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In addition to the changes adopted by agencies, the replacement 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.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.
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.

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Education Department[281]
Replace Analysis
Replace Chapter 12
Replace Chapter 77
Replace Chapter 97

Inspections and Appeals Department[481]
Replace Analysis
Remove Reserved Chapters 16 to 21
Insert Chapter 16 and Reserved Chapters 17 to 21
Replace Chapter 100

Environmental Protection Commission[567]
Replace Reserved Chapters 36 and 37
Replace Chapter 38

Dental Board[650]
Replace Analysis
Replace Chapter 1
Replace Chapters 14 and 15
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Replace Chapter 3
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Prior to 9/7/88, see Public Instruction Department[670]
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GENERAL ACCREDITATION STANDARDS
[Prior to 9/7/88, see Public Instruction Department[670] Ch 4]

PREAMBLE
The goal for the early childhood through twelfth grade educational system in Iowa is to improve the learning, achievement, and performance of all students so they become successful members of a community and workforce. It is expected that each school and school district shall continue to improve its educational system so that more students will increase their learning, achievement, and performance.

Accreditation focuses on an ongoing school improvement process for schools and school districts. However, general accreditation standards are the minimum requirements that must be met by an Iowa public school district to be accredited. A public school district that does not maintain accreditation shall be merged, by the state board of education, with one or more contiguous school districts as required by Iowa Code subsection 256.11(12). A nonpublic school must meet the general accreditation standards if it wishes to be designated as accredited for operation in Iowa.

General accreditation standards are intended to fulfill the state’s responsibility for making available an appropriate educational program that has high expectations for all students in Iowa. The accreditation standards ensure that each child has access to an educational program that meets the needs and abilities of the child regardless of race, color, national origin, gender, disability, religion, creed, marital status, geographic location, sexual orientation, gender identity, or socioeconomic status.

With local community input, school districts and accredited nonpublic schools shall incorporate accountability for student achievement into comprehensive school improvement plans designed to increase the learning, achievement, and performance of all students. As applicable, and to the extent possible, comprehensive school improvement plans shall consolidate federal and state program goal setting, planning, and reporting requirements. Provisions for multicultural and gender fair education, technology integration, global education, gifted and talented students, at-risk students, students with disabilities, and the professional development of all staff shall be incorporated, as applicable, into the comprehensive school improvement plan. See subrules 12.5(8) to 12.5(13), 12.7(1), and 12.8(1).

DIVISION I
GENERAL STANDARDS

281—12.1(256) General standards.
12.1(1) Schools and school districts governed by general accreditation standards. These standards govern the accreditation of all prekindergarten, if offered, or kindergarten through grade 12 school districts operated by public school corporations and the accreditation, if requested, of prekindergarten or kindergarten through grade 12 schools operated under nonpublic auspices. Each school district shall take affirmative steps to integrate students in attendance centers and courses. Schools and school districts shall collect and annually review district, attendance center, and course enrollment data on the basis of race, national origin, gender, and disability. Equal opportunity in programs shall be provided to all students regardless of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, gender identity as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, socioeconomic status, disability, religion, or creed. Nothing in this rule shall be construed as prohibiting any bona fide religious institution from imposing qualifications based upon religion when such qualifications are related to a bona fide religious purpose.

12.1(2) School board. Each school or school district shall be governed by an identifiable authority which shall exercise the functions necessary for the effective operation of the school and referred to in these rules as the “board.”

12.1(3) Application for accreditation. The board of any school or school district that is not accredited on the effective date of these standards and which seeks accreditation shall file an application with the director, department of education, on or before the first day of January of the school year preceding the school year for which accreditation is sought.
12.1(4) Accredited schools and school districts. Each school or school district receiving accreditation under the provisions of these standards shall 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 of education in accordance with Iowa Code subsections 256.11(11) and 256.11(12).

12.1(5) When nonaccredited. A school district shall be 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 shall be nonaccredited on the date established by the resolution of the state board, which shall 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: set by annual hours or days of instruction. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall adopt a school calendar that sets the number of days or hours of required attendance for student instruction, staff development and in-service time, and time for parent-teacher conferences. Prior to adopting the school calendar, the board of directors of a school district shall hold a public hearing on any proposed school calendar. The board and authorities in charge of an accredited nonpublic school shall notify the department annually of their decision to have a calendar based on days or based on hours. The length of the school calendar does not dictate the length of contract hours or days of employment for instructional and noninstructional staff. Time recorded under either a days or hours calendar system may include passing time between classes but shall exclude the lunch period. Time spent on parent-teacher conferences shall be considered instructional time. The school calendar may be operated any time during the school year of July 1 to June 30 as defined by Iowa Code section 279.10 as amended by 2013 Iowa Acts, House File 215, section 81. A minimum of 180 days or 1,080 hours of instruction shall be set in the school calendar, for school districts and accredited nonpublic schools beginning no sooner than a day during the calendar week in which the first day of September falls, and shall be used for student instruction. However, if the first day of September falls on a Sunday, school may begin any day during the calendar week preceding September 1. These 180 days shall meet the requirements of “day of school” for those districts or accredited nonpublic schools that are utilizing a schedule based on days, defined in paragraph 12.1(8) “a.” “Minimum school day” defined in subrule 12.1(9), and “day or hour of attendance” defined in subrule 12.1(10). (Exception: A school or school district may, by board policy, excuse graduating seniors up to five days or 30 hours of instruction after school or school district requirements for graduation have been met.) If additional days are added to the regular school calendar because of inclement weather, a graduating senior who has met the school district’s requirements for graduation may be excused from attendance during the extended school calendar. A school district may begin employment of instructional and noninstructional staff, for in-service training and development purposes, earlier than the first day of school. A school or school district choosing a schedule based on hours shall follow the definition of “hour of school” set forth in paragraph 12.1(8) “b.”

12.1(8) Day and hour of school.

a. Day of school. A day of school is a day during which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must be operated and available for attendance by all students. An exception is if either the elementary or secondary grades are closed and provided that the time missed is made up at some other point during the school calendar so as to meet the minimum of 180 days or 1,080 hours of instruction for all grades 1 through 12.

b. Hour of school. For schools or school districts adopting a calendar based on a 1,080-hour minimum schedule, an official hour of school is an hour in which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. For
purposes of this rule, an “hour” is defined as 60 minutes. The calculation of minimum hours shall exclude
the lunch period. Passing time between classes may be counted as part of the hour requirement. School
shall be considered in session during parent-teacher conferences as well as during activities such as field
trips if students are engaged in programs or activities under the guidance and direction of the instructional
professional staff. All grade levels of the school or school district must be operated and available for
attendance by all students. Schools or school districts have flexibility on how they can reach the threshold
of 1,080 hours of instruction but must keep annual documentation of how they met that standard. The
school calendar may include more than or less than or may equal the 180-day schedule. The hours
included in an individual day under an hours format may vary.

12.1(9) Minimum school day. A school day, for those utilizing a school calendar based on days,
shall consist of a minimum of 6 hours of instructional time for all grades 1 through 12. The minimum
hours shall exclude the lunch period. Passing time between classes may be counted as part of the 6-hour
requirement. School shall be considered in session during parent-teacher conferences as well as during
activities such as field trips if students are engaged in programs or activities under the guidance and
direction of the instructional professional staff.

12.1(10) Day or hour of attendance. A day or hour of attendance shall be a day or hour during
which students were present and under the guidance and instruction of the instructional professional staff.
When staff development designated by the board or by authorities in charge of an accredited nonpublic
school occurs outside of the time required for a “minimum school day,” students shall be counted in
attendance.

12.1(11) Kindergarten. The number of instructional days or hours within the school calendar and
the length of the school day for kindergarten shall be defined by the board or by authorities in charge of
an accredited nonpublic school that operates a kindergarten program.

[ARC 1115C; IAB 10/16/13, effective 11/20/13]

DIVISION II
DEFINITIONS

281—12.2(256) Definitions. For purposes of these rules, the following definitions shall apply:

“Alternative options education programs” means alternative programs or schools as identified in
Iowa Code section 280.19A.

“Alternative program” means a class or environment established within the regular educational
program and designed to accommodate specific student educational needs such as, but not limited
to, work-related training; reading, mathematics or science skills; communication skills; social skills;
physical skills; employability skills; study skills; or life skills.

“Alternative school” means an environment established apart from the regular educational program
and that includes policies and rules, staff, and resources designed to accommodate student needs and
to provide a comprehensive education consistent with the student learning goals and content standards
established by the school district or by the school districts participating in a consortium. Students attend
by choice.

“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.

“At-risk student” means any identified student who needs additional support and who is not meeting
or not expected to meet the established goals of the educational program (academic, personal/social,
career/vocational). At-risk students include but are not limited to students in the following groups:
homeless children and youth, dropouts, returning dropouts, and potential dropouts.

“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 12.5(14) to be awarded credit in a competency-based system of education.

“Comprehensive school improvement plan” means a design that shall describe how the school or school district will increase student learning, achievement, and performance. This ongoing improvement design may address more than student learning, achievement, and performance.

“Content standards” means broad statements about what students are expected to know and be able to do.

“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 seven through twelve 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 shall provide articulated, developmental learning experiences from the date of student entrance until high school graduation.

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

“Incorporate” means integrating career education, multicultural and gender fair education, technology education, global education, higher-order thinking skills, learning skills, and communication skills into the total 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 shall 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 shall 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 shall 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.

“Physical activity” means any movement, manipulation, or exertion of the body that can lead to improved levels of physical fitness and quality of life.

“Potential dropouts” means resident pupils who are enrolled in a public or nonpublic school who demonstrate poor school adjustment as indicated by two or more of the following:
1. High rate of absenteeism, truancy, or frequent tardiness.
2. Limited or no extracurricular participation or lack of identification with school including, but not limited to, expressed feelings of not belonging.
3. Poor grades including, but not limited to, failing in one or more school subjects or grade levels.
4. Low achievement scores in reading or mathematics which reflect achievement at two years or more below grade level.

“Prekindergarten program” includes a school district’s implementation of the preschool program established pursuant to 2007 Iowa Acts, House File 877, section 2, and is otherwise described herein in subrule 12.5(1).

