 ft and no more than 4 ft at the end of the flume and for at least 15 ft beyond the end of the flume.

(2) The landing area floor may slope up to a minimum of 2 ft water depth subject to subparagraph 485.5(1) “b”(1). The slope is no greater than 1 ft vertical in 12 ft horizontal.

(3) There is at least 20 ft between the end of the flume and any barrier or steps.

(4) If the water slide flume ends in a swimming pool, the landing area is divided from the rest of the swimming pool by a float line.

c. A speed slide shall provide for the safe deceleration of the user. A run-out system or a special plunge pool entry system shall control the body position of the user relative to the slide to provide for a safe exit from the ride.

d. The deck around a water slide plunge pool shall be at least 4 ft wide, except on the side where the flume enters the pool. A walkway that is at least 4 ft wide and meets the requirements of a deck shall be provided between the plunge pool and the slide steps.

e. Alternate overflow systems. Intermittent fixed weir overflow structures may be used for a separate plunge pool if:

(1) Floor inlets are provided according to the requirements of paragraph 485.5(8) “c.”

(2) The hydraulic capacity of the combined overflow structures and the appurtenant piping is at least 125 percent of the recirculation flow rate. The department may require more hydraulic capacity based on the specific design of the plunge pool system.

f. If a pump reservoir or surge tank is provided, it shall have a capacity of at least one minute of the combined recirculation and flume flow. Openings between the plunge pool and the pump reservoir or surge tank shall be designed and constructed in accordance with paragraphs 485.5(10) “a” and “b.”

g. If the water slide flume ends in a swimming pool, the water level shall not be lowered more than 1 inch when the flume pump(s) is operating.

h. If a fully submerged suction outlet is in a plunge pool or in a swimming pool, it shall be located away from normal water slide user traffic areas. The suction outlet system shall be designed in accordance with paragraph 485.5(10) “b.”

i. The support structure for a water slide and for any access stairs or ramps shall be designed and constructed to withstand the anticipated structural loading, both static and dynamic forces.

j. A stairway providing access to the top of a water slide shall be at least 2 ft wide. Stair surfaces shall be slip-resistant and easily cleanable. The stairway shall comply with the applicable requirements of state and local building codes and Occupational Safety and Health Administration requirements.

485.5(18) *Multisection water recreation pools.* A multisection water recreation pool shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21) and the following:

a. The minimum recirculation flow rate for a multisection water recreation pool is determined by computing the recirculation flow rate for each section of the pool in accordance with paragraph 485.5(5) “b” and adding the flow rates together.

b. The treated water distribution system is designed to return treated water to the sections of the pool in proportion to the flow rates determined in paragraph 485.5(18) “a.”

c. Each section of a multisection water recreation pool is separated from the other sections by a float line meeting the requirements of subparagraph 485.5(13) “f”(4).

485.5(19) *Spray pads.* A spray pad shall comply with the applicable provisions of subrules 485.5(1) through 485.5(13) and 485.5(21) and the following:

a. The surface of a spray pad is impervious and durable. Padding specifically designed for spray pads may be used with play features. The padding is water resistant or permits full drainage without retaining water in its structure. Walking surfaces are slip-resistant.

b. The spray pad surface slopes to drain at least 1/8 inch per ft but no more than 1/2-inch per ft. Deck or other areas outside the spray pad do not drain into the spray pad.

c. A spray pad is exempt from the following requirements: fencing (paragraph 485.5(13) “i”), “No Lifeguard” sign (paragraph 485.4(6) “d”), safety equipment (paragraph 485.4(4) “f”), and depth

marking (paragraph 485.4(4) “j”). Unless the spray pad is supervised by facility staff, a sign is posted near the spray pad that addresses:

- (1) No running on or around the spray pad.
- (2) No rough play.
- (3) No facility supervision. Parents are responsible for supervising their children.

Facility management may adopt and post other rules deemed necessary for user safety and the proper operation of the spray pad.

d. Spray pad drains are gravity outlets. At least two drains are provided, or a single drain that is unblockable is provided.

(1) The drain system and associated piping are designed for 125 percent of the flow into the spray pad (play feature and recirculation, as applicable).

(2) Each drain cover/grate is flush with the spray pad surface and has no opening wider than ½-inch.

(3) Each drain cover/grate is designed to be securely fastened to the spray pad so that the drain cover/grate is not removable without tools.

(4) Drain cover/grates that are exposed to foot traffic:

1. Have a slip-resistant surface; and
2. Support a 300-pound concentrated load, structural strength verified by documentation of test results from a testing agency or by certification by an engineer licensed in Iowa; and
3. If the drain cover is exposed to sunlight, be resistant to ultraviolet light (UV), with UV resistance verified by documentation of test results from a testing agency or by certification by an engineer licensed in Iowa.

e. Spray pads with independent treatment systems.

(1) The minimum volume of water for a spray pad is two minutes of the flow of the play features and the recirculation system combined.

(2) The water storage tank has a volume of at least 125 percent of the volume specified in subparagraph 485.5(19) “e”(1). The tank is accessible for cleaning and inspection.

(3) The recirculation (treatment) system and the play feature pump and piping system are separate.

(4) The recirculation system inlet(s) and outlet(s) within the water storage tank are designed to ensure a uniform disinfectant concentration and pH level throughout the water volume of the spray pad.

(5) The play feature pump system is designed so that it will not operate if the recirculation system is not operating.

(6) There is a readily accessible sample tap in the equipment area that allows sampling of the water in the play feature piping.

f. Spray pads using water from an adjacent swimming pool or wading pool.

(1) If there is a suction outlet in the swimming pool or wading pool for the play feature pump(s), the outlet is designed as a main drain as specified in subrule 485.5(10). Water velocity through the outlet cover is 1½ ft per second or less.

(2) If the adjacent pool has a volume of 10,000 gallons or less, or if the spray pad water is circulated directly from the swimming pool surge tank, the spray pad pump system is equipped for automatic supplemental disinfection in accordance with subrule 485.5(11), except that the disinfection capacity is at least one-half of the capacity specified in paragraph 485.5(11) “c”; with filtration in accordance with subrule 485.5(6); or both.

g. Play features and sprays are designed and installed so that they do not create a safety hazard.

(1) Surface sprays are flush with the spray pad surface. Spray openings have a diameter of ½ inch or less. Noncircular spray openings have a width of ½ inch or less.

(2) Aboveground features do not present a tripping hazard. Features have no sharp edges or points and no rough surfaces. Aboveground features are constructed of corrosion-resistant materials or

provided with a corrosion-resistant coating. Accessible spray openings have a diameter of ½ inch or less. Noncircular accessible spray openings have a width of ½ inch or less.

485.5(20) *Leisure rivers.* A leisure river shall comply with the applicable requirements of subrules 485.5(1) through 485.5(13) and 485.5(21) and the following:

- a. The leisure river propulsion system and recirculation system are separate.
- b. Intermittent fixed weir structures may be used for the overflow system. At least two separate fixed weir structures are used. The hydraulic capacity of the overflow system using fixed weir structures are at least 125 percent of the recirculation flow rate. Fixed weir structures are designed to prevent entrapment of leisure river users.
- c. A deck as specified in subrule 485.5(4) is not required in areas where users are not permitted. A leisure river and the area on the inside and outside perimeter of the leisure river is designed to ensure that lifeguard staff and emergency personnel can access any part of the leisure river quickly and to provide a sufficient hard surface area for emergency functions.
- d. The depth of a leisure river is posted conspicuously at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users are permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.
- e. “No Diving” characters or graphics are marked every 25 ft on center on the deck in deck areas where users are permitted.
- f. At least one user egress point is provided for each 500 ft of leisure river length (measured at the centerline) or fraction thereof.
- g. Outlets for the leisure river propulsion system are designed in accordance with paragraph 485.5(10) “b.”

485.5(21) *Showers, dressing rooms, and sanitary facilities.* Swimming pool and spray pad showers, dressing rooms, and sanitary facilities shall meet the following criteria:

- a. *Facilities required.* Bather preparation facilities are provided at each swimming pool or spray pad facility, except where the facility is intended to serve living units.
- b. *Swimming pool patron load.* If a bathhouse is provided, the patron load for determining the minimum number of cleansing showers is:
 - (1) One individual per 15 ft² of water surface in shallow areas.
 - (2) One individual per 20 ft² of water surface in deep areas with the exclusion of 300 ft² of water surface for each diving board.
 - (3) For each swimming pool slide, 200 ft² is excluded, and for each water slide that terminates in the swimming pool, 300 ft² is excluded in determining the patron load.
- c. *Bathhouses.*
 - (1) A bathhouse is designed and constructed to meet the requirements of the local building ordinance. If no local ordinance is in effect, the bathhouse is designed to meet the requirements of the state building code.
 - (2) Bathhouse floors have a slip-resistant finish and slope at least 1/8 inch/ft to drain. Except as provided in subparagraph 485.5(19) “c”(3), floor coverings comply with the requirements of paragraph 485.5(4) “c.”
 - (3) Olefin, or other approved carpeting, may be permitted in locker room or dressing room areas provided:
 1. There is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other areas where water can accumulate.
 2. Drip areas are constructed of materials as described in paragraphs 485.5(4) “b” and “c.”
 - (4) Bathhouse fixtures are provided in accordance with the state plumbing code, 481—Chapter 425, based on the Iowa building code occupancy type and design occupant load. In

addition, cleansing showers are provided at a ratio of at least 1:50 based on the pool patron load as calculated by paragraph 485.5(21) “b.”

(5) All indoor swimming pool areas, bathhouses, dressing rooms, shower rooms, and toilets are ventilated to control condensation and odors.

d. Showers and lavatories.

(1) Showers are supplied with water at a temperature of at least 90°F and no more than 110°F.

(2) Soap dispensers or bar soap trays are provided at each lavatory and in the showers. Glass soap dispensers are prohibited.

e. Hose bibs. At least one hose bib is installed within the bathhouse.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

ADMINISTRATION

481—485.6(135I) Enforcement.

485.6(1) The department may inspect spray pads, swimming pools, and spas regulated by these rules and enforce these rules. A city, county or district board of health may inspect spray pads, swimming pools, and spas regulated by these rules and enforce these rules in accordance with agreements executed with the department pursuant to the authority of Iowa Code chapters 28E and 135I.

485.6(2) The inspection agency will take the following steps when enforcement of these rules is necessary.

a. Owner notification. As soon as possible after the violations are noted, the inspection agency will provide written notification to the owner of the facility that:

(1) Cites each section of the Iowa Code or Iowa Administrative Code violated.

(2) Specifies the manner in which the owner or operator failed to comply.

(3) Specifies the steps required for correcting the violation.

(4) Requests a corrective action plan, including a time schedule for completion of the plan.

(5) Sets a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the owner of the facility must respond.

b. Corrective action plan review. The inspection agency will review the corrective action plan and approve it or require that it be modified.

c. Failure to comply. When the owner of a spray pad, swimming pool, or spa fails to comply with conditions of the written notice, the inspection agency may take enforcement action in accordance with Iowa Code chapters 137 and 135I, or in accordance with local ordinances.

d. Adverse actions. The department may enforce Iowa Code chapter 135I and these rules pursuant to Iowa Code section 135I.6.

(1) A local inspection agency may request that the department withhold or revoke the registration of a spray pad, swimming pool, or spa, or issue an order to close a spray pad, swimming pool, or spa. The request shall be in writing, list the violations of Iowa Code chapter 135I and these rules, and provide a full accounting of the actions taken by the local inspection agency to enforce Iowa Code chapter 135I and these rules.

(2) Notice of the decision to withhold or revoke the registration for a spray pad, swimming pool, or spa or an order to close a spray pad, swimming pool, or spa will be delivered by restricted certified mail, return receipt requested, or by personal service. The notice will inform the owner of the right to appeal the decision and the appeal procedures. The local inspection agency and the county attorney in the county where the spray pad, swimming pool, or spa is located will be notified in writing of the decision or order.

485.6(3) An appeal of a decision to withhold or revoke a registration or of an order to close shall be requested, in writing, within 30 days of receipt or service of the department’s notice. The request shall be sent to the department at the contact information provided in 481—Chapter 1 or as set forth in the department’s notice. If such a request is timely made within the 30-day time period, a

contested case proceeding will be initiated and held in accordance with Iowa Code chapter 17A and 481—Chapters 9 and 10.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

481—485.7(135I) Waivers. A waiver from these rules may be granted only by the department pursuant to 481—Chapter 6. A request for waiver shall be in writing and sent to the local inspection agency for comment. The local inspection agency shall send the request for waiver to the department within 15 business days of its receipt.