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

“Returning dropouts” means resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the 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 shall 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 shall include students, parents, teachers, administrators, and representatives from the local community which may include business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall 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.

“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.
“Successful employment in Iowa” may be determined by, but is not limited to, reviewing student achievement and performance based on locally identified indicators such as earnings, educational attainment, reduced unemployment, and the attainment of employability skills.

[ARC 7783B, IAB 5/20/09, effective 6/24/09; ARC 1116C, IAB 10/16/13, effective 11/20/13]

DIVISION III
ADMINISTRATION

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

12.3(1) Board records. Each board shall adopt by written policy a system for maintaining accurate records. The system shall 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 of education. Financial records of school districts shall 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 which 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 shall adopt evaluation criteria and procedures for all contracted staff. The evaluation processes shall conform to Iowa Code sections 279.14 and 279.23A.

12.3(4) Student records. Each board shall require its administrative staff to establish and maintain a system of student records. This system shall include for each student a permanent office record and a cumulative record.

The permanent office record shall serve as a historical record of official information concerning the student’s education. The permanent office record shall be recorded and maintained under the student’s legal name. At a minimum, the permanent office record should 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 shall provide 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, 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 shall 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 shall 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 and Iowa Code chapter 22.

12.3(5) Requirements for graduation. Each board providing a program through grade 12 shall adopt a policy establishing the requirements students must meet for high school graduation. This policy shall make provision for early graduation and shall be consistent with these requirements, Iowa Code section 280.14, and the requirements in the introductory paragraph of subrule 12.5(5).

12.3(6) Student responsibility and discipline. The board shall adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board shall 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 shall relate to the educational purposes of the school or school district. The policies shall
include, but are not limited to, 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 shall 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 shall 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 as amended by 2007 Iowa Acts, Senate File 427, section 1, gender identity as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, disability, religion, creed, or socioeconomic status.

The board shall 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) Health services. Rescinded IAB 12/5/07, effective 1/9/08.

12.3(8) 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 shall be made part of the official records of the board as described in Iowa Code section 11.6.

12.3(9) 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 section 279.39.

12.3(10) Report on accredited nonpublic school students. Rescinded IAB 12/5/07, effective 1/9/08.

12.3(11) Standards for school counseling programs. The board of directors of each school district shall establish a K-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 shall direct the program and provide services and instruction in support of the curricular goals of each attendance center. The school counselor shall be 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 shall 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 shall be regularly reviewed and revised and shall be 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(12) Standards for library programs. The board of directors of each school district shall establish a K-12 library program to support the student achievement goals of the total school curriculum.

a. A qualified teacher librarian, licensed by the board of educational examiners, who works with students, teachers, support staff and administrators shall direct the library program and provide services and instruction in support of the curricular goals of each attendance center. The teacher librarian shall be a member of the attendance center instructional team with special expertise in identifying resources and technologies to support teaching and learning. The teacher librarian and classroom teachers shall collaborate to develop, teach, and evaluate attendance center curricular goals with emphasis on promoting inquiry and critical thinking; providing information literacy learning experiences to help students access, evaluate, use, create, and communicate information; enhancing learning and teaching through technology; and promoting literacy through reader guidance and activities that develop capable and independent readers.

b. The library program shall be regularly reviewed and revised and shall be designed to meet the following goals:
   (1) To provide for methods to improve library collections to meet student and staff needs;
   (2) To make connections with parents and the community;
   (3) To support the district’s school improvement plan;
   (4) To provide access to or support for professional development for the teacher librarian;
   (5) To provide current technology and electronic resources to ensure that students become skillful and discriminating users of information;
   (6) To include a current and diverse collection of fiction and nonfiction materials in a variety of formats to support student and curricular needs; and
   (7) To include a plan for annually updating and replacing library materials, supports, and equipment.

c. The board of directors of each school district shall 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.

12.3(13) Policy declaring harassment and bullying against state and school policy. The policy adopted by the board regarding harassment of or by students and staff shall declare harassment and bullying in schools, on school property, and at any school function or school-sponsored activity regardless of its location to be against state and school policy. The board shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:
   (1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.
   (2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, a witness, or an individual who has reliable information about such an act of harassment or bullying.

b. A definition of harassment and bullying consistent with the following: Harassment and bullying shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on the student’s actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status, and which creates an objectively hostile school environment that meets one or more of the following conditions:
   (1) Places the student in reasonable fear of harm to the student’s person or property.
   (2) Has a substantially detrimental effect on the student’s physical or mental health.
   (3) Has the effect of substantially interfering with a student’s academic performance.
(4) Has the effect of substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school. The local board policy must set forth all 17 of the above-enumerated traits or characteristics, but does not need to be limited to the 17 enumerated traits or characteristics.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, identifying either the school superintendent or the superintendent’s designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this subrule.

g. A statement of the manner in which the policy will be publicized.

The board shall integrate its policy into its comprehensive school improvement plan. The board shall develop and maintain a system to collect harassment and bullying incidence data, and report such data, on forms specified by the department, to the local community and to the department.

12.3(14) 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(14)“a” shall 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.

[ARC 0016C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter); ARC 3980C, IAB 8/29/18, effective 10/3/18]

DIVISION IV
SCHOOL PERSONNEL

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. The following standards shall 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 shall be eligible for classification as a member of the instructional professional staff.
12.4(2) Noninstructional professional staff. A person who holds a statement of professional recognition, including but not limited to a physician, dentist, nurse, speech therapist, or a person in one of the other noninstructional professional areas designated by the state board of education, shall be 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 shall be classified as either instructional or noninstructional. An instructional professional staff member shall 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 shall 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 shall 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 requirement 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 which 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 subsection 279.23(4).

12.4(5) Staffing policies—elementary schools. The board operating an elementary school shall develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating an elementary school shall 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 seven and eight are part of an organized and administered junior high school, the staffing policies adopted by the board for secondary schools shall apply. When grades seven and eight are part of an organized and administered middle school, the staffing policies adopted by the board for elementary schools shall apply.

12.4(6) Staffing policies—secondary schools. The board operating a secondary school shall develop and adopt staffing policies designed to attract, retain, and effectively utilize competent personnel. Each board operating a secondary school shall 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 shall be 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 shall be 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 shall 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 which is in force and valid for the type of position in which 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 shall consist of legal 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 shall also maintain on file a legal license/certificate or statement of professional recognition as defined in subrule 12.4(2) for each member of the noninstructional professional staff. These records shall be on file at the beginning of and throughout each school year and shall be updated annually to reflect all professional growth.

On December 1 of each year, the official shall verify to the department of education the licensure/certification and endorsement status of each member of the instructional and administrative staff. This report shall be on forms provided by the department of education and shall 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 shall 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 shall employ personnel as necessary to provide effective supervision and instruction in the prekindergarten program.


12.4(15) 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(16) Volunteer. A volunteer shall be 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 0016C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter)]

DIVISION V
EDUCATION PROGRAM

281—12.5(256) Education program. The following education program standards shall be met by schools and school districts for accreditation with the start of the 1989-1990 school year.

12.5(1) Prekindergarten program. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child’s developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten
teacher shall hold a license/certificate licensing/certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

12.5(2) Kindergarten program. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be licensed/certificated to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subrule only if the nonpublic school offers a kindergarten program.

12.5(3) Elementary program, grades 1-6. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, traffic safety, music, and visual art. Computer science instruction incorporating the standards established under rule 281—12.11(256) shall be offered in at least one grade level commencing with the school year beginning July 1, 2023.

In implementing the elementary program standards, the following general curriculum definitions shall be used.

a. English-language arts. English-language arts instruction shall include the following communication processes: speaking; listening; reading; writing; viewing; and visual expression and nonverbal communication. Instruction shall incorporate language learning and creative, logical, and critical thinking. The following shall be taught: oral and written composition; communication processes and skills, including handwriting and spelling; literature; creative dramatics; and reading.

b. Social studies. Social studies instruction shall include citizenship education, history, and social sciences. Democratic beliefs and values, problem-solving skills, and social and political participation skills shall be incorporated. Instruction shall encompass geography, history of the United States and Iowa, and cultures of other peoples and nations. American citizenship, including the study of national, state, and local government; and the awareness of the physical, social, emotional and mental self shall be infused in the instructional program.

c. Mathematics. Mathematics instruction shall include number sense and numeration; concepts and computational skills with whole numbers, fractions, mixed numbers and decimals; estimation and mental arithmetic; geometry; measurement; statistics and probability; and patterns and relationships. This content shall be taught through an emphasis on mathematical problem solving, reasoning, and applications; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.

d. Science. Science instruction shall include life, earth, and physical science and shall incorporate hands-on process skills; scientific knowledge; application of the skills and knowledge to students and society; conservation of natural resources; and environmental awareness.

e. Health. Health instruction shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; substance abuse and misuse, encompassing the effects of alcohol, tobacco, drugs, and poisons on the human body; human sexuality, self-esteem, stress management, and interpersonal relationships; emotional and social health; health resources; and prevention and control of disease, and the characteristics of communicable diseases, including acquired immune deficiency syndrome.

f. Physical education. Physical education instruction shall 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 shall 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 shall include skills, knowledge, and attitudes and shall 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 shall include perceiving, comprehending, and evaluating the visual world; viewing and understanding the visual arts; developing and communicating imaginative and inventive ideas; and making art.

12.5(4) Junior high program, grades 7 and 8. The following shall be taught in grades 7 and 8: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, music, visual art, family and consumer education, career education, and technology education. Instruction in the following areas shall include the contributions and perspectives of persons with disabilities, both men and women, and persons from diverse racial and ethnic groups, and shall be designed to eliminate career and employment stereotypes. Computer science instruction incorporating the standards established under rule 281—12.11(256) shall be offered in at least one grade level commencing with the school year beginning July 1, 2023.

In implementing the junior high program standards, the following general curriculum definitions shall be used.

a. English-language arts. Same definition as in 12.5(3) “a” with the exclusion of handwriting.

b. Social studies. Social studies instruction shall include citizenship education, history and social sciences. Democratic beliefs and values, problem-solving skills, and social and political participation skills shall be incorporated. Instruction shall encompass history, economics, geography, government including American citizenship, behavioral sciences, and the cultures of other peoples and nations. Strategies for continued development of positive self-perceptions shall be infused.

c. Mathematics. Mathematics instruction shall include number and number relationships including ratio, proportion, and percent; number systems and number theory; estimation and computation; geometry; measurement; statistics and probability; and algebraic concepts of variables, patterns, and functions. This content shall be taught through an emphasis on mathematical problem solving, reasoning, and applications; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.

d. Science. Same definition as in 12.5(3) “d.”

e. Health. Health instruction shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; substance abuse and nonuse, encompassing the effects of alcohol, tobacco, drugs, and poisons on the human body; human sexuality, self-esteem, stress management, and interpersonal relationships; emotional and social health; health resources; and prevention and control of disease and the characteristics of communicable diseases, including sexually transmitted diseases and acquired immune deficiency syndrome.

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

g. Music. Same definition as in 12.5(3) “h” with the addition of using music as an avocation or vocation.

h. Visual art. Same definition as in 12.5(3) “i” with the addition of using visual arts as an avocation or vocation.

i. Family and consumer education. Family and consumer education instruction shall include the development of positive self-concept, understanding personal growth and development and relationships with peers and family members in the home, school and community, including men, women, minorities and persons with disabilities. Subject matter emphasizes the home and family, including parenting, child development, textiles and clothing, consumer and resource management, foods and nutrition, housing, and family and individual health. This subrule shall not apply to nonpublic schools.

j. Career education. Career education instruction shall include exploration of employment opportunities, experiences in career decision making, and experiences to help students integrate work values and work skills into their lives. This subrule shall not apply to nonpublic schools. However, nonpublic schools shall comply with subrule 12.5(7).


k. Technology education. Technology education instruction shall include awareness of technology and its impact on society and the environment; furthering students’ career development by contributing to their scientific principles, technical information and skills to solve problems related to an advanced technological society; and orienting students to technologies which impact occupations in all six of the required service areas. The purpose of this instruction is to help students become technologically literate and become equipped with the necessary skills to cope with, live in, work in, and contribute to a highly technological society. This subrule shall not apply to nonpublic schools.

l. Secondary credit.

(1) An individual pupil in a grade that precedes ninth grade may take a course for secondary credit if all of the following are true:

1. The pupil satisfactorily completes the course.
2. The course is taught by a teacher licensed by the Iowa board of educational examiners for grades 9 through 12 and endorsed in the subject area.
3. The course meets all components listed in subrule 12.5(5) for the specific curricular area.
4. The board of the school district or the authorities in charge of the nonpublic school have developed enrollment criteria that a student must meet to be enrolled in the course.

(2) If a student meets the requirement of subparagraph 12.5(4)“l”(1), the school district or accredited nonpublic school of enrollment shall issue high school credit for the unit to the student unless the student is unable to demonstrate proficiency or the school district or accredited nonpublic school determines that the course unit completed by the student does not meet the school district’s or accredited nonpublic school’s standards, as appropriate. If a student is denied credit under this paragraph, the school district or accredited nonpublic school denying credit shall provide to the student’s parent or guardian in writing the reason for the denial. If credit is awarded under this paragraph, the credit must apply toward graduation requirements of the district or accredited nonpublic school.

12.5(5) High school program, grades 9-12. 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(14). The following shall be offered and taught as the minimum program: English-language arts, six units; social studies, five units; mathematics, six units as specified in 12.5(5)“c”; science, five units; health, one unit; physical education, one unit; fine arts, three units; world language, four units; and vocational education, 12 units as specified in 12.5(5)“i.” Beginning with the 2010-2011 school year graduating class, all students in schools and school districts shall satisfactorily complete at least four units of English-language arts, three units of mathematics, three units of science, three units of social studies, and one full unit of physical education as conditions of graduation. The three units of social studies may include the existing graduation requirements of one-half unit of United States government and one unit of United States history.

In implementing the high school program standards, the following curriculum standards shall be used.

a. English-language arts (six units). English-language arts instruction shall include the following communication processes: speaking; listening; reading; writing; viewing; and visual expression and nonverbal communication. Instruction shall incorporate language learning and creative, logical, and critical thinking. The program shall encompass communication processes and skills; written composition; speech; debate; American, English, and world literature; creative dramatics; and journalism.

b. Social studies (five units). Social studies instruction shall include citizenship education, history, and the social sciences. Instruction shall encompass the history of the United States and the history and cultures of other peoples and nations including the analysis of persons, events, issues, and historical evidence reflecting time, change, and cause and effect. Instruction in United States government shall include an overview of American government through the study of the United States Constitution, the bill of rights, the federal system of government, and the structure and relationship between the national, state, county, and local governments; and voter education including instruction in statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot. Students’ knowledge of the Constitution
and the bill of rights shall be assessed. Economics shall include comparative and consumer studies in relation to the market and command economic systems. Geography shall include the earth’s physical and cultural features, their spatial arrangement and interrelationships, and the forces that affect them. Sociology, psychology, and anthropology shall include the scientific study of the individual and group behavior(s) reflecting the impact of these behaviors on persons, groups, society, and the major institutions in a society. Democratic beliefs and values, problem-solving skills, and social and political skills shall be incorporated. All students in grades nine through twelve must, as a condition of graduation, complete a minimum of one-half unit of United States government and one unit of United States history and receive instruction in the government of Iowa.

c. Mathematics (six units). Mathematics instruction shall include:

(1) Four sequential units which are preparatory to postsecondary educational programs. These units shall include strands in algebra, geometry, trigonometry, statistics, probability, and discrete mathematics. Mathematical concepts, operations, and applications shall be included for each of these strands. These strands shall be taught through an emphasis on mathematical problem solving, reasoning, and structure; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.

(2) Two additional units shall be taught. These additional units may include mathematical content as identified in, but not limited to, paragraphs 12.5(3) “c,” 12.5(4) “c,” and 12.5(5) “c”(1). These units are to accommodate the locally identified needs of the students in the school or school district. This content shall be taught through an emphasis on mathematical problem solving, reasoning, and structure; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.

d. Science (five units). Science instruction shall include biological, earth, and physical science, including physics and chemistry. Full units of chemistry and physics shall be taught but may be offered in alternate years. All science instruction shall incorporate hands-on process skills; scientific knowledge; the application of the skills and knowledge to students and society; conservation of natural resources; and environmental awareness.

e. Health (one unit). Health instruction shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome, current crucial health issues, human sexuality, self-esteem, stress management, and interpersonal relationships.

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

All physically able students shall be required to participate in the program for a minimum of one-eighth unit during each semester they are enrolled except as otherwise provided in this paragraph. A twelfth-grade student may be excused from this requirement by the principal of the school in which the student is enrolled under one of the following circumstances:

(1) The student is enrolled in a cooperative, work-study, or other educational program authorized by the school which requires the student’s absence from the school premises during the school day.

(2) The student is enrolled in academic courses not otherwise available.

(3) An organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

Students in grades nine through eleven may be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement.
A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student’s counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

The student’s parent or guardian must request the excuse in writing. The principal shall inform the superintendent that the student has been excused.

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

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

2. Music. Music instruction shall 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 shall encompass 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 shall include 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 (four units).** The world language program shall be a four-unit sequence of uninterrupted study in at least one language, which may include American Sign Language. World language instruction shall include listening comprehension appropriate to the level of instruction; rateable oral proficiency; reading comprehension appropriate to the level of instruction; writing proficiency appropriate to the level of instruction; and cultural awareness.

All high schools shall offer and teach the first two units of the sequence. The third and fourth units must be offered. However, the department of education may, on an annual basis, waive the third and fourth unit requirements upon the request of the board. The board must document that a licensed/certificated teacher was employed and assigned a schedule that would have allowed students to enroll, that the class was properly scheduled, that students were aware of the course offerings, and that no students enrolled.

i. **Vocational education—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, shall be taught in four of the following six service areas: agricultural education, business and office education, health occupations education, home economics education, industrial education, and marketing education. The instruction shall be competency-based; shall provide a base of knowledge which will prepare students for entry level employment, additional on-the-job training, and postsecondary education within their chosen field; shall be articulated with postsecondary programs of study, including apprenticeship programs; shall reinforce basic academic skills; shall include the contributions and perspectives of persons with disabilities, both men and women, and persons from diverse racial and ethnic groups. Vocational core courses may be used in more than one vocational service area. Multioccupations may be used to complete a sequence in more than one vocational service area; however, a core course(s) and multioccupations cannot be used in the same sequence. If a district elects to use multioccupations to meet the requirements in more than one service area, documentation must be provided to indicate that a sufficient variety of quality training stations be available to allow students to develop occupational competencies. A district may apply for a waiver if an innovative plan for meeting the instructional requirement for the standard is submitted to and approved by the director of the department of education.
The instructional programs also shall comply with the provisions of Iowa Code chapter 258 relating to vocational education. Advisory committee/councils designed to assist vocational education planning and evaluation shall be composed of public members with emphasis on persons representing business, agriculture, industry, and labor. The membership of local advisory committees/councils will fairly represent each gender and minority residing in the school district. The accreditation status of a school district failing to comply with the provisions of this subrule shall be governed by 281—subrule 46.7(10), paragraph “g.”

(1) A service area is the broad category of instruction in the following occupational cluster areas (definitions are those used in these rules):

(2) “Agricultural education programs” prepare individuals for employment in agriculture-related occupations. Such programs encompass the study of applied sciences and business management principles, as they relate to agriculture. Agricultural education focuses on, but is not limited to, study in horticulture, forestry, conservation, natural resources, agricultural products and processing, production of food and fiber, aquaculture and other agricultural products, mechanics, sales and service, economics marketing, and leadership development.

(3) “Business and office education programs” prepare individuals for employment in varied occupations involving such activities as planning, organizing, directing, and controlling all business office systems and procedures. Instruction offered includes such activities as preparing, transcribing, systematizing, preserving communications; analyzing financial records; receiving and disbursing money; gathering, processing and distributing information; and performing other business and office duties.