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481—485.8(135I) Penalties. Penalties are provided pursuant to the authority of Iowa Code section 135I.5.

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481—485.9(135I) Registration.

485.9(1) Registration. No spray pad, swimming pool, spa, or swimming pool or spa water heater shall be operated in the state without being registered with the department. The owner of a spray pad, swimming pool, or spa or the owner's designated representative shall register the spray pad, swimming pool, spa, or swimming pool or spa water heater before the spray pad, swimming pool, or spa is first used and renew the registration annually on or before April 30. The initial registration and registration renewal shall be submitted on forms supplied by the department. The registration for a spray pad, swimming pool, or spa is valid from May 1 through the following April 30.

485.9(2) Change in ownership. Within 30 days of the change in ownership of a spray pad, swimming pool, or spa, the new owner shall furnish the department with the following information:

- a. Name and registration number of the spray pad, swimming pool, or spa.
- b. Name, address, and telephone number of new owner.
- c. Date the change in ownership took place.
- d. A nonrefundable fee of \$20 per spray pad, swimming pool, or spa.

485.9(3) Withholding registration. The department may withhold or revoke the registration of a swimming pool or spa pursuant to paragraph 485.6(2) "d" if an owner or the owner's designated representative has violated a provision of Iowa Code chapter 135I or this chapter.

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481—485.10(135I) Training courses.

485.10(1) A training course designed to fulfill the requirements of rule 481—485.11(135I) will be reviewed by the department.

485.10(2) At least 15 days prior to the course date, the course director shall submit at a minimum the following to the department:

- a. A course outline with a list of instructors and guest speakers and their qualifications.
- b. Date or dates the course is to be held.
- c. Place the course is to be held.
- d. Number of hours of instruction.
- e. Course agenda.

485.10(3) The department will approve or disapprove the course of instruction in writing within ten business days of receipt of the information required in subrule 485.10(2).

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481—485.11(135I) Swimming pool/spa operator qualifications.

485.11(1) A person designated as a certified operator of a facility for compliance with paragraphs 485.4(6) "a" and 485.51(5) "a" shall have successfully completed a CPO® certification course, an AFO certification course, a PPSO certification course, or an LAFT certification course. A copy of a current, valid certificate for the certified operator shall be maintained in the pool or spa records.

485.11(2) A certified operator shall attend at least two hours of continuing education per year. Proof of continuing education shall be kept with certification records at the facility.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

481—485.12(135I) Fees.

485.12(1) *Registration fees.* For each spray pad, swimming pool, or spa, the registration fee is \$35. Registration fees are delinquent if not received by the department by April 30 or the first business day thereafter. The owner shall pay a \$25 penalty for each month or fraction thereof that the fee is late for each swimming pool or spa that is required to be registered.

485.12(2) *Registration change fees.* For each spray pad, swimming pool, or spa, the fee for a change of ownership, change of facility name, or other change in registration is \$20.

485.12(3) *Inspection fees.* The inspection agency will bill the owner of a facility upon completion of an inspection. Inspection fees are due upon receipt of a notice of payment due.

When the facility is located within the jurisdiction of a local inspection agency, the local inspection agency may establish fees needed to defray the costs of inspection and enforcement under this chapter. Inspection fees billed by a local inspection agency shall be paid to the local inspection agency or its designee.

a. Inspection fee schedule.

Table 5
Swimming Pools, Spray Pads, and Spas

Pool Type	Inspection Fee
Swimming pool, spray pad, or leisure river, surface area less than 1500 ft ²	\$170
Swimming pool, spray pad, or leisure river, surface area 1500 ft ² or greater	\$270
Wave pool	\$270
Water slide and plunge pool	\$270
Spa	\$170
Wading pool less than or equal to 500 ft ²	\$50
Wading pool greater than 500 ft ²	\$90
Residential swimming pool used for commercial purposes	\$50

Table 6
Water Slides

	Inspection Fee
Each additional water slide into a plunge pool	\$75
Water slide into a swimming pool	\$175
Each additional water slide into a swimming pool	\$75

b. Multipool facilities. If more than one pool (swimming pool, water slide, wave pool, wading pool, or spa) is located within a fenced compound or a building, the inspection fee for the pools in the fenced compound or building will be reduced by 10 percent. This reduction does not apply to the fees specified in Table 6.

c. Special inspection fee. When an inspection agency determines that a special inspection is required, the inspection agency may charge a special inspection fee that will be based on the actual cost of providing the inspection.

d. Penalty. Unpaid inspection fees will be considered delinquent 45 days after the date of the bill. A penalty of \$30 per month or fraction thereof that the payment is delinquent will be assessed to the owner for each pool inspected.

485.12(4) *Plan review fees.*

a. New construction. A plan review fee as specified in Tables 7, 8, and 9 shall be submitted with a construction permit application for each body of water in a proposed facility. If two or more pools share a common recirculation system as specified in paragraph 485.5(5) “a,” the plan review fee shall be 25 percent less than the total plan review fee required by Tables 7, 8, and 9.

Table 7
Swimming Pools and Spray Pads

Swimming Pool or Spray Pad Area (ft ²)	Plan Review Fee
500 or less	\$165
greater than 500 to less than 1000	\$275
1000 to less than 2000	\$385
2000 to less than 4000	\$550*
4000 and greater	\$825*

*This may include one water slide.

Table 8
Water Slides

Description	Plan Review Fee
Water slide and dedicated plunge pool	\$550
Each additional water slide into a plunge pool or swimming pool	\$165

Table 9
Spas

Spa Volume (gal)	Plan Review Fee
less than 500	\$165
500 to 999	\$275
1000 +	\$385

b. Reconstruction. The plan review fee for reconstruction is \$250 for each swimming pool, spray pad, spa, or bathhouse altered in the reconstruction.

c. Penalty for construction without a permit. Whenever any work for which a permit is required has been started before a permit is issued, the plan review fee will be 150 percent of the fee specified in paragraphs 485.12(3) “a” or “b.” The department may require that construction not done in accordance with the rules be corrected before a facility is used.

EXCEPTION: After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner’s authorized representative.

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481—485.13(135I) Inspection and enforcement agreements. The department and local boards of health may enter into agreements to implement the inspection and enforcement provisions of Iowa Code chapter 135I and these rules pursuant to Iowa Code section 135I.4(6). For purposes of such agreements, a person who is a registered sanitarian (R.S.) or a registered environmental health specialist (R.E.H.S.) with the National Environmental Health Association is considered to have met the educational requirements of subrule 485.11(2).

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481—485.14(135I) Application denial or partial denial—appeal.

485.14(1) Denial or partial denial of an application will be done in accordance with the requirements of Iowa Code chapter 17A. Notice to the applicant of denial or partial denial will be served by restricted certified mail, return receipt requested, or by personal service.

485.14(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party, in writing, to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is Iowa Department of Inspections, Appeals and Licensing, Swimming Pool Program, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial becomes the department's final agency action.

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481—485.15 to 485.50 Reserved.

SPAS

481—485.51(135I) Spa operations. A spa shall be operated in a safe, sanitary manner and meet the following operational standards.

485.51(1) *Filtration and recirculation.*

a. A spa shall have a filtration system in good working condition that provides water clarity in compliance with the water quality standards of subrule 485.51(2) and meets the following criteria:

(1) Each filter cartridge is replaced with a new, unused, or cleaned and disinfected filter cartridge in accordance with the manufacturer's recommendations for pressure rise at the inlet of the filter, but at least once a month. If a functioning pressure gauge is not present at the filter inlet, the filter cartridge is replaced whenever the spa is drained and at least every two weeks. Filter cartridge replacements are recorded in the spa records.

(2) Each sand filter serving a spa is opened at least annually and the sand media examined for grease buildup, channeling and other deficiencies. The sand is cleaned and disinfected before the filter is put back into service. The annual inspection is recorded in the spa records.

(3) Each diatomaceous earth filter serving a spa is dismantled, and the filter socks and the interior of the filter are cleaned and disinfected at least annually. The annual cleaning is recorded in the spa records.

(4) The recirculation system has an operating pressure gauge located in front of the filter if it is a pressure filter system. A vacuum filter system has a vacuum gauge located between the filter and the pump.

b. The recirculation system for a spa shall treat one spa volume of water in 30 minutes or less.

c. Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the spa water recirculation system shall be operated continuously whenever the spa contains water, except for cleaning or servicing.

d. The recirculation system shall have inlets adequate in design, number, location, and spacing to ensure effective distribution of treated water and maintenance of uniform disinfectant residual throughout the spa.

e. A spa shall have at least one skimmer and meet the following criteria:

(1) Each skimmer has a self-adjusting weir in place and operational.

(2) Each skimmer has an easily removable basket or screen upstream from any valve.

f. Wastewater and backwash water from a spa shall be discharged through an air break or an air gap.

g. The water supplied to a spa shall be from a water supply meeting the requirements of the department of natural resources for drinking water and meet the following criteria:

(1) Water supplied to a spa is discharged to the spa system through an air gap or a reduced-pressure principle backflow device meeting AWWA C-511-97, "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Each hose bib at a facility is equipped with an atmospheric vacuum breaker or a hose connection backflow preventer.

h. Spa water heaters shall meet the following criteria:

(1) Electric water heaters bear the seal of UL.

(2) Gas-fired water heaters are equipped with a pressure relief valve.

(3) Fuel-burning water heaters are vented to the outside, in accordance with the state plumbing code.

(4) Each indoor swimming pool equipment room with fuel-burning water heating equipment has one or more openings to the outside of the room for the provision of combustion air.

485.51(2) *Water quality and testing.*

a. Disinfection.

(1) Spa water shall have a free chlorine residual of at least 2.0 ppm and no greater than 8.0 ppm or a total bromine residual of at least 4.0 ppm and no greater than 18 ppm when the spa is open for use.

(2) A spa shall be closed if the free chlorine is measured to be less than 1.0 ppm or the total bromine is measured to be less than 2.0 ppm.

(3) The spa shall be closed if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm.

(4) The spa water shall have an ORP of at least 700 mV, but no greater than 880 mV, and be closed if the ORP is less than 650 mV or greater than 880 mV.

(5) The spa shall be closed if the cyanuric acid concentration in the spa water exceeds 80 ppm. The spa may be reopened when the cyanuric acid concentration is 40 ppm or less.

(6) No cyanuric acid in any form shall be added to an indoor spa.

b. pH level. The pH of spa water shall be 7.2 to 7.8.

c. Water clarity. A spa shall be closed if the grate openings on drain fittings at or near the bottom of the spa are not clearly visible when the agitation system is off.

d. Bacteria detection.

(1) If coliform or *Pseudomonas aeruginosa* bacteria are detected in a sample taken in accordance with subparagraph 485.51(2) "e"(8), the spa shall be drained, cleaned, and disinfected. The spa may reopen and a check sample shall be taken when the spa water meets the requirements of paragraphs 485.51(2) "a," "b" and "c." If coliform or *Pseudomonas aeruginosa* bacteria are detected in the check sample, the spa shall be closed, drained, physically cleaned, and disinfected and the filter(s) cleaned and disinfected.

1. For cartridge filters, the cartridge shall be replaced with a new, unused cartridge or a cleaned, disinfected cartridge and the filter housing physically cleaned, then disinfected.

2. For sand and diatomaceous earth filters, the filter shall be opened and the media and components cleaned and disinfected.

The spa may reopen when no coliform or *Pseudomonas aeruginosa* bacteria are detected in a spa water sample taken when the spa water meets the requirements of paragraphs 485.51(2) "a," "b" and "c."

(2) The facility management shall notify the local inspection agency of the positive bacteriological result within one business day after the facility management has become aware of the result.

e. Test frequency. The results of the tests required below shall be recorded in the spa records.

(1) The disinfectant residual in the spa water shall be tested or the ORP of the spa water checked each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building, a housing cooperative,

or a homeowners association with 25 or fewer living units, the disinfectant level in the spa water shall be tested or the ORP of the spa water checked at least twice each day the spa is available for use.

The operator may make visual readings of ORP in lieu of manual testing, but the spa water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the spa records which results are from the manual tests.

(2) The pH of the spa water shall be tested each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building, a housing cooperative, or a homeowners association with 25 or fewer living units, the pH of the spa water shall be tested at least twice each day the spa is available for use.