(4) “Health occupations education programs” prepare individuals for employment in a variety of occupations concerned with providing care in the areas of wellness, prevention of disease, diagnosis, treatment, and rehabilitation. Instruction offered encompasses varied activities in such areas as dental science, medical science, diagnostic services, treatment therapy, patient care areas, rehabilitation services, record keeping, emergency care, and health education. Many occupations in this category require licensing or credentialing to practice, or to use a specific title.

(5) “Home economics education programs” encompass two categories of instructional programs:

1. “Consumer and family science” programs may be taught to prepare individuals for a multiple role of homemaker and wage earner and may include such content areas as food and nutrition; consumer education; family living and parenthood; child development and guidance; family and individual health; housing and home management; and clothing and textiles.

2. “Home economics occupations programs” prepare individuals for paid employment in such home economics-related occupations as child care aide/assistant, food production management and services, and homemaker/home health aide.

(6) “Industrial education programs” encompass two categories of instructional programs—industrial technology and trade and industrial. Industrial technology means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impact of technology including its organizations, techniques, tools, and skills to solve practical problems and extend human capabilities in areas such as construction, manufacturing, communication, transportation, power and energy. Trade and industrial programs prepare individuals for employment in such areas as protective services, construction trades, mechanics and repairers, precision production, transportation, and graphic communications. Instruction includes regular systematic classroom activities, followed by experiential learning with the most important processes, tools, machines, management ideas, and impacts of technology.

(7) “Marketing education programs” prepare individuals for marketing occupations, including merchandising and management—those activities which make products and services readily available to consumers and business. Instruction stresses the concept that marketing is the bridge between production (including the creation of services and ideas) and consumption. These activities are performed by retailers, wholesalers, and businesses providing services in for-profit and not-for-profit business firms.
(8) “Sequential unit” applies to an integrated offering, directly related to the educational and occupational skills preparation of individuals for jobs and preparation for postsecondary education. Sequential units provide a logical framework for the instruction offered in a related occupational area and do not require prerequisites for enrollment. A unit is defined in subrule 12.5(18).

(9) “Competency” is a learned student performance statement which can be accurately repeated and measured. Instruction is based on incumbent worker-validated statements of learner results (competencies) which clearly describe what skills the students will be able to demonstrate as a result of the instruction. Competencies function as the basis for building the instructional program to be offered. Teacher evaluation of students, based upon their ability to perform the competencies, is an integral part of a competency-based system.

(10) “Minimum competency lists” contain competencies validated by statewide technical committees, composed of representatives from appropriate businesses, industries, agriculture, and organized labor. These lists contain essential competencies which lead to entry level employment and are not intended to be the only competencies learned. Districts will choose one set of competencies per service area upon which to build their program or follow the process detailed in 281—subrule 46.7(2) to develop local competencies.

(11) “Clinical experience” involves direct instructor supervision in the actual workplace, so that the learner has the opportunity to apply theory and to perfect skills taught in the classroom and laboratory.

“Field training” is an applied learning experience in a nonclassroom environment under the supervision of an instructor.

“Lab training” is experimentation, practice or simulation by students under the supervision of an instructor.

“On-the-job training” is a cooperative work experience planned and supervised by a teacher-coordinator and the supervisor in the employment setting.

(12) “Coring” is an instructional design whereby competencies common to two or more different vocational service areas are taught as one course offering. Courses shall be no longer than one unit of instruction. Course(s) may be placed wherever appropriate within the program offered. This offering may be acceptable as a unit or partial unit in more than one vocational program to meet the standard.

(13) “Articulation” is the process of mutually agreeing upon competencies and performance levels transferable between institutions and programs for advanced placement or credit in a vocational program. An articulation agreement is the written document which explains the decisions agreed upon and the process used by the institution to grant advanced placement or credit.

(14) “Multioccupational courses” combine on-the-job training in any of the occupational areas with the related classroom instruction. The instructor provides the related classroom instruction and coordinates the training with the employer at the work site. A multioccupational course may only be used to complete a sequence in more than one vocational service area if competencies from the appropriate set of minimum competencies are a part of the related instruction.

j. Vocational education/nonpublic schools (five units). A nonpublic school which provides an educational program that includes grades 9 through 12 shall offer and teach five units of occupational education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in business or office occupations, trade and industrial occupations, consumer and family sciences or home economics occupations, agricultural occupations, marketing occupations, and health occupations. By July 1, 1993, instruction shall be competency-based, articulated with postsecondary programs of study, and may include field, laboratory, or on-the-job training.

k. Personal finance literacy (one-half unit). All students shall complete at least one-half unit of personal finance literacy as a condition of graduation.

(1) The curriculum shall, at a minimum, address the following:

1. Savings, including emergency fund, purchases, and wealth-building.

2. Understanding investments, including compound and simple interest, liquidity, diversification, risk-return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.
3. Wealth-building and college planning, including long-term and short-term investing using
tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored
retirement plans and investments, public and private educational savings accounts, and uniform gifts
and transfers to minors.
4. Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt
consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt,
especially to young people.
5. Consumer awareness of the power of marketing on buying decisions including 0 percent interest
offers; marketing methods, including product positioning, advertising, brand recognition, and personal
selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop
a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act.
6. Financial responsibility and money management, including creating and living on a written
budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality
or other traits regarding money.
7. Insurance, risk management, income, and career decisions, including career choices that
fit personality styles and occupational goals, job search strategies, cover letters, résumés, interview
techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and
local governments.
8. Different types of insurance coverage including renters, homeowners, automobile, health,
disability, long-term care, identity theft, and life insurance; term life, cash value and whole life
insurance; and insurance terms such as deductible, stop-loss, elimination period, replacement coverage,
liability, and out-of-pocket.
9. Buying, selling, and renting advantages and disadvantages relating to real estate, including
adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.

(2) One-half unit of personal finance literacy may count as one-half unit of social studies in
meeting the requirements of paragraph 12.5(5) “b,” though the teacher providing personal finance
literacy coursework that counts as one-half unit of social studies need not hold a social studies
endorsement.

(3) Units of coursework that meet the requirements of any combination of coursework required
under paragraph 12.5(5) “b,” “c,” or “h” and incorporate the curriculum required under subparagraph
12.5(5) “k”(1) shall be deemed to satisfy the offer-and-teach requirements of this paragraph, and a student
who completes such units shall be deemed to have met the graduation requirement of this paragraph.

1. **Computer science (one-half unit).** Commencing with the school year beginning July 1,
2022, the one-half unit of computer science shall incorporate the standards established under rule
281—12.11(256) and may be offered online in accordance with 281—Chapter 15.

**12.5(6) Exemption from physical education course, health course, physical activity requirement, or
cardiopulmonary resuscitation course completion.** A pupil shall not be required to enroll in a physical
education course if the pupil’s parent or guardian files a written statement with the school principal that
the course conflicts with the pupil’s religious beliefs. A pupil shall not be required to enroll in a health
course if the pupil’s parent or guardian files a written statement with the school principal that the course
conflicts with the pupil’s religious beliefs. A pupil shall not be required to meet the requirements of
subrule 12.5(19) regarding physical activity if the pupil’s parent or guardian files a written statement
with the school principal that the requirement conflicts with the pupil’s religious beliefs. A pupil shall
not be required to meet the requirements of subrule 12.5(20) regarding completion of a cardiopulmonary
resuscitation course if the pupil’s parent or guardian files a written statement with the school principal
that the completion of such a course conflicts with the pupil’s religious beliefs.

**12.5(7) Career education.** Each school or school district shall incorporate school-to-career
educational programming into its comprehensive school improvement plan. Curricular and cocurricular
teaching and learning experiences regarding career education shall be provided from the prekindergarten
level through grade 12. Career education shall be incorporated into the total educational program and
shall include, but is not limited to, awareness of self in relation to others and the needs of society;
exploration of employment opportunities, at a minimum, within Iowa; experiences in personal decision
making; experiences that help students connect work values into all aspects of their lives; and the
development of employability skills. In the implementation of this subrule, the board shall comply with
Iowa Code section 280.9.

12.5(8) Multicultural and gender fair approaches to the educational program. The board shall
establish a policy to ensure that students are free from discriminatory practices in the educational
program as required by Iowa Code section 256.11. In developing or revising the policy, parents,
students, instructional and noninstructional staff, and community members shall be involved. Each
school or school district shall incorporate multicultural and gender fair goals for the educational
program into its comprehensive school improvement plan. Incorporation shall include the following:

a. Multicultural approaches to the educational program. These shall be defined as approaches
which foster knowledge of, and respect and appreciation for, the historical and contemporary
contributions of diverse cultural groups, including race, color, national origin, gender, disability,
religion, creed, and socioeconomic background. The contributions and perspectives of Asian
Americans, African Americans, Hispanic Americans, American Indians, European Americans, and
persons with disabilities shall be included in the program.

b. Gender fair approaches to the educational program. These shall be defined as approaches which
foster knowledge of, and respect and appreciation for, the historical and contemporary contributions of
women and men to society. The program shall reflect the wide variety of roles open to both women and
men and shall provide equal opportunity to both sexes.

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

12.5(10) Technology integration. Each school or school district shall incorporate into its
comprehensive school improvement plan demonstrated use of technology to meet its student learning
goals.

12.5(11) Global education. Each school or school district shall incorporate global education into its
comprehensive school improvement plan as required by Iowa Code section 256.11. Global education
shall be incorporated into all areas and levels of the educational program so students have the opportunity
to acquire a realistic perspective on world issues, problems, and the relationship between an individual’s
self-interest and the concerns of people elsewhere in the world.

12.5(12) Provisions for gifted and talented students. Each school district shall incorporate gifted
and talented programming into its comprehensive school improvement plan as required by Iowa Code
section 257.43. The comprehensive school improvement plan shall include the following gifted and
talented program provisions: valid and systematic procedures, including multiple selection criteria
for identifying gifted and talented students from the total student population; goals and performance
measures; a qualitatively differentiated program to meet the students’ cognitive and affective needs;
staffing provisions; an in-service design; a budget; and qualifications of personnel administering the
program. Each school district shall review and evaluate its gifted and talented programming. This
subrule does not apply to accredited nonpublic schools.