If the spa is equipped with an automatic controller with a readout or local printout of pH complying with the requirements of subparagraph 485.51(2) "f"(5), the operator may make visual readings of pH in lieu of manual testing, but the spa water shall be tested manually for pH at least twice per day. The operator shall specify in the spa records which results are from the manual tests.

(3) The spa water temperature shall be measured whenever a manual test of the spa water is performed.

(4) If a chlorine compound is used for disinfection, the spa water shall be tested for combined chlorine at least once a day.

(5) If cyanuric acid or a stabilized chlorine is used in a spa, the spa water shall be tested for cyanuric acid at least once a day.

(6) At least once in each month that a spa is open for use, a sample of the spa water shall be submitted to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water and the sample analyzed for total coliform and *Pseudomonas aeruginosa*.

f. Test equipment. Each facility shall have functional water testing equipment for free chlorine and combined chlorine or total bromine, pH, total alkalinity, calcium hardness, and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility) that meets the following criteria:

(1) The test equipment provides for the direct measurement of free chlorine and combined chlorine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range, or total bromine from 0 to 20 ppm in increments of 0.5 ppm or less over the full range.

(2) The test equipment provides for the measurement of spa water pH from 7.0 to 8.0 with at least five increments in that range.

(3) A controller readout used in lieu of manual disinfectant residual testing shall be a numerical analog or digital display with an ORP scale with a range of at least 600 to 900 mV with increments of 20 mV or less.

(4) A controller readout used in lieu of manual pH testing shall be a numerical analog or digital display with a range at least as required in subparagraph 485.51(2) "f"(2) with increments of 0.2 or less over the full range.

g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a spa is open for use.

485.51(3) Disinfection systems and cleaning.

a. Disinfectant system.

(1) Equipment for continuous feed of a chlorine or bromine compound to the spa water shall be provided and be operational. The equipment shall be adjustable in at least five increments over its feed capacity. Where applicable, the chemical feeder shall be listed by NSF or another listing agency for compliance with Standard 50.

(2) The disinfectant equipment shall be capable of providing at least 10 ppm of chlorine or bromine to the spa water based on the recirculation flow rate.

(3) Equipment and piping used to apply any chemicals to the water shall be of such size, design, and material that they may be cleaned. All material used for such equipment and piping shall be resistant to the action of chemicals to be used.

(4) The use of chlorine gas is prohibited.

b. Cleaning and superchlorination.

(1) A spa shall be clean.

(2) A spa containing 500 gal of water or less shall be drained, cleaned and refilled a minimum of once a week. A spa containing over 500 gal to 2,000 gal of water shall be drained, cleaned and refilled a minimum of one time every two weeks. A spa with a water volume greater than 2,000 gal shall be drained, cleaned and refilled a minimum of one time every three weeks.

(3) The inspection agency may require that a spa be drained, cleaned, and superchlorinated prior to further usage.

485.51(4) *Safety.*

a. Chemical safety. Spa chemical safety shall meet the following criteria:

(1) If chemicals are added to the spa over the top, the spa is not occupied for a period of at least 30 minutes. The operator tests the spa water as appropriate before allowing use of the spa. The chemical addition and the test results are recorded in the spa records.

(2) Spa chemicals are stored and handled in accordance with the manufacturer's recommendations.

(3) SDS for the chemicals used in the spa are at the facility in a location known and readily accessible to the facility staff.

(4) Chemical containers are clearly labeled.

(5) A chemical hazard warning sign is placed at the entrance of a room where chemicals are used or stored or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps. Spa stairs, ladders, recessed steps, and ramps shall meet the following criteria:

(1) When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp are provided to the top of the spa.

(2) Stairs, ladders, ladder rungs, and ramps are slip-resistant.

(3) Where stairs and ramps are provided, they are equipped with a handrail.

(4) Ladders and handrails are constructed of corrosion-resistant materials or provided with corrosion-resistant coatings. They have no exposed sharp edges.

(5) Ladders, handrails and grabrails are securely anchored.

c. Water temperature. The spa shall be closed if the water temperature exceeds 104°F.

(1) A thermometer shall be available to measure temperatures in the range of 80° to 120°F.

(2) Water temperature controls shall be accessible only to the spa operator.

d. Emergency telephone. Each facility where lifeguards are not provided shall have a designated emergency telephone or equivalent communication system that can be operated without coins. The communication system shall be available to users of the spa whenever the spa is open. If the emergency communication system is not located within the spa enclosure, management shall post a sign(s) indicating the location of the emergency telephone. Instructions for emergency use of the telephone shall be posted near the telephone.

e. Water level. Water level shall be maintained at the skimming level.

f. Fully submerged outlets. Spas and fully submerged outlets shall meet the following criteria:

(1) Each fully submerged outlet is designed to prevent user entrapment. A spa is closed if the cover/grate of a fully submerged outlet is missing or broken.

(2) For a spa constructed prior to May 13, 1998, each pump that draws water directly from a fully submerged outlet is connected to two or more outlets or a single outlet with an area of at least 144 in².

(3) Each fully submerged outlet has a cover/grate that has been tested for compliance with the requirements of the ASME/ANSI standard by a testing agency or that is certified for compliance by an engineer licensed in Iowa.

1. The cover/grate for an outlet system with a single fully submerged outlet has a flow rating of at least 100 percent of the maximum system flow rate. The combined flow rating for the cover/grates

for an outlet system with more than one fully submerged outlet is at least 200 percent of the maximum system flow rate.

The maximum system flow rate is the design flow rate for the pump(s) directly connected to the outlet(s) in an outlet system. In the absence of better information, the maximum system flow rate is the capacity of the pump(s) at 50 feet TDH, based on the manufacturer's published pump curves.

2. Fully submerged outlet cover/grates are not removable without the use of tools.

3. Purchase records and product information that demonstrate compliance are maintained by the facility for the life of the cover/grate. If a field fabricated cover/grate is certified for compliance to the ASME/ANSI standard by an engineer licensed in Iowa, a copy of the certification letter is kept at the facility for the life of the cover/grate.

(4) A spa with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet does not have a cover/grate that complies with the ASME/ANSI standard.

If a spa has two or more fully submerged outlets on a single surface that are all less than 3 ft apart on center, are not unblockable, and are directly connected to a pump, the spa is considered to have a single fully submerged outlet.

(5) A spa with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet system is not equipped with a safety vacuum release system that is listed for compliance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04 (2012) by a listing agency.

1. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the SVRS is purchased or another approved system is installed.

2. An SVRS is installed in accordance with the manufacturer's instructions.

3. An SVRS is tested for proper function at the frequency recommended by the manufacturer, but at least once in each month the spa is operated. The date and result of each test are recorded.

(6) In lieu of compliance with subparagraphs 485.51(4)"f"(3), (4) and (5) above, a fully submerged outlet in a spa may be disabled with the approval of the department, except that an equalizer in a skimmer may be plugged without department approval if the management of the spa submits to the department information including but not necessarily limited to:

1. The area and volume of the spa;

2. Detailed information about the inlet system, including the location of the inlets and the type of inlet fitting;

3. The number of skimmers and pipe sizes;

4. Pump information and flow rates for the outlet system; and

5. Filter type, number of filters, the size of the filter(s), and whether multiple filters are backwashed together or separately.

If the department approves the application to disable the outlet, the outlet valve is closed and the valve secured by removing the handle, by locking the handle closed, or by another method approved by the department. The outlet may be physically disconnected from the pump system.

g. *Spa walls and floor.* Spa walls and floor shall be smooth and easily cleanable.

h. *Decks.* Spa decks shall meet the following criteria:

(1) The deck has a slip-resistant surface.

(2) The deck is clean and free of debris.

(3) A hose bib is provided for flushing or cleaning of the deck.

(4) Glass objects, other than eyeglasses and safety glass doors and partitions, are not permitted on the deck.

i. *Projections or obstructions.* There shall be no underwater or overhead projections or obstructions that would endanger user safety or interfere with proper spa operation.

j. *Electrical.* Spa electrical systems and components shall meet the following criteria:

(1) Each electrical outlet in the deck, shower room, and pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker. Ground fault circuit interrupter receptacles and breakers are tested at least once in each month the spa is operating. Test dates and results are recorded in the spa records.

(2) There are no outlets located on, or within 5 ft of, the inside wall of a spa.

(3) An air switch within reach of persons in the spa and its connecting tube are constructed of materials that do not conduct electricity.

(4) Lighting.

1. Artificial lighting is provided at all spas that are to be used at night or that do not have adequate natural lighting so all portions of the spa, including the bottom and main drain, may be readily seen.

2. Underwater lights and fixtures are designed for their intended use. When the underwater lights operate at more than 15 volts, the underwater light circuit is equipped with a GFCI. When underwater lights need to be repaired, the electricity is shut off until repairs are completed.

3. No electrical wiring extends over an outdoor spa.

k. *Enclosure.* Spa enclosure shall meet the following criteria:

(1) A spa is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The spa enclosure is constructed of durable materials. A spa may be in the same room or enclosure as another spa or a swimming pool.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the spa or if the gap between the vertical members of the fence is greater than 1¾ inches.

(3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of subparagraph 485.51(4)“k”(2) above. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates and doors are self-closing and self-latching.

(4) If there are sleeping rooms, apartments, condominiums, or permanent recreation areas that are used by children and that open directly into the spa area, the spa is enclosed by a barrier at least 3 ft high. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates and doors provided are self-closing and self-latching.

l. *Agitation system control.* The agitation system control shall be installed out of the reach of persons in the spa. The “on” cycle for the agitation system shall be no more than ten minutes.

485.51(5) Management, notification, and records.

a. *Certified operator required.* Each spa facility shall employ a certified operator. One certified operator may be responsible for a maximum of three facilities.

b. *Spa rules sign.* A “Spa Rules” sign shall be posted near the spa. The sign shall include the following stipulations:

(1) Persons with a medical condition, including pregnancy, should not use the spa without first consulting with a physician.

(2) Anyone having a contagious disease shall not use the spa.

(3) Persons shall not use the spa immediately following exercise or while under the influence of alcohol, narcotics, or other drugs.

(4) Persons shall not use the spa alone or without supervision.

(5) Children shall be accompanied by an adult.

- (6) Persons shall not use the spa longer than ten minutes.
- (7) No one shall dive or jump into the spa.
- (8) The maximum patron load of the spa. (The maximum patron load of a spa is one individual per 2 lineal ft of inner edge of seat or bench.)
 - c. *Spa depth.* The maximum depth of a spa shall be posted at a conspicuous location near the spa in numerals or letters at least 3 inches high.
 - d. *Glass prohibited.* Glass objects other than eyeglasses, safety glass doors, and partitions shall not be permitted in a spa enclosure.
 - e. *Operational records.* The operator of a spa shall have the spa operational records for the previous 12 months at the facility and shall make these records available when requested by a swimming pool/spa inspector. These records shall contain a day-by-day account of spa operation, including:
 - (1) ORP and pH readings; results of pH, free chlorine or total bromine residual, cyanuric acid (if used), combined chlorine, total alkalinity, and calcium hardness tests; and any other chemical test results.
 - (2) Results of microbiological analyses.
 - (3) Water temperature measurements.
 - (4) Reports of complaints, accidents, injuries, or illnesses.
 - (5) Dates and quantities of chemical additions, including resupply of chemical feed systems.
 - (6) Dates when filters were backwashed or cleaned or a filter cartridge(s) was changed.
 - (7) Draining and cleaning of spa.
 - (8) Dates when ground fault circuit interrupter receptacles or circuit breakers were tested.
 - (9) Dates of review of material safety data sheets.
 - (10) If applicable, dates and results of tests of each SVRS installed at a facility.
 - f. *Submission of records.* An inspection agency may require facility management to submit copies of readings of ORP and pH, chemical test results and microbiological analyses to the inspection agency on a monthly basis. The inspection agency shall notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility management shall submit the required reports to the inspection agency within ten days after the end of each month of operation.
 - g. *Operations manual.* A permanent manual for operation of a spa shall be at the facility and include instructions for routine operations at the spa, including but not necessarily limited to:
 - (1) Maintaining the chemical supply for the chemical feed systems.
 - (2) Filter backwash or cleaning.
 - (3) Water testing procedures, including the required frequency of testing.
 - (4) Procedures for draining, cleaning and refilling the spa, including chemical adjustments and controller adjustments.
 - (5) Controller sensor maintenance, where applicable.
 - (6) Superchlorination.
 - h. *Schematic drawing.* A schematic drawing of the spa recirculation system shall be posted in the swimming pool filter room or in the operations manual. Clear labeling of the spa piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.
 - i. *Safety data sheets.* Copies of material SDS for the chemicals used at the spa shall be kept at the facility in a location known and readily accessible to facility staff with chemical-handling responsibilities. Each member of the facility staff with chemical-handling responsibilities shall review the SDS at least annually. The facility management shall retain records of the SDS reviews at the facility and shall make the records available upon request by a swimming pool inspector.
 - j. *Emergency plans.* A written emergency plan shall be provided. The plan shall include but not be limited to actions to be taken in cases of drowning, hyperthermia, serious illness or injury, chemical-handling accidents, weather emergencies, and other serious incidents. The emergency plan

shall be reviewed with the facility staff at least once a year, and the dates of review or training shall be recorded. The written emergency plan shall be kept at the facility and shall be available to a swimming pool inspector upon request.

485.51(6) Reports. Spa operators shall report to the local inspection agency, within one working day of occurrence, all deaths; near drowning incidents; head, neck, and spinal cord injuries; and any injury that renders a person unconscious or requires immediate medical attention.

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481—485.52(135I) Construction and reconstruction. A spa that is constructed or reconstructed shall comply with the following standards. Nothing in these rules is intended to exempt spas and associated structures from any applicable federal, state or local laws, rules or ordinances. Applicable requirements include but are not limited to handicapped access and energy requirements, fire and life safety requirements, the rules of the department of workforce development, and the rules of the department of natural resources.

485.52(1) Construction permits.

a. Permit required. No spa shall be constructed or reconstructed without the owner or a designated representative of the owner first receiving a permit from the department. Construction shall be completed within 24 months from the date the construction permit is issued unless a written extension is granted by the department.

b. Permit application. The owner of a proposed or existing spa or a designated representative of the owner shall apply for a construction permit on forms provided by the department.

c. Plan submission. Three sets of plans and specifications shall be submitted with the application. A nonrefundable plan review fee shall be remitted with the application for each spa as required in subrule 485.12(4).

d. Exception. After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner's authorized representative.

e. Notification of completion. The owner of a newly constructed or reconstructed facility or the owner's designated representative shall notify the department in writing at least 15 business days prior to opening the spa.

485.52(2) Plans and specifications.

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the engineering and land surveying examining board or the architectural examining board by an engineer or architect licensed to practice in Iowa.

(1) This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, or a simple replacement of a filter or pump or both.

(2) If the requirement for engineering plans is waived, the owner of the spa assumes full responsibility for ensuring that the construction or reconstruction complies with these rules and with any other applicable federal, state and local laws, rules, and ordinances.

b. Content of plans. Plans and specifications shall contain sufficient information to demonstrate to the department that the proposed spa will meet the requirements of this chapter. The information shall include but not be limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications. If a contractor applies for a construction permit, the name, address and telephone number of the contractor shall be included.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the spa in relation to buildings, streets, any swimming pool within the same general area, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the spa and its appurtenances, including a plan view and cross sections. The location of inlets, overflow system components, main drains, deck and deck drainage, the location and size of spa piping, and the spa steps and handrails shall be shown.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, and heaters, and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the make-up water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply and drain and vent systems; gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the spa, for the spa equipment and for the spa appurtenances.

c. Deviation from plans. No deviation from the plans and specifications or conditions of approval shall be made without prior approval of the department.

485.52(3) General design.

a. A spa shall be constructed of materials that are inert, stable, nontoxic, watertight, and durable.

b. The maximum water depth for a general-use spa shall not exceed 4 ft measured from the overflow level of the spa. The maximum depth of any seat or sitting bench shall not exceed 2 ft measured from the overflow level. A special-use spa may be deeper than 4 ft with written approval from the department.

c. A spa shall be designed and constructed to withstand anticipated structural loading for both full and empty conditions.

d. A spa may be immediately adjacent to a swimming pool or maintain the minimum required deck width for a swimming pool. The distance shall be measured from the outside edge of a ladder support or handrail on the deck, a lifeguard stand, a swimming pool slide, or a similar obstruction.

e. The water supplied to a spa shall comply with paragraph 485.51(1) "g."

f. No part of a spa recirculation system may be directly connected to a sanitary sewer. An air break or an air gap shall be provided.

485.52(4) Decks. A spa shall have a deck around at least 50 percent of the spa perimeter. The deck shall be at least 4 ft wide and meet the following criteria:

a. Deck materials. The deck is constructed of stable, nontoxic, and durable materials.

b. Deck drainage. The deck drains away from the spa at a slope of at least 1/8 inch/ft, but no more than 1/2 inch/ft to deck drains or to the surrounding ground surface. The deck is constructed to eliminate standing water.

c. Deck surface. The deck is provided with a slip-resistant, durable, and cleanable surface.

d. Deck covering. A deck covering may be used provided that:

(1) The covering allows drainage so that the covering and the deck do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) The covering is durable and cleanable.

e. Steps or ramp required. When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp shall be provided to the top of the spa. Stairs or a ramp shall be designed in accordance with the state building code or the building code adopted by the jurisdiction in which the spa is located.

485.52(5) Recirculation.

a. Separate recirculation required. A spa shall have a recirculation system separate from another spa or any swimming pool.

b. Recirculation flow rate. The recirculation system shall be capable of processing one spa volume of water within 30 minutes. For spas with skimmers, the recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or the flow rate required above, whichever is greater.

c. Recirculation pump. The recirculation pump(s) shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and shall comply with the following requirements:

(1) The pump(s) supply the recirculation flow rate required by paragraph 485.52(5) “b” at a TDH of at least that given in “1,” “2” or “3” below unless a lower TDH is shown by the designer to be hydraulically appropriate. A valve for regulating the rate of flow is provided in the recirculation pump discharge piping.

1. 40 feet for vacuum filters; or
2. 60 feet for pressure sand filters; or
3. 70 feet for pressure diatomaceous earth filters or cartridge filters.

(2) A separate pump or pumps is provided for the spa agitation system.

(3) For sand filter systems, the pump and filter system are designed so that each filter can be backwashed at a rate of at least 15 gpm/ft² of filter area.

(4) If a pump is located at an elevation higher than the spa water surface, it is self-priming or the piping is arranged to prevent the loss of pump prime when the pump is stopped.

(5) Where a vacuum filter is used, a vacuum limit control is provided on the pump suction line. The vacuum limit switch is set for a maximum vacuum of 18 in Hg.

(6) A compound vacuum-pressure gauge is installed on the pump suction line as close to the pump as practical. A vacuum gauge may be used for pumps with suction lift. A pressure gauge is installed on the pump discharge line as close to the pump as practical. Gauges are of such a size and located so that they may be easily read by the operator.

(7) On pressure filter systems, a hair and lint strainer is installed on the suction side of the recirculation pump. The hair and lint strainer basket is readily accessible for cleaning, changing, or inspection. A spare strainer basket is provided. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Water heaters. Spa water heaters shall meet the following criteria:

(1) A heating coil, pipe, or steam hose is not installed in a spa.

(2) Gas-fired spa water heaters comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004.

(3) Electric spa water heaters comply with the requirements of UL 1261 (2017) and bear the UL mark.

(4) A spa water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) has a water heating vessel constructed in accordance with ASME Boiler Code, Section 8 (2007). The data plate of the heater bears the ASME mark.

(5) A thermometer is installed in the piping to measure the temperature of the water returning to the spa. The thermometer is located so that it may be read easily by an operator.

(6) Combustion air is provided for fuel-burning water heaters as required by the state plumbing code, 481—Chapter 425, or as required by local ordinance.

(7) Fuel-burning water heaters are vented as required by the state plumbing code, 481—Chapter 425, or as required by local ordinance.

(8) Fuel-burning water heaters are equipped with a pressure relief valve sized for the energy capacity of the heater.

e. Flow meters. Spa flow meters shall meet the following criteria:

(1) Each spa recirculation system is provided with a permanently installed flow meter to measure the recirculation flow rate.

(2) A flow meter is accurate within 5 percent of the actual flow rate between ± 20 percent of the recirculation flow rate specified in paragraph 485.52(5) “b” or the nominal recirculation flow rate specified by the designer.

(3) A flow meter is installed on a straight length of pipe with sufficient clearance from valves, elbows or other sources of turbulence to attain the accuracy required by subparagraph 485.52(5) “e”

(2). The flow meter is installed so that it may be easily read by the facility staff, or a remote readout of the flow rate is installed where it may be easily read by the staff.

485.52(6) Filtration. A filter shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and comply with the following requirements:

a. Each pressure filter has a pressure gauge on the inlet side. Gauges are of such a size and located so that they may be read easily by the operator. A differential pressure gauge that gives the difference in pressure between the inlet and outlet of the filter may be used in place of a pressure gauge.

b. An air relief valve is provided for each pressure filter.

c. Backwash water from a pressure filter discharges through an observable free fall, or a sight glass is installed in the backwash discharge line.

d. Backwash water is discharged indirectly to a sanitary sewer.

e. Rapid sand filter.

(1) The filtration rate does not exceed 3 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

f. High-rate sand filter.

(1) The filtration rate does not exceed 15 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

(3) If more than one filter tank is served by a pump, the designer demonstrates that backwash flow rate to each filter tank meets the requirements of subparagraph 485.52(6) "f"(2), or an isolation valve is installed at each filter tank to permit each filter to be backwashed individually.

g. Vacuum sand filter.

(1) The filtration rate does not exceed 15 gpm/ft² of filter area.

(2) The backwash rate is at least 15 gpm/ft² of filter area.

(3) An equalization screen is provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system has an automatic air-purging cycle.

h. Sand filter media complies with the filter manufacturer's specifications.

i. Diatomaceous earth filters.

(1) The filtration rate is not greater than 1.5 gpm/ft² of effective filter area except that a maximum filtration rate of 2.0 gpm/ft² may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems have piping to allow recycling of the filter effluent during precoat.

(3) Waste diatomaceous earth is discharged to a sanitary sewer. The discharge may be subject to the requirements of the local waste water utility.

j. Cartridge filters.

(1) The filtration rate does not exceed 0.38 gpm/ft².

(2) A duplicate set of cartridges is provided.

485.52(7) Piping.

a. *Piping standards.* Spa piping shall conform to applicable nationally recognized standards and be specified for use within the limitations of the manufacturer's specifications. Spa piping shall comply with the applicable requirements of NSF/ANSI Standard 61 (2020), "Drinking Water System Components—Health Effects." Plastic pipe shall comply with the requirements of NSF/ANSI Standard 14 (2016b), "Plastic Piping Components and Related Materials," for potable water pipe.

b. *Pipe sizing.* Spa recirculation piping shall be sized so that water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow.

c. *Skimmer pipe capacity.* The piping for the skimmer system shall be designed to convey 100 percent of the recirculation flow rate.

d. Main drain pipe capacity. The main drain piping shall be designed to convey 100 percent of the recirculation flow rate. If the spa agitation system uses the same suction piping as the recirculation system, the piping shall be designed for the combined flow within the requirements of 15.52(7) "b."

e. Separate piping required. The piping from the spa agitation system pump to the spa shall be separate from the recirculation system piping.

485.52(8) Inlets. Spa inlets shall meet the following criteria:

a. Wall inlets are provided for a spa.

b. The inlets are adequate to ensure effective distribution of treated water and the maintenance of a uniform disinfectant residual throughout the spa. At least two recirculation inlets shall be provided.

(1) Inlets are located at least 6 inches below the design water surface.

(2) Inlets are directional flow-type inlets. Each inlet has a fitting with an opening of 1 inch diameter or less.

c. Each agitation system opening has a fitting with an opening of 1 inch diameter or less.

485.52(9) Skimmers. A recessed automatic surface skimmer shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50, except that an equalizer is not required for a skimmer installed in a spa equipped with an automatic water level maintenance device. Spa skimmers shall meet the following criteria:

a. A spa has at least one skimmer for each 100 ft² of surface area or fraction thereof.

b. Each skimmer is designed for a flow-through rate of at least 3.8 gpm per lineal inch of weir. The combined capacity of all skimmers in a spa is not less than the total recirculation rate.

c. Skimmers have weirs that adjust automatically to variations in water level of at least 4 inches.

d. Skimmers are equipped with a device to control flow through the skimmer.

e. If a spa is not equipped with an automatic water level maintenance device, each skimmer has an operational equalizer. The equalizer opening in the spa is covered with a fitting listed by a listing agency as meeting the requirements of the ASME/ANSI standard.

f. The skimmer(s) is or are not connected to the agitation system.