12.5(13) Provisions for at-risk students. Each school district shall make provision for meeting
the needs of at-risk students: valid and systematic procedures and criteria to identify at-risk students
throughout the school district’s school-age population, determination of appropriate ongoing educational
strategies for alternative options education programs as required in Iowa Code section 280.19A, and
review and evaluation of the effectiveness of provisions for at-risk students. This subrule does not
apply to accredited nonpublic schools.

Provisions for at-risk students shall align with the student learning goals and content standards
established by the school district or by school districts participating in a consortium. The comprehensive
school improvement plan shall also include objectives, activities, cooperative arrangements with other
service agencies and service groups, and strategies for parental involvement to meet the needs of at-risk
children.

12.5(14) Unit. A unit is a course which 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; 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 shall 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. However, the third and fourth years of a world language may be taught at the same time by one teacher in a single classroom situation, each yielding a unit of credit.

12.5(15) Credit. A student shall receive a credit or a partial credit upon successful completion of a course which meets one of the criteria in subrule 12.5(14). 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(16) Subject offering. Except as provided for under subrule 12.5(21), a subject shall be 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 shall be regarded as taught only when students are instructed in it in accordance with all applicable requirements outlined herein. Subjects which 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(17) Twenty-first century learning skills. Twenty-first century learning skills include civic literacy, health literacy, technology literacy, financial literacy, and employability skills. Schools and school districts shall address the curricular needs of students in kindergarten through grade twelve in these areas. In doing so, schools and school districts shall apply to all curricular areas the universal constructs of critical thinking, complex communication, creativity, collaboration, flexibility and adaptability, and productivity and accountability.

a. Civic literacy. Components of civic literacy include rights and responsibilities of citizens; principles of democracy and republicanism; purpose and function of the three branches of government; local, state, and national government; inherent, expressed, and implied powers; strategies for effective political action; how law and public policy are established; how various political systems define rights and responsibilities of the individual; the role of the United States in current world affairs.

b. Health literacy. Components of health literacy include understanding and using basic health concepts to enhance personal, family and community health; establish and monitor health goals; effectively manage health risk situations and advocate for others; demonstrate a healthy lifestyle that benefits the individual and society.

c. Technology literacy. Components of technology literacy include creative thinking; development of innovative products and processes; support of personal learning and the learning of others; gathering, evaluating, and using information; use of appropriate tools and resources; conduct of research; project management; problem solving; informed decision making.

d. Financial literacy. Components of financial literacy include developing short- and long-term financial goals; understanding needs versus wants; spending plans and positive cash flow; informed and responsible decision making; repaying debt; risk management options; saving, investing, and asset building; understanding human, cultural, and societal issues; legal and ethical behavior.

e. Employability skills. Components of employability skills include different perspectives and cross-cultural understanding; adaptability and flexibility; ambiguity and change; leadership; integrity, ethical behavior, and social responsibility; initiative and self-direction; productivity and accountability.

12.5(18) Early intervention program. Each school district receiving early intervention program funds shall make provisions to meet the needs of kindergarten through grade 3 students. The intent of the early intervention program is to reduce class size, to achieve a higher level of student success in the basic skills, and to increase teacher-parent communication and accountability. Each school district shall develop a class size management strategy by September 15, 1999, to work toward, or to maintain, class sizes in basic skills instruction for kindergarten through grade 3 that are at the state goal of 17 students
per teacher. Each school district shall incorporate into its comprehensive school improvement plan goals and activities for kindergarten through grade 3 students to achieve a higher level of success in the basic skills, especially reading. A school district shall, at a minimum, biannually inform parents of their individual child’s performance on the results of diagnostic assessments in kindergarten through grade 3. If intervention is appropriate, the school district shall inform the parents of the actions the school district intends to take to improve the child’s reading skills and provide the parents with strategies to enable the parents to improve their child’s skills.

12.5(19) Physical activity requirement. Subject to the provisions of subrule 12.5(6), physically able pupils in kindergarten through grade 5 shall engage in physical activity for a minimum of 30 minutes each school day. Subject to the provisions of subrule 12.5(6), physically able pupils in grades 6 through 12 shall engage in physical activity for a minimum of 120 minutes per week in which there are at least five days of school.

a. This requirement may be met by pupils in grades 6 through 12 by participation in the following activities including, but not limited to:
   (1) Interscholastic athletics sponsored by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union;
   (2) School-sponsored marching band, show choir, dance, drill, cheer, or similar activities;
   (3) Nonschool gymnastics, dance, team sports, individual sports; or
   (4) Similar endeavors that involve movement, manipulation, or exertion of the body.

b. When the requirement is to be met in full or in part by a pupil using one or more nonschool activities, the school or school district shall enter into a written agreement with the pupil. The agreement shall state the nature of the activity and the starting and ending dates of the activity and shall provide sufficient information about the duration of time of the activity each week. The agreement shall also be signed by the school principal or principal’s designee and by at least one parent or guardian of the pupil if the pupil is a minor. The pupil shall sign the agreement, regardless of the age of the pupil. The agreement shall be effective for no longer than one school year. There is no limit to the number of agreements that a school or school district may have with any one pupil during the enrollment of the pupil.

c. In no event may a school or school district reduce the regular instructional time, as defined by “unit” in subrule 12.5(14), 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.

d. 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(20) Cardiopulmonary resuscitation course completion requirement. Subject to the provisions of subrule 12.5(6), at any time prior to the end of twelfth grade, every pupil physically able to do so shall have completed a psychomotor course that leads to certification in cardiopulmonary resuscitation. A school or school district administrator may waive this requirement for any pupil who is not physically able to complete the course. A course that leads to certification in CPR may be taught during the school day by either a school or school district employee or by a volunteer, as long as the person is certified to teach a course that leads to certification in CPR. In addition, a school or school district shall accept certification from any nationally recognized course in cardiopulmonary resuscitation as evidence that this requirement has been met by a pupil. A school or school district shall not accept auditing of a CPR course, nor a course in infant CPR only. This subrule is effective for the graduating class of 2011-2012.

12.5(21) Contracted courses used to meet school or school district requirements. A school or school district may use contracted community college courses meeting the requirements of rule 281—22.8(261E) under the following conditions.

a. A course or courses used to meet the sequential unit requirement for career and technical education under paragraph 12.5(5)“i.” One or more courses in only one of the six career and technical education service areas specified in paragraph 12.5(5)“i” may be eligible for supplementary weighting under the provisions of 281—subrule 97.2(5).
b. A course or courses comprising up to a unit of science or mathematics in accordance with paragraph 12.5(5) “c” or “d.” Such courses may be eligible for supplementary weighting under the provisions of 281—subrule 97.2(5).

c. Courses offered pursuant to paragraph 12.5(21) “a” or “b” shall be deemed to have met the requirement that the school district offer and teach such a unit under the educational standards of this rule.

d. An accredited nonpublic school may use contracted community college courses to meet offer-and-teach requirements for career and technical education and math or science established under subrule 12.5(5). Such courses may be eligible for funding under rule 281—97.8(261E).

12.5(22) Additional provisions related to the high school program.

a. Legislative page program. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall each establish a policy to award credit toward graduation to a student if the student participates in the legislative page program at the state capitol for a regular session of the general assembly. The student shall be excused from the physical education requirements of paragraph 12.5(5) “f” and is exempt from the physical activity requirements of subrule 12.5(19), while participating in the legislative page program. The student must complete the graduation requirements of subrule 12.3(5) and the introductory paragraph of subrule 12.5(5), but participation in the legislative page program for a complete regular session of the general assembly shall count as one-half unit of social studies credit required for purposes of the introductory paragraph of subrule 12.5(5).

b. Junior reserve officers’ training corps. A student who is enrolled in a junior reserve officers’ training corps shall not be required to participate in physical education activities under paragraph 12.5(5) “f,” or to meet the physical activity requirements of subrule 12.5(19), but shall receive one-eighth unit of physical education credit for each semester, or the equivalent, of junior reserve officers’ training corps the student completes.

[ARC 7783B, IAB 5/20/09, effective 6/24/09; ARC 8016C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter); ARC 8525C, IAB 12/12/12, effective 1/16/13; ARC 1116C, IAB 10/16/13, effective 11/20/13; ARC 1663C, IAB 10/15/14, effective 11/19/14; ARC 4527C, IAB 7/3/19, effective 8/7/19; ARC 4808C, IAB 12/18/19, effective 1/22/20; ARC 5325C, IAB 12/16/20, effective 1/20/21; ARC 6291C, IAB 4/20/22, effective 5/25/22]

DIVISION VI
ACTIVITY PROGRAM

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

12.6(1) General guidelines. Each board shall sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate. The program shall be supervised by qualified professional staff and shall be 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 seven through twelve, qualified personnel and adequate facilities, equipment, and supplies shall be provided. Middle school grades below grade seven may also participate.

DIVISION VII
STAFF DEVELOPMENT

281—12.7(256,284,284A) Professional development. The following standards shall apply to staff development for accredited schools and school districts.

12.7(1) Provisions for school district professional development.

a. Provisions for district professional development plans. Each school district shall incorporate into its comprehensive school improvement plan provisions for the professional development of all staff;
including the district professional development plan required in 281—paragraph 83.6(2)“a.” To meet
the professional needs of all staff, professional development activities shall align with district goals; shall
be based on student and staff information; shall prepare all employees to work effectively with diverse
learners and to implement multicultural, gender fair approaches to the educational program; and shall
adhere to the professional development standards in 281—paragraph 83.6(2)“b” to realize increased
student achievement, learning, and performance as set forth in the comprehensive school improvement
plan.

b. Provisions for attendance center professional development plans. Each school district shall
ensure that every attendance center has an attendance center professional development plan that
addresses, at a minimum, the needs of the teachers in that center; the Iowa teaching standards; the
district professional development plan; and the student achievement goals of the attendance center and
the school district as set forth in the comprehensive school improvement plan.

c. Provisions for individual teacher professional development plans. Each school district shall
ensure that every teacher as defined in rule 281—83.2(284,284A) has an individual teacher professional
development plan that meets the expectations in 281—subrule 83.6(1).

d. Budget for staff development. The board shall annually budget specified funds to implement
the plan required in paragraph 12.7(1)“a.”