485.52(10) Main drain system. Each spa shall have a convenient means of draining the water from the spa for service. Spa main drains may be on the sidewall of a spa near the spa bottom.

a. If a spa pump is directly connected to a main drain or another fully submerged outlet, the pump shall be connected to two or more fully submerged outlets or to a single fully submerged outlet that is unblockable. The recirculation system and the agitation system may use the same fully submerged outlet(s).

(1) Two fully submerged outlets that are directly connected to one or more pumps in the same outlet system shall be at least 3 ft apart on center or on different spa surfaces. If three or more fully submerged outlets that are all directly connected to one or more pumps in the same outlet system are installed, the distance between the outlets farthest apart shall be at least 3 ft on center or the outlets shall be installed on different spa surfaces.

(2) If there is only one fully submerged outlet in an outlet system, the flow rating of the outlet cover/grate, sump and the associated piping shall be at least 100 percent of the maximum system flow rate. If two or more fully submerged outlets are installed in an outlet system, the combined flow rating of the cover/grates, the sumps and the associated piping shall be at least 200 percent of the maximum system flow rate. Multiple outlets in an outlet system shall be plumbed in parallel.

The maximum system flow rate for the recirculation system is the flow rate specified in paragraph 485.52(5) "b" or the design flow rate, whichever is greater. The maximum system flow rate for the agitation system is the specified design flow rate. If a flow rate is not specified, the maximum system flow rate shall be the flow capacity of the pump(s) at 50 feet TDH, based on the manufacturer's published pump curves.

b. If a main drain is connected to the recirculation system, there shall be a control valve to adjust the flow between the main drain and the overflow system.

c. Each main drain or other fully submerged outlet shall be covered with a cover/grate that is listed as complying with the requirements of the ASME/ANSI standard by a listing agency. A listed cover/grate shall be used in accordance with its listing.

(1) The flow rating for the cover/grate(s) shall comply with subparagraph 485.52(10) "a"(2).

(2) The mark of a listing agency shall be permanently marked on the top surface of each manufactured cover/grate.

(3) Field fabricated cover/grates shall be certified for compliance to the ASME/ANSI standard by a professional engineer licensed in Iowa. A certificate of compliance shall be provided to the spa owner and to the department.

(4) The fully submerged outlet cover/grate shall be designed to be securely fastened to the spa so that the cover/grate is not removable without tools.

d. For outlet systems with manufactured sumps, the sumps shall be listed by a listing agency for compliance with the ASME/ANSI standard. Field fabricated sumps shall be designed in accordance with the ASME/ANSI standard and be certified by an engineer licensed in Iowa.

485.52(11) Disinfection and pH control.

a. A spa recirculation system shall be equipped with an automatic controller for maintenance of the disinfectant level and pH in the spa water. The control output of the controller to the chemical feed systems shall be based on the continuous measurement of the ORP and the pH of the water in the spa recirculation system.

b. No disinfection system designed to use di-chlor or tri-chlor shall be installed for an indoor spa.

c. A continuous feed disinfectant system shall be provided. The disinfectant feed system shall have the capacity to supply at least 10 mg/L chlorine or bromine based on the recirculation flow rate required in paragraph 485.52(5) "b."

d. A disinfectant feeder shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50.

e. Gas chlorine shall not be used as a disinfectant for a spa.

f. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container shall have a capacity of at least one day's supply at the rate specified in paragraph 485.52(11) "c."

g. The storage capacity of an erosion feeder shall be at least one day's supply of disinfectant at the rate specified in paragraph 485.52(11) "c."

h. Each spa shall have a metering pump for the addition of a pH control chemical to the spa recirculation system or a CO₂ gas feed system. A metering pump shall be listed by NSF or another listing agency as complying with the requirements of Standard 50.

i. The chemical feed systems shall be designed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

485.52(12) Safety.

a. *Spa entry.* A spa shall have at least one stairway, ramp, ladder, or set of recessed steps designating a point of entry and exit for every 50 ft of perimeter or fraction thereof.

(1) Stair steps leading into a spa shall be at least 12 inches wide, the tread depth shall be no less than 10 inches, and the riser height shall be no more than 12 inches. If a bench or seat is used as a part of the stair, the first riser height from the bottom of the spa to the seat or bench shall be no more than 14 inches. Except for the first riser, the riser height shall be uniform.

1. Stair steps shall be provided with a slip-resistant surface.

2. The stair steps shall be provided with two handrails or grab rails, one on each side of the steps.

(2) Ladders.

1. Ladders shall be provided with a handrail that extends from below the water surface to the top surface of the deck on each side of the ladder.

2. Ladders shall be of a color contrasting with the spa walls.

- (3) Recessed steps.
 - 1. Recessed steps shall have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.
 - 2. Recessed steps shall be provided with a handrail or with deck-level grab rails on each side of the recessed steps.
 - 3. Recessed steps shall drain to the spa.
- (4) Ladders, handrails and grab rails.
 - 1. Ladders, handrails, and grab rails shall be designed to be securely anchored and so that tools are required for their removal.
 - 2. Ladders, handrails, and grab rails shall be of corrosion-resistant materials or provided with corrosion-resistant coatings. They shall have no exposed sharp edges.
- b. Agitation system control.* The agitation system start control shall be installed out of the reach of persons in the spa. The “on” cycle for the agitation system shall be no more than ten minutes.
- c. Electrical.* New construction or reconstruction shall meet the requirements of the state electrical code, 481—Chapter 404, including Article 680 of the adopted National Electrical Code.
- d. Lighting.* Artificial lighting shall be provided at indoor spas and at outdoor spas that are to be used after sunset, in accordance with the following:
 - (1) Underwater lighting of at least 60 lamp lumens/ft² or 0.5 watts/ft² of water surface area and area lighting of at least 10 lumens/ft² or 0.6 watts/ft² of deck area.
 - (2) If underwater lights are not provided, overhead lighting of at least 30 lumens/ft² or 2.0 watts/ft² of spa water surface area shall be provided.
- e. Spa enclosure.* Spa enclosure shall meet the following criteria:
 - (1) A spa is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The spa enclosure is constructed of durable materials. A spa may be in the same room or enclosure as another spa or a swimming pool.
 - (2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from the outside of the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the spa, or if the gap between the vertical members of the fence is greater than 1¾ inches.
 - (3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of subparagraph 485.52(12)“e”(2). Gates and doors are lockable. Except where lifeguard or structured program supervision is provided whenever the spa is open, gates and doors are self-closing and self-latching.
 - (4) For indoor spas, if there are sleeping rooms, apartments, condominiums, or permanent recreation areas used by children that open directly into the spa area, the spa is enclosed by a barrier at least 3 ft high. No opening in the barrier permits the passage of a 4-inch sphere. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates or doors are self-closing and self-latching.

[ARC 9498C, IAB 8/20/25, effective 9/24/25; Editorial change: IAC Supplement 2/4/26]

These rules are intended to implement Iowa Code chapter 135I.

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[Editorial change: IAC Supplement 2/4/26]

◇ Two or more ARCs

CHAPTERS 486 to 491
Reserved

CHAPTER 659
PHYSICIAN SUPERVISION OF A PHYSICIAN ASSISTANT
PURSUANT TO IOWA CODE CHAPTER 148C
[Prior to 2/4/26, see Medicine Board[653] Ch 21]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/17/30

481—659.1(148,272C) Ineligibility determinants. A physician with an active permanent, special, or temporary Iowa license who is actively engaged in the practice of medicine in Iowa may supervise a physician assistant. A physician is ineligible to supervise a physician assistant for any of the following reasons:

659.1(1) The physician does not hold an active, permanent, special or temporary Iowa medical license.

659.1(2) The physician is subject to a disciplinary order of the board that restricts or rescinds the physician's authority to supervise a physician assistant. The physician may supervise a physician assistant to the extent that the order allows.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.2(148,272C) Exemptions from this chapter. This chapter does not apply to the following:

659.2(1) A physician working in a federal facility or under federal authority when the provisions of this chapter conflict with federal regulations.

659.2(2) A physician who supervises a physician assistant providing medical care created by an emergency or a state or local disaster pursuant to Iowa Code section 148C.4.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.3(148) Board notification. A physician who supervises a physician assistant shall notify the board of the supervisory relationship within 60 days of the provision of initial supervision and at the time of the physician's license renewal.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.4(148,272C) Requirements for supervising. More information regarding requirements for supervising can be found in rules 481—780.4(148C) through 481—780.6(148C).

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.5(148,272C) Grounds for discipline. A physician may be subject to disciplinary action for supervising a physician assistant in violation of these rules, 481—Chapter 661, or 481—Chapter 780, which relate to duties and responsibilities for physician supervision of physician assistants. Grounds for discipline also include:

659.5(1) The physician supervises a physician assistant when the physician does not have sufficient training or experience to supervise a physician assistant in the area of medical practice in which a physician assistant is to be utilized.

659.5(2) The physician fails to ensure that the physician assistant is adequately supervised, including being available in person or by telecommunication to respond to the physician assistant.

659.5(3) The physician fails to adequately direct and supervise a physician assistant or fails to comply with the minimum standards of supervision in accordance with this chapter, 481—Chapters 780 through 784, and Iowa Code chapters 148 and 148C.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.6(148,272C) Disciplinary sanction. The board may restrict or rescind a physician's authority to supervise a physician assistant as part of a disciplinary sanction following a contested case proceeding if the reason for the disciplinary action impacts the ability of the physician to supervise a physician assistant. The board shall notify the board of physician assistants when it takes

a disciplinary action against a physician's license that affects the physician's authority to supervise a physician assistant.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

481—659.7(148,272C) Communication with physician assistant supervisees. The physician shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the board or any other change in status that affects the physician's eligibility to supervise a physician assistant.

[ARC 9703C, IAB 11/12/25, effective 12/17/25; Editorial change: IAC Supplement 2/4/26]

These rules are intended to implement Iowa Code chapter 148C and section 272C.3.

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[Filed ARC 5600C (Notice ARC 5370C, IAB 12/30/20), IAB 5/5/21, effective 6/9/21]

[Filed ARC 9703C (Amended Notice ARC 9379C, IAB 6/25/25; Notice ARC 9296C, IAB 5/28/25),

IAB 11/12/25, effective 12/17/25]

[Editorial change: IAC Supplement 2/4/26]

¹ Effective date of 3/1/89 delayed 70 days by Administrative Rules Review Committee at its February 13, 1989, meeting.

² Effective date of 3/1/89 delayed until adjournment of the 1990 Session of the General Assembly at its May 9, 1989, meeting.

³ Delay until adjournment of the 1990 G.A. lifted by the Administrative Rules Review Committee at its August 3, 1989, meeting which allowed the rules to become effective August 4, 1989.

⁴ Effective date of 4/17/96 delayed 70 days by the Administrative Rules Review Committee at its meeting held April 16, 1996. Effective date delayed until adjournment of the 1997 General Assembly by the Administrative Rules Review Committee at its meeting held June 11, 1996.

⁵ Effective date of 1/28/04 delayed 70 days by the Administrative Rules Review Committee at its January 6, 2004, meeting; at its meeting held March 8, 2004, the Committee lifted the delay, effective March 9, 2004.

⁶ Amendments to ch 21 in ARC 2532C, which included the renumbering of 21.4 to 21.7 as 21.5 to 21.8 (Item 1), the adoption of new 21.4 (Item 2), and the amendment to the implementation sentence (Item 3), rescinded by 2017 Iowa Acts, House File 591, section 2, paragraph "a," on 4/12/17 and, pursuant to paragraph "b," prior language restored IAC Supplement 5/10/17.

PUBLIC HEALTH DEPARTMENT[641]

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Rescinded IAB 1/30/08, effective 3/5/08

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Transferred to 481—Chapter 485, IAC Supplement 2/4/26

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Rescinded IAB 1/30/08, effective 3/5/08

CHAPTER 20
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Rescinded **ARC 9268C**, IAB 5/14/25, effective 7/1/25

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Transferred to 481—Chapter 492, IAC Supplement 4/2/25

CHAPTER 23
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Transferred to 481—Chapter 431, IAC Supplement 4/2/25

MEDICINE BOARD[653]

[Prior to 5/4/88, see Health Department[470], Chs 135 and 136, renamed Medical Examiners Board[653] under the “umbrella” of Public Health Department[641] by 1986 Iowa Acts, ch 1245]

[Prior to 7/4/07, see Medical Examiners Board[653]; renamed by 2007 Iowa Acts, Senate File 74]

Pursuant to 2023 Iowa Acts, Senate File 514, rules of Medicine Board[653] rescinded and editorially transferred in 2025 and 2026; see Inspections and Appeals Department[481] for rules regarding Medicine Board.