12.7(2) Provisions for accredited nonpublic school professional development.

a. Each accredited nonpublic school shall incorporate into its comprehensive school improvement
plan provisions for the professional development of staff. To meet the professional needs of
instructional staff, professional development activities shall align with school achievement goals and
shall be based on student achievement needs and staff professional development needs. The plan shall
deliver research-based instructional practices to realize increased student achievement, learning, and
performance as set forth in the comprehensive school improvement plan.

b. Budget for staff development. The board shall annually budget specified funds to implement
the plan required in paragraph 12.7(2)“a.”

DIVISION VIII
ACCOUNTABILITY

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

12.8(1) Comprehensive school improvement. The general accreditation standards are minimum,
uniform requirements. However, the department encourages schools and school districts to go
beyond the minimum with their work toward ongoing improvement. As a means to this end, local
comprehensive school improvement plans shall be specific to a school or school district and designed,
at a minimum, to increase the learning, achievement, and performance of all students.

As a part of ongoing improvement in its educational system, the board shall adopt a written
comprehensive school improvement plan designed for continuous school, parental, and community
involvement in the development and monitoring of a plan that is aligned with school or school district
determined needs. The plan shall incorporate, to the extent possible, the consolidation of federal and
state planning, goal setting, and reporting requirements. The plan shall contain, but is not limited to,
the following components:

a. Community involvement.

(1) Local community. The school or school district shall involve the local community in
decision-making processes as appropriate. The school or school district shall 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 requirements of Iowa Code section 280.12(2) as amended by 2007 Iowa Acts, Senate File 61, section 1, the board shall 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 shall 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 shall 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 achievement; and
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 shall adopt a policy for conducting ongoing and long-range needs assessment processes. This policy shall 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 shall 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 within the comprehensive school improvement plan as required by Iowa Code section 280.12, and the methods a school district will use to inform kindergarten through grade 3 parents of their individual child’s performance biannually as described in 1999 Iowa Acts, House File 743. The policy shall describe how the school or school district shall provide opportunities for local community feedback on an ongoing basis.

(2) Long-range data collection and analysis. The long-range needs assessment process shall include provisions for collecting, analyzing, and reporting information derived from local, state, and national sources. The process shall 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 shall also collect information about additional factors influencing student achievement which 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, shall 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 shall 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, shall adopt annual improvement goals based on data from at least one districtwide assessment. The goals shall 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 shall adopt a policy outlining its procedures for developing, implementing, and evaluating its total curriculum. The policy shall 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 shall 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 shall be the core content standards from Iowa’s approved standards and assessment system under the applicable provisions of the federal Elementary and Secondary Education Act. Standards and benchmarks may be adopted for other curriculum areas defined in 281—Chapter 12, Division V. The comprehensive school improvement plan submitted to the department shall contain, at a minimum, the core content standards for reading, mathematics, and science. The educational program as defined in 281—Chapter 12, Division II, shall incorporate career education, multicultural and gender fair education, technology integration, global education, higher-order thinking skills, learning skills, and communication skills as outlined in subrules 12.5(7), 12.5(8), 12.5(10), and 12.5(11), and subparagraph 12.8(1)”c”(1).

   d. Determination and implementation of actions to meet the needs. The comprehensive school improvement plan shall include actions the school or school district shall take districtwide in order to accomplish its long-range and annual improvement goals as required in Iowa Code section 280.12(1)”b.”

   (1) Actions shall include, but are not limited to, 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 shall document consolidation of state and federal resources and requirements, as appropriate, to implement the actions in its comprehensive school improvement plan. State and federal resources shall be used, as applicable, to support implementation of the plan.

   (3) A school or school district may have building-level action plans, aligned with its comprehensive school improvement plan. These may be included in the comprehensive school improvement plan or kept on file at the local level.

   e. Evaluation of the comprehensive school improvement plan. A school or school district shall develop strategies to collect data and information to determine if the plan has accomplished the goals for which it was established.

   f. Assessment of student progress. Each school or school district shall include in its comprehensive school improvement plan provisions for districtwide assessment of student progress for all students. The plan shall 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) shall 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 shall assess student progress on the state indicators in, but not limited to, reading, mathematics, and science as specified in subrule 12.8(3). At least one districtwide assessment shall allow for, but not be limited to, 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 shall 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 (2).

   g. Assurances and support. A school or school district shall provide evidence that its board has approved and supports the five-year comprehensive school improvement plan and any future revisions of that plan. 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 shall be 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 requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95; the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; and any other applicable state or federal law.

(2) For the school year beginning July 1, 2018, and each succeeding school year, the statewide summative assessment referred in this paragraph shall meet all of the following requirements:

1. All students enrolled in school districts in grades 3 through 11 shall 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 shall be administered an assessment in science during the last quarter of the school year.

2. The assessment, at a minimum, shall 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 requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95.

3. The assessment shall 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.

4. The assessment shall 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 requirements 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 shall make any necessary adjustments as determined by the peer review to meet the requirements of this paragraph.

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

12.8(2) Submission of a comprehensive school improvement plan. A school or school district shall submit to the department and respective area education agency a multiyear comprehensive school improvement plan on or before September 15, 2000. Beginning July 1, 2001, a school or school district shall submit a revised five-year comprehensive school improvement plan by September 15 of the school year following the comprehensive site visit specified in Iowa Code section 256.11 which incorporates, when appropriate, areas of improvement noted to subrule 12.8(4). A school or school district may, at any time, file a revised comprehensive school improvement plan with the department and respective area education agency.

12.8(3) Annual reporting requirements. A school or school district shall, 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 shall 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 shall submit an annual progress report to the local community, its respective area education agency, and the department. That report shall be submitted to the department by September 15, 2000, and by September 15 every year thereafter. The report shall include, but not be limited to, 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 shall compare the annual data collected with the baseline data. A school or school district is not required 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 shall 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 requirement.

(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 and mathematics by September 15, 2001, and for science by September 15, 2003.

(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) Progress with the use of technology as required by Iowa Code section 295.3. This requirement does not apply to accredited nonpublic schools.

(8) 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 shall report to the department the progress toward achieving their early intervention goals.

(9) 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(4) Accreditation, monitoring, and enforcement. The state board shall establish, and the department shall use, for the school year commencing July 1, 2021, and each succeeding school year, an accreditation, monitoring, and enforcement process for school districts and nonpublic schools seeking accreditation pursuant to this chapter. The process established shall include all of the following requirements.

a. Phase I monitoring.

(1) Phase I monitoring shall consist of annual monitoring by the department of all accredited schools and school districts for compliance with state and federal school laws, regulations, and rules adopted by the state board under Iowa Code chapter 17A, including but not limited to the following:

1. Accreditation standards adopted by the state board as provided in this chapter.
2. Fiscal compliance.
5. All other requirements of this chapter applicable to accredited schools and school districts.
   (2) Phase I monitoring may include but shall not be limited to the following:
   1. One or more desk audits requiring submission of information to the department in a manner and on forms prescribed by the department.
   2. One or more remote or on-site visits to schools or school districts to address accreditation issues identified in a desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other subject-matter professionals.
   3. A review of district finances by department staff or a neutral third party.
   4. A review of local school board policies and procedures by department staff or a neutral third party.
   (3) The department shall provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district. The purpose of the phase I process is to bring schools and school districts into minimum compliance with federal and state laws, regulations, and rules, and no citation or corrective action may be designed to require more than minimum compliance.
   (4) The department shall provide a written report annually to the state board of any monitoring review resulting in multiple or substantial findings of noncompliance or noncompliance findings that remain uncorrected for more than 30 days past the deadline set by the department for correction.
   (5) The department shall eliminate duplicative reporting on the part of schools and school districts for phase I monitoring, and is prohibited from collecting information not specifically permitted by federal or state law, regulation, or rule.
   (6) Enforcement actions under phase I monitoring are limited to actions permitted pursuant to subparagraphs 12.8(4)“c”(2) and 12.8(4)“c”(3). Violations of federal legal requirements shall follow the procedures and limitations of the governing federal statute and regulations.
   b. Phase II monitoring:
      (1) Phase II monitoring shall take place when any of the following conditions are present:
         1. When either the annual monitoring or the biennial on-site visit of phase I indicates that an accredited school or school district is deficient and fails to be in compliance with accreditation standards.
         2. In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by eligible electors residing in the school district equal in number to at least 20 percent of the registered voters of the school district.
         3. In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by 20 percent or more of the parents or guardians who have children enrolled in the school or school district.
         4. At the direction of the state board.
         5. When the school budget review committee submits to the department a recommendation for a fiscal review pursuant to Iowa Code section 257.31(18).
      (2) Phase II monitoring shall consist of a full desk audit of all monitoring requirements and an on-site visit to the school or school district for the purpose of determining the extent of noncompliance; the reason for lack of correction, if applicable; and a recommendation for corrective action to the director and the state board.
      (3) Phase II monitoring requires the use of an accreditation committee appointed by the director. The accreditation committee shall be made up primarily of department staff but may request the assistance of third-party specialists at the discretion of the director. An accreditation committee visit to a nonpublic school requires membership on the committee from nonpublic school instructional or administrative staff or board members. A member of a committee shall not have a direct interest in the school district or nonpublic school being visited.
(4) After visiting the school district or nonpublic school, the accreditation committee shall, within 30 days, determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation on what enforcement actions, if any, should be recommended to the state board.
   c. Enforcement.
   (1) The department shall enforce the laws, regulations, and rules applicable to school districts and nonpublic schools consistent with the process outlined in this subrule. The department shall coordinate its enforcement of Iowa Code chapter 216 with the Iowa state civil rights commission to reduce duplication of efforts.
   (2) If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965; the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended; the federal Civil Rights Act of 1964; or Iowa Code chapter 216; or Iowa Code section 279.73 or 279.74, the director shall recommend, and the state board may do, one of the following within 30 days of the finding of noncompliance:
      1. Impose conditions on funding provided to a school district, including directing the use of school district funds and designating the school district a high-risk grantee under 2 CFR §200.207.
      2. Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for a period of 60 calendar days, after which it is subject to approval of the state board every 60 calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.
   (3) The director may use any of the following permitted enforcement mechanisms and shall exercise discretion to ensure that enforcement actions are proportionate to school district or nonpublic school noncompliance:
      1. Advise the school district or nonpublic school on the availability of appropriate technical assistance.
      2. Require the school district or nonpublic school to complete a corrective action plan or plan for improvement by a reasonable deadline.
      3. Recommend a phase II visit to the school district or nonpublic school to the state board.
      4. Refer conduct of school district or nonpublic school staff or school board members, or school authorities, to the office of the attorney general for investigation.
      5. Refer financial concerns to the auditor of state for investigation.
      6. Recommend removal of accreditation of the school district or school to the state board.
      7. Take any other enforcement mechanism available to the director.
   (4) The department shall focus enforcement activities on all of the following:
      1. Improving educational results for children, families, and students.
      2. Ensuring that public agencies and their governing boards meet requirements of state and federal laws.

12.8(5) Loss of accreditation.
   a. If the recommendation pursuant to subrule 12.8(4) is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee’s report. The director shall review the accreditation committee’s report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation committee’s report, the response to the accreditation committee’s report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The
state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.

b. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.

c. The accreditation team shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.

d. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

e. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to deaccredit the school district or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

f. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may deaccredit the nonpublic school. The deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is deaccredited.

[ARC 2312C, IAB 12/9/15, effective 1/13/16; see Delay note at end of chapter; ARC 3980C, IAB 8/29/18, effective 10/3/18; ARC 4527C, IAB 7/3/19, effective 8/7/19; ARC 6291C, IAB 4/20/22, effective 5/25/22]

DIVISION IX
FLEXIBLE STUDENT AND SCHOOL SUPPORT PROGRAM PROCESS

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

12.9(1) General. The state board shall establish a flexible student and school support program to be administered by the director. Under the program, upon request of the board of directors of a public school district or the authorities in charge of an accredited nonpublic school, the director may, for a period not to exceed three years, grant the applicable board of directors or the authority in charge of the nonpublic school the ability to use the flexible student and school support program to implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success.

12.9(2) Exemptions available. Approval to participate in the flexible student and school support program shall exempt the school district or nonpublic school from one or more of the requirements of the educational program specified in subrule 12.5(3), 12.5(4), 12.5(5), 12.5(12), 12.5(13), 12.5(19), or 12.5(20), or the minimum school calendar requirements in subrule 12.1(7). An exemption shall be granted only if the director deems that the request made is an essential part of an educational program to support student learning, well-being, and postsecondary success; is necessary for the success of the program; and is broadly consistent with the intent of the requirements of the educational program specified in subrule 12.5(3), 12.5(4), 12.5(5), 12.5(12), 12.5(13), 12.5(19), or 12.5(20), or the minimum school calendar requirements in subrule 12.1(7).

12.9(3) Use of funds. Approval to participate in the flexible student and school support program shall include authority for a school district to use funds from the school district’s flexibility account under Iowa Code section 298A.2(2) to implement all or part of the flexible student and school support program.
12.9(4) Application. The application for the flexible student and school support program shall include all of the following and be submitted on forms and in a format prescribed by the department:
   a. A description of the proposed educational program, including evidence used to design the program and evidence of involvement of board members, parents, students, community members, and staff in development of the program.
   b. Program goals and measures of program effectiveness and success, including student success and performance.
   c. A plan for program administration, including the use of personnel, facilities, and funding.
   d. A plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions, if necessary.
   e. The estimated financial impact of the program on the school district or nonpublic school.

12.9(5) Exemptions not available. Approval to participate in the program does not exempt the school district or nonpublic school from federal law or any other requirements of state law that are not specifically exempted by the director.

12.9(6) Annual report to the department. Each school district or nonpublic school approved to participate in the flexible student and school support program shall file an annual report with the department on the status of the program on forms and in a format prescribed by the department.

12.9(7) Renewal. 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.

[ARC 6291C; IAB 4/20/22, effective 5/25/22]

DIVISION X
INDEPENDENT ACCREDITING AGENCIES

281—12.10(256) Independent accrediting agencies. Notwithstanding subsections 1 through 12 of Iowa Code section 256.11 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. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to this rule shall be deemed to meet the education standards of Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, 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 as amended by 2013 Iowa Acts, House File 215, section 89, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(2) Compliance required by accrediting agency. Agencies approved under subrule 12.10(3) shall abide by all state and federal laws and regulations and shall enforce those laws and regulations on the schools they accredit. Notwithstanding Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(3) List maintained by state board. The state board shall 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 shall include accrediting agencies that, as of January 1, 2013, accredited a nonpublic school in this state that was concurrently accredited under this rule and shall 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),
AdvancEd, the National Lutheran Schools Association (NLSA), and the Association of Christian
Schools International (ASCI).

12.10(4) 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(3), 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 as amended by 2013 Iowa Acts, House File 215, section
89.

12.10(5) 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 shall, 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 shall give notice to the independent accrediting
agency, along with an opportunity to respond. The notice shall also be posted on the department’s Internet
site and shall 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 shall attain accreditation under this
rule or otherwise attain accreditation in a manner provided by this chapter or Iowa Code section 256.11
as amended by 2013 Iowa Acts, House File 215, section 89, 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(6) Rule of construction: “at least six.” The obligation to maintain a list of at least six agencies
in subrule 12.10(1) shall 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(7) Adoption by the department of standard procedures. The department shall 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(3).

[ARC 1118C, IAB 10/16/13, effective 11/20/13; ARC 5333C, IAB 12/16/20, effective 1/20/21]

DIVISION XI
HIGH-QUALITY STANDARDS FOR COMPUTER SCIENCE

281—12.11(256) High-quality standards for computer science. It is the goal of the state board of education that every school district and every accredited nonpublic school shall offer instruction in high-quality computer science for elementary, middle school, and high school students by July 1, 2019.

12.11(1) Alignment with learning framework or standards developed by a nationally recognized computer science education organization or organizations. Beginning with the school year which begins July 1, 2018, and each school year thereafter, instruction in high-quality computer science shall reflect an alignment with a framework or learning standards developed by a nationally recognized computer science education organization or organizations. The department shall make available to school districts and accredited nonpublic schools such a framework or learning standards.

12.11(2) Professional development incentive fund. 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 shall not revert but shall 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.

a. 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.

b. 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 272.2(20).

12.11(3) Applicability of rules. Until July 1, 2021, subrule 12.11(1) shall only apply to school districts and accredited nonpublic schools receiving moneys from the computer science professional development incentive fund established in Iowa Code section 284.6A and described in subrule 12.11(2).

12.11(4) Computer science plan. The board of directors of each public school district and the authorities in charge of each nonpublic school shall develop and implement a kindergarten through grade 12 computer science plan by July 1, 2022, which incorporates the standards established under subrule 12.11(1), and the minimum educational standards relating to computer science contained in subrules 12.5(3) and 12.5(4) and paragraph 12.5(5) "l."

[ARC 3765C, IAB 4/25/18, effective 5/30/18; ARC 5325C, IAB 12/16/20, effective 1/20/21]

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

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0 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.
CHAPTER 77
STANDARDS FOR TEACHER INTERN PREPARATION PROGRAMS

281—77.1(256) General statement. Programs of teacher intern preparation leading to licensure in Iowa are subject to approval by the state board of education, as provided in Iowa Code chapter 256.

281—77.2(256) Definitions. For purposes of clarity, the following definitions are used throughout the chapter:

“AEP” means area education agency.

“BOEE” means the board of educational examiners, the board responsible for establishing licensure requirements and issuing licenses.

“Clinical experiences” means a candidate’s direct experiences in PK-12 schools. “Clinical experiences” includes field experiences and internships.

“Cooperating teachers” means classroom teachers who provide guidance and supervision to teacher candidates during the candidates’ field experiences in the schools.

“Department” means the department of education.

“Director” means the director of education.

“Diverse groups” means one or more groups of individuals possessing certain traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

“Educator preparation program” is a synonym for practitioner preparation program.

“ELPS” means Educational Leadership Policy Standards, the national standards for educational administration.

“Institution” means a four-year college or university in Iowa offering teacher intern preparation and seeking state board approval of its teacher intern preparation program.

“InTASC” means Interstate Teacher Assessment and Support Consortium, the source of national standards for teachers.

“Intern” means an individual who is enrolled in a teacher intern preparation program and is currently employed as an intern by an Iowa school district.

“Iowa teaching standards” represents a set of knowledge and skills that reflects the best evidence available regarding effective teaching as listed in rule 281—83.4(284). The standards shall serve as the basis for comprehensive evaluations of teachers and as a basis for professional development plans.

“Mentor” means an individual, employed by a school district or area education agency as a classroom teacher, or a retired teacher, who holds a valid license issued under Iowa Code chapter 272. The individual must have a record of four years of successful teaching practice with at least two of the four years on a nonprobationary basis and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers or teacher interns.

“Practitioner” means a teacher, administrator, or other school personnel holding a license issued by the board of educational examiners.

“Program” means the program for teacher intern preparation at colleges and universities leading to licensure of teacher interns.

“School district” means a school corporation as defined in Iowa Code chapter 290. A school district is also referred to as a “local education agency” or “LEA.”

“State board” means the state board of education.

“Teacher intern candidate” means an individual who is enrolled in a teacher intern preparation program leading to teacher intern licensure and who has not yet begun employment as an intern.

“Teacher intern preparation program” means the program for teacher intern preparation at colleges and universities leading to licensure of teacher interns.

“Unit” means the organizational entity within an institution with the responsibility of administering the teacher intern preparation program.

[ARC 2606C, IAB 7/6/16, effective 8/10/16]
281—77.3(256) Institutions affected. All Iowa colleges and universities engaged in the preparation of teacher interns and seeking state board approval of their programs shall meet the standards contained in this chapter.

281—77.4(256) Criteria for Iowa teacher intern preparation programs. Each institution seeking approval of its teacher intern preparation program shall file evidence of the extent to which the program meets the standards contained in this chapter by means of a written self-evaluation report and an evaluation conducted by the department. No waiver of the criteria or standards in this chapter shall be permitted. After the state board has approved the teacher intern preparation program filed by an institution, teacher intern candidates who complete the program and are recommended by the authorized official of that institution will be issued the appropriate license and endorsement(s).