CHAPTER 1
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[Prior to 5/4/88, see 470—135.1 through 135.10]
Transferred to 481—Chapter 650, IAC Supplement 6/11/25

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 3
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Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

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CHAPTER 8
FEES
[Prior to 5/30/01, see Medical Examiners Board[653] Ch 11]
Transferred to 481—Chapter 651, IAC Supplement 6/11/25

CHAPTER 9
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[Prior to 5/30/01, see Medical Examiners Board[653] Ch 11]
Transferred to 481—Chapter 652, IAC Supplement 6/11/25

CHAPTER 10
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[Prior to 5/30/01, see Medical Examiners Board[653] Ch 11]
Transferred to 481—Chapter 653, IAC Supplement 6/11/25

CHAPTER 11
CONTINUING EDUCATION AND TRAINING REQUIREMENTS
[Prior to 5/4/88, see 470—135.101 through 135.110 and 470—135.501 through 135.512]
Transferred to 481—Chapter 654, IAC Supplement 6/11/25

CHAPTER 12
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Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 13
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[Prior to 5/4/88, see 470—135.251 through 135.402]
Transferred to 481—Chapter 655, IAC Supplement 6/11/25

CHAPTER 14
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Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 15
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Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 16
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Rescinded **ARC 4979C**, IAB 3/11/20, effective 4/15/20

CHAPTER 17
LICENSURE OF ACUPUNCTURISTS
Transferred to 481—Chapter 656, IAC Supplement 6/11/25

CHAPTER 18
MILITARY SERVICE AND VETERAN RECIPROCITY
Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 19
PRESCRIBING PSYCHOLOGISTS
Transferred to 481—Chapter 657, IAC Supplement 6/11/25

CHAPTER 20
LICENSURE OF GENETIC COUNSELORS
Transferred to 481—Chapter 658, IAC Supplement 6/11/25

CHAPTER 21
PHYSICIAN SUPERVISION OF A PHYSICIAN ASSISTANT
PURSUANT TO IOWA CODE CHAPTER 148C
Transferred to 481—Chapter 659, IAC Supplement 2/4/26

CHAPTER 22
MANDATORY REPORTING
[Prior to 7/19/06, see Medical Examiners Board[653] Ch 12]
Transferred to 481—Chapter 660, IAC Supplement 6/11/25

CHAPTER 23
GROUNDS FOR DISCIPLINE
[Prior to 7/19/06, see Medical Examiners Board[653] Ch 12]
Transferred to 481—Chapter 661, IAC Supplement 6/11/25

CHAPTER 24
COMPLAINTS AND INVESTIGATIONS
[Prior to 7/19/06, see Medical Examiners Board[653] Ch 12]
Transferred to 481—Chapter 662, IAC Supplement 6/11/25

CHAPTER 25
CONTESTED CASE PROCEEDINGS
[Prior to 7/19/06, see Medical Examiners Board[653] Ch 12]
Rescinded **ARC 9110C**, IAB 4/16/25, effective 5/21/25

CHAPTER 26
REINSTATEMENT AFTER DISCIPLINARY ACTION
[Prior to 7/19/06, see Medical Examiners Board[653] Ch 12]
Transferred to 481—Chapter 663, IAC Supplement 6/11/25

CHAPTER 8 IOWA YOUTH MENTORING PROGRAM CERTIFICATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

The purpose of the Iowa mentoring partnership is to certify mentoring programs that meet standards outlined in the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership, that have been established for youth mentoring programs. The Iowa mentoring partnership also provides training, resources and support services to local mentoring programs. In partnership with certified programs, the Iowa mentoring partnership strives to increase the capacity of mentoring programs, raise statewide awareness of the positive benefits of mentoring children and youth, promote effective screening and safety procedures, and enhance the quality of mentoring relationships in Iowa.

[ARC 9574B, IAB 6/29/11, effective 8/3/11; ARC 0439C, IAB 11/14/12, effective 12/19/12]

817—8.1(15H) Definitions.

“*Certification*” means the process for identifying youth mentoring programs as meeting the criteria for effective practice in order to become eligible for financial and technical assistance.

“*Commission*” means the Iowa commission on volunteer service.

“*Conditional certification*” means a temporary certification identifying a youth mentoring program before the program is fully operational in order for the program to apply for financial and technical assistance.

“*Mentoring certification application*” means the application, which was developed by the Iowa mentoring partnership and Iowa commission on volunteer service and which can be adopted by all agencies and departments of state government to determine an applicant’s designation as a certified mentoring program. The application contains information that can be used to determine an applicant’s designation as a certified mentoring program.

“*Mentoring program*” or “*youth mentoring program*” means a program that provides older mentors to youth, provided that the program meets all of the following requirements:

1. The program is located in this state;
2. The program is operated as a public or private not-for-profit entity, part of a school or area education agency, or part of a faith-based community;
3. Youth served by the program are between the ages of 5 and 23.

[ARC 9574B, IAB 6/29/11, effective 8/3/11]

817—8.2(15H) Certification. Based on each mentoring program’s self-assessment (completed via the mentoring certification application), the commission is responsible for ascertaining whether a youth mentoring program is qualified to be designated as a certified mentoring program.

8.2(1) Full certification. Before a mentoring program can participate in the Iowa mentoring partnership, it must be certified by the commission.

a. A review team shall review applications from youth mentoring programs to determine whether the mentoring programs are eligible to participate in the program.

b. Full certification means the commission has determined that the youth mentoring program has met the established standards.

c. Applications for mentoring program certification are available from the Iowa Commission on Volunteer Service, 321 East 12th Street, Des Moines, Iowa 50319 and the Iowa mentoring partnership’s website (www.iowamentoring.org).

d. Applicants shall receive written notification of the commission’s decision.

e. To remain in good standing as a program with full certification, mentoring programs must verify continued certification by submitting required reports.

8.2(2) Conditional certification. Some mentoring programs are temporarily certified before the program becomes fully operational or before the program has met the standards for full certification.

a. Conditional certification may be in effect for six months and may be used for the purpose of applying for financial and technical assistance available to certified mentoring programs. The commission may grant an extension of conditional certification if it is determined that significant progress is being made toward meeting the requirements for full certification.

b. The mentoring program name will not be included on the Iowa mentoring partnership Web site, nor will the program be referred potential mentors, until the mentoring program has been fully certified. The Web site of the Iowa mentoring partnership is www.iowamentoring.org.

c. It shall be the responsibility of the mentoring program to notify the commission when the program believes it has met the certification criteria.

d. Additional documentation may be required of new mentoring programs to verify elements of the application. Mentoring programs may be requested to provide documentation of continued eligibility at any time during and after conditional certification.

8.2(3) *Recertification.* Certified youth mentoring programs shall submit verification of continued eligibility to the commission at least every two years.

a. The form for recertification shall be provided by the commission.

b. Other documents and regular reporting will be requested throughout the certification period to verify the continuing eligibility of the mentoring program.

8.2(4) *Documentation.* Various and specific documentation may be required by the commission during the certification process. Each program shall provide relevant information upon the commission's request in order to be considered for certification.

Applications shall be signed by an authorized representative of the organization.

8.2(5) *Reapplication.* A mentoring program may reapply upon proof of compliance with Iowa youth mentoring program certification standards. Any program that is denied certification or decertified for any reason bears the burden of proving that all deficiencies previously cited have been corrected. Corrections shall be in accordance with requirements of the Iowa mentoring partnership. Applications may be requested from the Iowa Commission on Volunteer Service, 321 East 12th Street, Des Moines, Iowa 50319, or the Iowa mentoring partnership's website (www.iowamentoring.org).

8.2(6) *Notification.* The commission shall be notified within 30 days following a change in the mentoring program director or authorized representative of the certified mentoring program.

[ARC 9574B, IAB 6/29/11, effective 8/3/11; Editorial change: IAC Supplement 12/25/24]

817—8.3(15H) Description of application. The Iowa mentoring partnership application requires information about individuals who manage and administer the local mentoring program.

8.3(1) Specific questions are included on the application regarding mentoring program operations, screening and safety procedures, training, number of mentors and mentees, structure of the program, and other information to determine whether the program meets the certification standards established in rules 817—8.4(15H) and 817—8.5(15H).

8.3(2) Information contained in the application may be reviewed by the applicant upon request to the Iowa Commission on Volunteer Service, 321 East 12th Street, Des Moines, Iowa 50319. Material to be added to a file may be sent to the commission at the above address.

[ARC 9574B, IAB 6/29/11, effective 8/3/11; ARC 0439C, IAB 11/14/12, effective 12/19/12; Editorial change: IAC Supplement 12/25/24]

817—8.4(15H) Basis for certification standards. The commission has established standards to certify youth mentoring programs. These standards are based on the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership. These elements are based on the work of a panel of experts convened by the National Mentoring Partnership to produce a set of rigorous mentoring guidelines, providing the gold standard for quality mentoring for more than a decade.

8.4(1) *Statement of purpose.* The mentoring program should have a statement of purpose and a long-range plan that includes:

a. Who, what, where, when, why, and how activities will be performed.

b. Input from originators, staff, funders, potential volunteers, and participants.

- c. Assessment of community need.
- d. Realistic, attainable, and easy-to-understand operational plan.
- e. Funding and resource development plan.
- f. Risk management plan.

8.4(2) *Recruitment plan.* The mentoring program shall have recruitment plans for both mentors and participants that include:

- a. Strategies that portray accurate expectations and benefits.
- b. Year-round marketing and public relations strategies.
- c. Targeted outreach based on participants' needs.
- d. Volunteer opportunities beyond mentoring.
- e. A goal of serving at least 12 youth, computed as an average of the number of youth served over the preceding three program years.

8.4(3) *Orientation.* The mentoring program shall have an orientation for mentors and mentees that includes:

- a. Program overview.
- b. Description of eligibility, screening process, and suitability requirements.
- c. Level of commitment expected (time, energy, flexibility).
- d. Expectations and restrictions (accountability).
- e. Expected benefits and rewards of the program.
- f. A separate focus for potential mentors and participants.
- g. A summary of program policies, including but not limited to policies on written reports, interviews, evaluations, and reimbursement.
- h. Definition of appropriate and inappropriate contact, and a statement that informs mentees and parents/guardians on how to report inappropriate contact.

8.4(4) *Eligibility.* The mentoring program shall have eligibility screening for mentors and participants that includes:

- a. A written application and review process.
- b. A face-to-face interview and, for community-based programs, a home visit.
- c. Reference checks for mentors, which may include character references, a child abuse registry check, a driving record check, and a criminal record check as legally permissible.
- d. Suitability criteria that relate to the program's statement of purpose and needs of the target population. Criteria may include some or all of the following: personality profile, skills identification, sex, age, language, racial requirements, level of education, career interests, motivation for volunteering, and academic standing.
- e. Successful completion of prematch training and orientation.

8.4(5) *Training curriculum.* The mentoring program shall have a readiness and training curriculum for all mentors and participants that includes:

- a. Knowledgeable trainers.
- b. Orientation to the program and resource network, including information and referral, other support services, and schools.
- c. Skills development as appropriate.
- d. Cultural/heritage sensitivity and appreciation training.
- e. Guidelines for participants on how to get the most out of the mentoring relationship.
- f. Dos and don'ts of relationship management.
- g. Job and role descriptions.
- h. Confidentiality and liability information.
- i. Crisis management/problem-solving resources.
- j. Communications skills development.
- k. Ongoing sessions as necessary.
- l. Information on what is considered inappropriate contact and what to do if such contact occurs.

m. Information regarding safe meeting spaces and meeting place guidelines and restrictions.

8.4(6) Matching strategy. The mentoring program should have a matching strategy that includes:

- a.* A commitment to consistency.
- b.* A grounding in the program's eligibility criteria.
- c.* Appropriate criteria for matches, including some or all of the following: sex, age, language requirements, availability, needs, interests, preferences of volunteer and participant, life experience, and temperament.
- d.* Staff assistance with the first meeting.

8.4(7) Monitoring process. The mentoring program should have a monitoring process that includes:

- a.* Consistent, scheduled meetings with staff, mentors, and participants.
- b.* A tracking system for ongoing assessment.
- c.* Written records.
- d.* Input from community partners, family, and significant others.
- e.* A process for managing grievances, praise, rematching, interpersonal problem solving, and premature relationship closure.

8.4(8) Mentor support and recognition. The mentoring program should have a support, recognition, and retention component that includes:

- a.* Ongoing peer support groups for volunteers, participants, and others.
- b.* Ongoing training and development.
- c.* Relevant discussion of issues and dissemination of information.
- d.* Regular mentor recognition and appreciation.

8.4(9) Closure. The mentoring program should have closure steps that include:

- a.* Private and confidential exit interviews regarding the mentoring relationship between:
 - (1) Participant and staff;
 - (2) Mentor and staff; and
 - (3) Program staff and teachers or parents or both, as appropriate.
- b.* Clearly stated policy for future contacts.
- c.* Assistance to participants in defining future steps for achieving personal goals.

8.4(10) Evaluation. The mentoring program should have an evaluation process based on:

- a.* Outcome analysis of the program and mentoring relationships.
- b.* Program criteria and statement of purpose.
- c.* Informational needs of board, funders, community partners, and other supporters of the program.

8.4(11) Additional certification standards. The commission also utilizes the Elements of Effective Practice for Mentoring™, published by the National Mentoring Partnership, to determine the primary areas of review for mentoring program certification. These areas are intended to indicate whether programs are operating under the quality policies and procedures established by a national panel of mentoring program experts, researchers and others.

a. History of operation. Mentoring programs shall have an established history of operation of two years (24 months). Programs that have been operating less than 24 months may be granted full certification but will be required to provide quarterly updates to the Iowa mentoring partnership.

b. Length of match. Mentoring programs shall meet minimum requirements for length of match based on program type.

(1) Community-based programs, including E-mentoring programs, shall establish an initial commitment of one year with new or potential mentors.

(2) School-based programs, including E-mentoring programs, shall establish an initial commitment of nine months with new or potential mentors.

c. Minimum monthly contact. Mentoring programs shall meet minimum requirements for monthly contact based on program type.

(1) Matches in community-based programs shall meet for a minimum of four hours per month with a consistent schedule.

(2) School-based programs shall meet for a minimum of two hours per month with a consistent schedule.

(3) E-mentoring programs shall have contact via secure, supervised e-mail a minimum of once per week.

d. Background checks. Mentoring programs shall meet minimum requirements for checking the background of mentor applicants.

(1) Criminal background and sex offender registry checks for mentors over the age of 18.

(2) Reference checks for mentors under the age of 18.

e. Pre-match mentor training. Mentoring programs shall meet minimum requirements for training of mentors. At least two hours of pre-match training and preparation activities shall be provided to new mentors.

[ARC 9574B, IAB 6/29/11, effective 8/3/11; ARC 0439C, IAB 11/14/12, effective 12/19/12; ARC 0067D, IAB 2/4/26, effective 4/1/26]

817—8.5(15H) Special consideration. In addition to the standards set forth in rule 817—8.4(15H), the commission may give consideration to other factors to determine certification status in order to ensure that only high-quality youth mentoring programs are certified.

8.5(1) On-site audits. At the discretion of the commission, on-site audits may be conducted to determine certification.

8.5(2) Reporting. Programs that fail to submit required documentation are at risk of decertification and may be deemed ineligible to receive the benefits of certification, including complimentary training registration and inclusion on the Iowa mentoring partnership Web site.

[ARC 9574B, IAB 6/29/11, effective 8/3/11]

817—8.6(15H) Decertification. A youth mentoring program shall be decertified by the commission if it is determined that the program no longer meets the certification standards identified herein for a high-quality mentoring program, if program personnel cannot be contacted by the commission, if the program fails to provide documents requested by the commission or if the program fails to complete the required Iowa mentoring partnership quarterly reports.

8.6(1) Written notice of the intent to revoke certification shall be provided to a youth mentoring program when the commission determines that there is reasonable cause to believe the program does not comply with the rules contained herein. Notice shall be sent by United States mail at least 20 days before decertification becomes effective.

8.6(2) If the commission sends a letter by first-class mail to the last-known address provided to the commission by the youth mentoring program and the letter is returned as undeliverable, this may be considered grounds for decertification.

8.6(3) Decertification procedures may be initiated by the commission or following investigation of a complaint filed by the general public. A request for an investigation from the public must be in written form and shall specify the reason(s) why the certified youth mentoring program no longer meets the certification standards. Supporting documentation may be attached to the request. The identity of the complainant is confidential pursuant to Iowa Code section 22.7(18).

8.6(4) Benefits and designation as a certified mentoring program will continue until the final decision is issued by the commission.

[ARC 9574B, IAB 6/29/11, effective 8/3/11]

817—8.7(15H) Fraudulent practices in connection with certified mentoring programs. A person is considered to be guilty of a fraudulent practice if the person knowingly falsifies information on an application for the purpose of obtaining certification and any other potential benefits, including those offered through the Iowa mentoring partnership or other state contracts and grants available only to certified mentoring programs.

The commission may investigate allegations or complaints of fraudulent practices and will take action to decertify a youth mentoring program upon concluding that a violation has occurred.

A violation under this rule is grounds for decertification of the youth mentoring program responsible for the violation. Decertification shall be in addition to any penalty otherwise authorized.

817—8.8(15H) Appeal procedure. Commission decisions regarding certified mentoring programs may be contested by an adversely affected party as detailed in 817—Chapter 5.

These rules are intended to implement Iowa Code chapter 15H.

[Filed 9/7/07, Notice 5/9/07—published 9/26/07, effective 10/31/07]

[Filed ARC 9574B (Notice ARC 9341B, IAB 1/26/11), IAB 6/29/11, effective 8/3/11]

[Filed ARC 0439C (Notice ARC 0291C, IAB 8/22/12), IAB 11/14/12, effective 12/19/12]

[Editorial change: IAC Supplement 12/25/24]

[Filed ARC 0067D (Notice ARC 9661C, IAB 11/12/25), IAB 2/4/26, effective 4/1/26]

CHAPTER 13
FUTURE READY IOWA VOLUNTEER MENTOR PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

817—13.1(15H) Purpose and program description. The purpose of the future ready Iowa volunteer mentor program is to match volunteer mentors with student mentees and to support implementation of the future ready Iowa skilled workforce last-dollar scholarship program and the future ready Iowa skilled workforce grant program created in Iowa Code sections 261.131 and 261.132. The future ready Iowa volunteer mentor program is an optional program for recipients of these scholarships and grants and is designed to provide mentors to help recipients increase success in school and make meaningful career connections. The Iowa commission on volunteer service will manage this statewide program by partnering with employers, local high schools, nonprofits, local eligible institutions of higher education and others to develop mentoring cohorts.

[ARC 4722C, IAB 10/23/19, effective 11/27/19]

817—13.2(15H) Definitions.

“Commission” means the Iowa commission on volunteer service.

“Eligible institution” means an institution meeting the requirements outlined in Iowa Code section 261.131.

“Grant program” means the future ready Iowa skilled workforce grant program outlined in Iowa Code section 261.132.

“Last-dollar scholarship” means the future ready Iowa skilled workforce last-dollar scholarship program outlined in Iowa Code section 261.131.

“Program” means the future ready Iowa volunteer mentor program as defined in Iowa Code section 15H.10.

“Student mentee” means a student who has elected to participate in the program, has agreed to program expectations, and has been matched with a volunteer mentor through the program. Student mentees must meet the criteria in Iowa Code sections 261.131 and 261.132.

“Volunteer mentor” means an adult who has applied to be a mentor, has met the screening guidelines, has attended mentor training, has committed to meeting with the mentee according to program guidelines, and has been matched with a mentee in the program.

[ARC 4722C, IAB 10/23/19, effective 11/27/19]

817—13.3(15H) Program standards, guidelines, and expectations. The commission will maintain on its website standards, guidelines, and expectations for a productive and appropriate relationship between volunteer mentors and student mentees. Standards, guidelines, and expectations are aimed at helping students meet the last-dollar scholarship or grant program requirements, identify work-based learning opportunities, and make career-related connections that are advantageous to participants in the program through a healthy mentor-mentee relationship. Failure to adhere to the program standards may result in ineligibility to participate in the program. To the extent possible, volunteer mentors and student mentees will be matched based on sex, career aspirations, geography and mentor-to-mentee ratio.

[ARC 4722C, IAB 10/23/19, effective 11/27/19; ARC 0067D, IAB 2/4/26, effective 4/1/26]

817—13.4(15H) Mentor/mentee agreement. All volunteer mentors and student mentees matched with a volunteer mentor must complete and sign a written agreement issued by the commission as part of the program enrollment process. This does not include students receiving texting services only. Agreements will include expectations on regular communication, appropriate conduct, utilization of the online platform and participation in any training or resources offered to improve the efficacy of the mentor-mentee relationship. Failure by either party to adhere to the agreement may result in dismissal from the program.

[ARC 4722C, IAB 10/23/19, effective 11/27/19; ARC 5239C, IAB 10/21/20, effective 11/25/20]

817—13.5(15H) Mentor request and application process.

13.5(1) *Mentor request process.* Students may request a volunteer mentor through the commission's website or partner agencies, including through referrals from high schools and eligible institutions. Eligible institutions must collaborate in the facilitation of this subrule by providing information on the mentor request process to all students who meet the criteria of Iowa Code sections 261.131 and 261.132. The Iowa college aid commission may enroll eligible students into the texting services whenever possible to facilitate overall student success and communication about career mentoring opportunities. Students may opt to not participate in the program.

13.5(2) *Mentor application process.* Prospective mentors should apply to be a volunteer mentor through the commission's website or through high schools, eligible institutions, or partner agencies or employers. These partner agencies may also enlist employers and other partners to help make direct mentoring connections with local mentoring cohorts. Prospective mentors must complete an application, consent to an Iowa division of criminal investigation criminal background check, attend orientation training and agree to the minimum commitment and guidelines outlined in the mentor/mentee agreement.

[ARC 4722C, IAB 10/23/19, effective 11/27/19; ARC 5239C, IAB 10/21/20, effective 11/25/20]

817—13.6(15H) Subrecipient award process. If the commission deems it necessary, the commission may seek subrecipients to carry out components of the program through the commission's regular grant program application processes. The commission may also work with partner state agencies to assist in the administration of this chapter.

[ARC 4722C, IAB 10/23/19, effective 11/27/19]

These rules are intended to implement Iowa Code section 15H.10.

[Filed ARC 4722C (Notice ARC 4508C, IAB 6/19/19), IAB 10/23/19, effective 11/27/19]

[Filed ARC 5239C (Notice ARC 5088C, IAB 7/15/20), IAB 10/21/20, effective 11/25/20]

[Filed ARC 0067D (Notice ARC 9661C, IAB 11/12/25), IAB 2/4/26, effective 4/1/26]

WORKFORCE DEVELOPMENT DEPARTMENT[871]

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345]
under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]
[Prior to 3/12/97, see Job Service Division[345],
renamed Department of Workforce Development by 1996 Iowa Acts, chapter 1186]

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[Prior to 11/1/23, see Economic Development Authority[261] Ch 104]

[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 23]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—69.1(84A) Authority. The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section 84A.21.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.2(84A) Purpose. The purpose of the innovative businesses internship program is to link Iowa students to small- and medium-sized Iowa firms through internship opportunities.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.3(84A) Definitions.

“Board” means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

“Community college” means a community college established under Iowa Code chapter 260C.

“Department” means Iowa workforce development created in Iowa Code section 84A.1.

“Director” means the director of Iowa workforce development.

“Innovative business” means the same as defined in Iowa Code section 15E.52(1) “c.”

“Internship” means temporary employment of a student that focuses on providing the student with work experience in the student’s field of study.

“Program” means the innovative businesses internship program established in this chapter.

“Prospective employee” means a student who is anticipated to be hired upon graduation.

“Student” means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but attends an institution of higher learning outside the state of Iowa.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.4(84A) Program funding.

69.4(1) The maximum award amount that may be awarded for any single internship is \$3,100 or \$9,300 to any one employer.

69.4(2) Funds are to be used for reimbursement of wages during the designated internship period. Employers will pay students hired as interns an hourly wage that is at least twice the minimum wage.

69.4(3) The department will award funds to a business based upon department approval of a completed application and the execution of a contract between the business and the department.

69.4(4) A business may receive financial assistance on a matching basis for a portion of the wages paid to an intern. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the business is matched by one dollar from the department.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.5(84A) Eligible business. Eligible businesses may apply to the department for assistance under the program. The program is available to Iowa businesses that meet all of the following criteria:

69.5(1) The business is either:

a. An Iowa-based business with fewer than 500 employees, or

b. A business that is not based in Iowa with a significant portion employed within the state of Iowa.

69.5(2) The business is engaged in an innovative business.

69.5(3) The business offers the internship to students.

69.5(4) The business's summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the business's semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.6(84A) Ineligible business. The following businesses are not eligible for this program:

69.6(1) A business that is engaged in retail sales, health care, or other businesses requiring a professional license.

69.6(2) A business that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.7(84A) Eligible students. Students who are within one to two years of graduation and enrolled at one of Iowa's community colleges, private colleges, or institutions of higher learning under the control of the state board of regents are eligible. A student as defined in this chapter is eligible for an internship under this rule. The department will encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the program.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.8(84A) Ineligible students. Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—69.7(84A) are not eligible.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.9(84A) Application submittal and review process.

69.9(1) The department will develop a standardized application and make the application available to eligible businesses. To apply for assistance under the program, a business will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

69.9(2) Applications will be reviewed and scored by department staff. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.10(84A) Application content and other requirements.

69.10(1) A business seeking assistance under the program will submit a complete application to the department. Successful applicants will enter into a contract with the department prior to posting or advertising the internship.

69.10(2) If an award is made, the business will secure an intern or interns within the time period stated in the contract between the department and the business.

69.10(3) The application will include but not be limited to all of the following:

a. The dates and location of the internship.

b. A statement of duties the intern will perform at the business site and how the duties correlate to a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. The application will also include information regarding the intern's work space (e.g., access to telephone, computer, and other necessary items).

- c. The name of the business's representative who will train and supervise the intern.
- d. A statement of the anticipated workforce needs at the business and the student's potential for prospective employment with the business following graduation.

69.10(4) The department reserves the right to require additional information from the business.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.11(84A) Selection process. Applications will be reviewed in the order received by the department. The director may approve, defer or deny each application for financial assistance based on the availability of funds. The department will score applications according to the criteria specified in rule 871—69.12(84A). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.12(84A) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

69.12(1) The extent to which the student is involved in a substantive experience in one or more of the following areas: research and development; engineering; process management and production; product experimentation and analysis; product development; market research; business planning; and administration. 25 points.

69.12(2) The quality and sufficiency of the explanation of the business's anticipated workforce needs and of the student's potential for prospective employment with the business following graduation. 20 points.

69.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the business's goals or processes. 10 points.

69.12(4) The extent to which the internship will have a positive impact on the intern's skills, knowledge and abilities. 15 points.

69.12(5) The extent to which the internship pays more than twice the minimum wage. 10 points.

69.12(6) The business's contribution to the internship program is above the minimum program match requirement. 10 points.

69.12(7) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

69.12(8) Whether the application establishes that all considerations, including funding required to begin the internship, have been addressed. 5 points.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

871—69.13(84A) Contract and reporting.

69.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

69.13(2) *Contract required.* The department will execute a standard contract, which includes but is not limited to a description of the internship to be completed, conditions to disbursement, required reports, the applicable events of default, the repayment requirements imposed in the event of default, and other specific repayment provisions that may be established from time to time on a case-by-case basis.

69.13(3) *Reporting.* A business that has been awarded assistance under the program will submit any information requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

69.13(4) *Contract amendments.* The board does not need to approve a contract amendment.

[ARC 9568C, IAB 9/17/25, effective 10/22/25; ARC 0034D, IAB 2/4/26, effective 1/12/26]

These rules are intended to implement Iowa Code section 84A.21.

[Filed 9/20/07, Notice 8/15/07—published 10/10/07, effective 11/14/07]

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[Editorial change: IAC Supplement 5/14/25]
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[Filed Emergency ARC 0034D, IAB 2/4/26, effective 1/12/26]

CHAPTER 75 STEM INTERNSHIP PROGRAM

[Prior to 11/1/23, see Economic Development Authority[261] Ch 110]
[Prior to 5/14/25, see Workforce Development Board, State[877] Ch 30]

Chapter rescission date pursuant to Iowa Code section 17A.7: 10/22/30

871—75.1(84A,85GA,ch1132,86GA,SF510) Authority. The authority for adopting rules establishing a STEM internship program is provided in Iowa Code section 84A.21.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.2(84A,85GA,ch1132,86GA,SF510) Purpose. The purpose of the STEM internship program is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.3(84A) Definitions.

“Board” means the members of the department appointed by the governor and in whom the powers of the department are vested pursuant to Iowa Code section 84A.1.

“Community college” means a community college established under Iowa Code chapter 260C.

“Department” means Iowa workforce development created in Iowa Code section 84A.1.

“Designated internship period” means the summer or semester during which a student is employed in an internship.

“Director” means the director of Iowa workforce development.

“Employer” means any enterprise located in this state that is operated for profit.

“Innovative business” means the same as defined in Iowa Code section 84A.21(1) “a.”

“Internship” means temporary employment of a student that focuses on providing the student with work experience in the student’s field of study.

“Program” means the STEM internship program established in this chapter.

“STEM field” means a major course of study within the field of science, technology, engineering, or mathematics or a related field. For purposes of this chapter, “STEM field” includes all majors and academic or degree programs listed on the ACT-defined STEM majors and occupations by area list. The ACT-defined STEM majors and occupations by area list may be found at www.act.org. If a student has declared a major or is enrolled in an academic or degree program not listed on the ACT-defined STEM majors and occupations by area list, the student may still be found eligible for participation in the program if, in the department’s sole discretion, the student’s major is substantially similar to a major that is listed on the ACT-defined STEM majors and occupations by area list.

“Student” means a student of one of the Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.4(84A,85GA,ch1132,86GA,SF510) Program funding and disbursement.

75.4(1) The maximum amount that may be awarded to an employer for any one internship is \$5,000. The maximum amount that may be awarded to any one employer in any one fiscal year is \$50,000.

75.4(2) Funds are to be used for reimbursement of wages paid during the designated internship period. An employer will pay students hired as interns an hourly wage that is at least twice the minimum wage.

75.4(3) The department will award funds to an employer only after approval of a completed application and execution of a contract between the employer and the department. The department will have sole discretion in determining whether an application is fully complete.

75.4(4) An Iowa employer may qualify for financial assistance under the program on a matching basis for a portion of the wages paid to an intern during the designated internship period. If providing financial assistance, the department will provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the employer is matched by one dollar from the department.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.5(84A,85GA,ch1132,86GA,SF510) Eligible employers. Eligible employers may apply to the department for assistance under the program. The program is available to employers that meet all of the following criteria:

75.5(1) The employer is either:

- a. An Iowa-based business, or
- b. A business that is not based in Iowa that has a significant portion of its employees located within the state of Iowa.

75.5(2) The employer employs students who have either declared a major in a STEM field or who are enrolled in a STEM-related academic or degree program at a community college. The students are employed as interns at a location in Iowa.

75.5(3) The employer offers the internship to students of Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents or to students who graduated from high school in Iowa but attend an institution of higher learning outside the state of Iowa.

75.5(4) The employer offers either summer- or semester-based internships. The summer internships have a minimum duration of 8 weeks (a minimum of 240 hours per internship), and the semester internships have a minimum duration of 14 weeks (a minimum of 140 hours per internship).

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.6(84A,85GA,ch1132,86GA,SF510) Ineligible employers. The following employers are not eligible for the program:

75.6(1) An employer that is a business engaged in retail sales, health care, or other businesses requiring a professional license.

75.6(2) An employer that closes or substantially reduces its workforce by more than 20 percent at existing operations in order to relocate substantially the same operations to another area of the state is ineligible for 36 consecutive months at any of its Iowa sites from the date the new establishment opens.

75.6(3) An employer that has applied or will apply during the same state fiscal year to the innovative businesses internship program under 871—Chapter 69 is ineligible to receive funding under the STEM internship program.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.7(84A,85GA,ch1132,86GA,SF510) Eligible students. To be eligible, a person meets the requirements of a “student” as defined in rule 871—75.3(84A) and is a person who is within one to two years of graduation, has declared a major in a STEM field or is enrolled in a STEM-related academic or degree program at a community college, and is hired for an internship at an Iowa employer during a designated internship period.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.8(84A,85GA,ch1132,86GA,SF510) Ineligible students. Students who are more than two years from graduation are ineligible. Students who have not declared a major in a STEM field or are not enrolled in a STEM-related academic or degree program at a community college are ineligible. Students who are immediate family members of management employees or board members of the applicant employer are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—75.7(84A,85GA,ch1132,86GA,SF510) are ineligible.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.9(84A,85GA,ch1132,86GA,SF510) Application submittal and review process.

75.9(1) The department will develop a standardized application and make the application available to eligible employers. To apply for assistance under the program, an employer will submit an application to the department. Required forms and instructions are available by contacting the department or from the department's website at www.workforce.iowa.gov.

75.9(2) Applications will be reviewed and scored by the staff of the department. The director of the department will make final funding decisions after considering the recommendations of staff. The director has final decision-making authority on requests for financial assistance for this program. The director may approve, defer or deny an application.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.10(84A,85GA,ch1132,86GA,SF510) Application content and other requirements.

75.10(1) An employer seeking assistance under the program will submit a completed application to the department.

75.10(2) If an award is made, the employer will secure an intern or interns within the time period stated in the contract between the department and the employer.

75.10(3) The application will include but not be limited to all of the following:

- a. The dates and location of the internship.
- b. A statement of duties the student will perform at the internship site and how the duties correlate to a substantive experience in an area closely related to the student's STEM field. The application will also include information regarding the student's work space (e.g., access to telephone, computer, and other necessary items).
- c. The name of the employer's representative who will train and supervise the student.
- d. A statement of the anticipated workforce needs at the internship site and the student's potential for prospective employment with the employer following graduation.

75.10(4) In accepting applications from employers, the department may require additional information reasonably related to the program.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.11(84A,85GA,ch1132,86GA,SF510) Award process. Applications will be reviewed in the order received by the department. The department will attempt to award as many eligible internships as funding allows. However, the department may deny applications for incompleteness or because of insufficient funds. The department will score applications according to the criteria specified in rule 871—75.12(84A,85GA,ch1132,86GA,SF510). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.12(84A,85GA,ch1132,86GA,SF510) Application scoring criteria. When applications for financial assistance under the program are reviewed, the following criteria will be considered and scored as described below:

75.12(1) The extent to which the student is involved in a substantive experience closely related to the student's STEM field of study. 30 points.

75.12(2) The quality and sufficiency of the explanation of the employer's anticipated workforce needs and of the student's potential for prospective employment with the employer or another Iowa employer following graduation. 30 points.

75.12(3) The extent to which the internship duties require independent judgment, creativity, and intelligence to complete and contribute to the employer's goals or processes. 10 points.

75.12(4) The extent to which the internship will have a positive impact on the student's skills, knowledge and abilities. 10 points.

75.12(5) Whether the internship pays more than twice the minimum wage. 10 points.

75.12(6) Whether applications will be accepted by the employer from more than one private college, university or community college. 5 points.

75.12(7) Whether the application establishes that all relevant internship considerations, including necessary funding, have been addressed by the employer in advance. 5 points.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

871—75.13(84A,85GA,ch1132,86GA,SF510) Contract and reporting.

75.13(1) *Notice of award.* Successful applicants will be notified in writing of an award of assistance, including any conditions and terms of the approval.

75.13(2) *Contract required.* An employer receiving an award under the program will execute a standard contract prepared by the department. The contract may include but is not limited to a description of the internship to be completed, the conditions for disbursement, required reporting, the applicable events of default, the repayment requirements imposed in the event of default, and any other specific provisions that may be established from time to time on a case-by-case basis.

75.13(3) *Reporting.* An employer receiving assistance under the program will submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the board, the general assembly or the governor's office.

75.13(4) *Contract amendments and terminations.* Contract amendments or termination may be approved by the director without board approval.

[ARC 9569C, IAB 9/17/25, effective 10/22/25; ARC 0033D, IAB 2/4/26, effective 1/12/26]

These rules are intended to implement 2014 Iowa Acts, chapter 1132, section 12, and Iowa Code section 84A.21.

[Filed Emergency ARC 2099C, IAB 8/19/15, effective 7/20/15]

[Filed ARC 2316C (Notice ARC 2098C, IAB 8/19/15), IAB 12/23/15, effective 1/27/16]

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