[ARC 2606C, IAB 7/6/16, effective 8/10/16]

281—77.5(256) Approval of programs. For initial approval of a program, institutions shall submit written documentation of the teacher intern preparation program’s compliance with the standards in rules 281—77.8(256) through 281—77.11(256). The evaluation process shall include a site visit by representatives of the department and additional documentation as needed. Approval by the state board of the institutions’ teacher intern preparation programs shall be based on the recommendation of the director after study of the factual and evaluative evidence on record about each program in terms of the standards contained in this chapter. Approval, if granted, shall cover the period of time between initial approval and the institution’s next regularly scheduled state review under rules 281—79.5(256) and 281—79.6(256). After the initial approval period, approval of the teacher intern preparation program will be included as part of the institution’s reapplication for approval of its entire practitioner preparation program. Approval, if granted to institutions offering only teacher intern preparation programs, shall be for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

If approval is not granted, the applying institutions will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the institutions shall be given the opportunity to present factual information concerning their program at a regularly scheduled meeting of the state board, not beyond three months of the board’s initial decision. Following a minimum of six months after the board’s decision to deny approval, the institution may reapply when it is ready to show what actions have been taken to address the areas required for improvement.

A program may be granted conditional approval upon review of appropriate documentation. In such an instance, the program shall receive a full review after one year or, in the case of a new program, at the point at which candidates demonstrate mastery of standards for licensure.

[ARC 2606C, IAB 7/6/16, effective 8/10/16]

281—77.6(256) Periodic reports. Institutions with approved teacher intern preparation programs shall make periodic reports upon request of the department. The reports shall provide basic information necessary to keep up-to-date records of each teacher intern preparation program and to carry out research studies relating to teacher intern preparation.

281—77.7(256) Approval of program changes. Upon application for approval of program changes by an institution, the director is authorized to approve minor additions to, or changes within, the curricula of an institution’s approved teacher intern preparation program. When an institution proposes a revision that exceeds the primary scope of its programs, the revision shall become operative only after having been approved by the state board.

TEACHER INTERN PREPARATION PROGRAM STANDARDS

281—77.8(256) Governance and resources standard. Governance and resources adequately support the preparation of teacher intern candidates to meet professional, state and institutional standards. As a
component of the program, the institution shall work collaboratively with the local school district(s) or AEA.

77.8(1) The institution shall have a clearly understood governance structure that serves as a basis to provide guidance and support for the teacher intern preparation program.

77.8(2) The institution's responsibilities shall include but not be limited to:
   a. Establishing a teacher intern leadership team that will provide oversight of the program;
   b. Providing appropriate resources to ensure a quality program; and
   c. Submitting a recommendation by the authorized official of the program to the BOEE for a teacher intern license after the teacher intern candidate’s completion of the coursework and competencies as outlined in the program of study in subrule 77.10(3).

77.8(3) The leadership team’s responsibilities include:
   a. Establishing the conceptual framework to provide the foundation for all components of the program;
   b. Screening and selecting teacher intern candidates;
   c. Establishing an advisory team to provide guidance to the teacher intern preparation program annually for program evaluation and continuous improvement. The advisory team shall include institutional personnel, including program faculty, and representatives from LEA 5-12 grade level teachers and administrators; and
   d. Using program evaluation and continuous improvement to review and monitor the program goals, the program of study, the support system, and the assessment system.

77.8(4) The teacher intern preparation program and LEAs will work collaboratively to provide opportunities for teacher intern candidates to observe and be observed by others and to engage in discussion and reflection on clinical practice.

77.8(5) The LEA will provide the following:
   a. An offer of employment to a teacher intern candidate in the program in one of the endorsements identified on the department’s website at www.educateiowa.gov/pk-12/educator-quality/practitioner-preparation;
   b. A mentoring and induction program with a district-assigned mentor; and
   c. An assurance that the LEA will not overload the intern with extracurricular duties.

77.8(6) The institution provides resources and support necessary for the delivery of a quality teacher intern preparation program. The resources and support include the following:
   a. Financial resources; facilities; and appropriate educational materials, equipment and library services;
   b. Commitment to a work climate, policies, and faculty/staff assignments that promote/support best practices in teaching, scholarship and service;
   c. Equitable resources and access for all program components regardless of delivery model or location;
   d. Professional development opportunities for all faculty members;
   e. Technological support for instructional needs to enhance candidate learning with instructional technology integrated into classroom experiences;
   f. Quality clinical experiences and evaluations for all educator candidates;
   g. Recruiting and supporting faculty; and
   h. Sufficient faculty and administrative, clerical, and technical staff.

77.8(7) The program has a clearly articulated process regarding candidate and intern performance, aligned with the institutional policy, for decisions impacting progress through the program. Program and school district policies for removal and replacement of interns from their internship assignment are clearly communicated to all candidates, school administrators and faculty.

[ARC 2606C, IAB 7/6/16, effective 8/10/16; ARC 6293C, IAB 4/20/22, effective 5/25/22]

281—77.9(256) Faculty standard. Faculty qualifications and performance shall facilitate the professional development of teacher intern candidates in accordance with the following provisions.
77.9(1) The program defines the roles and requirements for faculty members by position. The program describes how roles and requirements are determined.

77.9(2) Faculty members shall have preparation and have had experiences in situations similar to those for which the teacher intern candidates are being prepared.

77.9(3) The program holds faculty members accountable for teaching prowess. This accountability includes evaluation and indicators for continuous improvement.

77.9(4) The program holds faculty members accountable for professional growth to meet the academic needs of the program.

77.9(5) Faculty members shall maintain an ongoing, meaningful involvement in activities in schools at the secondary grade level. Activities of faculty members shall include at least 40 hours of team teaching during a period not to exceed five years in duration at the middle school, junior high school or high school level.

77.9(6) Faculty members collaborate with colleagues in the intern program and colleagues in secondary settings.

77.9(7) All faculty members demonstrate an understanding of the depth, breadth and best practices of the program.

[ARC 2606C; IAB 7/6/16, effective 8/10/16]

281—77.10(256) Program of study standard. A program’s required coursework shall include a minimum of 28 semester hours or equivalent designed to ensure that teacher intern candidates develop the dispositions, knowledge, and performance expectations of the InTASC standards embedded at a level appropriate for a beginning teacher.

77.10(1) Teacher intern candidates shall develop the dispositions, knowledge, and performance expectations of the Iowa teaching standards (aligned with InTASC standards), and the BOEE’s Code of Professional Conduct and Ethics at a level appropriate for a beginning teacher.

77.10(2) All components of the program of study must be initiated and completed after the candidate has completed a baccalaureate degree.

77.10(3) Coursework and competencies to be completed prior to the beginning of the candidate’s initial employment as an intern include, but are not limited to:

a. Understands how learners grow and develop and implements developmentally appropriate and challenging learning experiences. This aligns with InTASC standard 1.

b. Demonstrates competence in content knowledge appropriate to the teaching position. This aligns with Iowa teaching standard 2 (281—subrule 83.4(2)) and with InTASC standards 4 and 5.

c. Demonstrates competence in classroom management. This aligns with Iowa teaching standard 6 (281—subrule 83.4(6)) and with InTASC standard 3.

d. Demonstrates competence in planning and preparing for instruction. This aligns with Iowa teaching standard 3 (281—subrule 83.4(3)) and with InTASC standard 7.

e. Uses a variety of methods to monitor student learning. This aligns with Iowa teaching standard 5 (281—subrule 83.4(5)) and InTASC standard 6.

77.10(4) Additional coursework and competencies to be completed prior to the recommendation for an initial teaching license shall include but not be limited to:

a. Uses strategies to deliver instruction that meets the multiple learning needs of students. This aligns with Iowa teaching standard 4 (281—subrule 83.4(4)) and with InTASC standards 2 and 8.

b. Engages in professional growth. This aligns with Iowa teaching standard 7 (281—subrule 83.4(7)) and with InTASC standard 9.

c. Contributes to efforts to achieve district and building goals. This aligns with Iowa teaching standard 8 (281—subrule 83.4(8)) and with InTASC standard 10.

d. Demonstrates ability to enhance academic performance and support for implementation of the school district student achievement goals. This aligns with Iowa teaching standard 1 (281—subrule 83.4(1)).
77.10(5) Each teacher intern candidate demonstrates knowledge about literacy and receives preparation in literacy. Each candidate also develops and demonstrates the ability to integrate reading strategies into content area coursework.

77.10(6) Each teacher intern candidate effectively demonstrates the ability to integrate technology into instruction to support student learning.

77.10(7) Each teacher intern candidate receives dedicated coursework related to the study of human relations, cultural competency, and diverse learners, such that the candidate is prepared to work with students from diverse groups, as defined in rule 281—77.2(256). The unit shall provide evidence that teacher intern candidates develop the ability to meet the needs of all learners, including:
   a. Students from diverse ethnic, racial and socioeconomic backgrounds;
   b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement;
   c. Students who are gifted and talented;
   d. English language learners; and
   e. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse.

77.10(8) Each teacher intern candidate demonstrates knowledge and application of the Iowa core to the teaching and learning process.

77.10(9) Each teacher intern candidate will be engaged in field experiences that include opportunities for both observation of exemplary instruction and involvement in co-planning and co-teaching. Each teacher intern candidate will complete at least 50 hours of field experience prior to the candidate’s initial employment as an intern. The institution enters into a written contract with the cooperating school or district providing preinternship field experiences.

77.10(10) The teacher intern preparation program will provide a teacher intern seminar during the teacher internship year to:
   a. Support and extend coursework from the teacher intern content; and
   b. Facilitate teacher intern reflection.

77.10(11) Programs shall submit curriculum exhibit sheets for approval by the BOEE and the department.

77.10(12) In accordance with 281—Chapter 83, all interns shall be provided with a district-level mentor in addition to the program supervisor. The purpose of this district-level mentor is to provide coaching feedback dependent on the intern’s classroom experience. This district-level mentor shall not serve in an evaluative role. The district-level mentor shall complete specialized training for serving as a mentor as required in rule 281—83.3(284). The program shall coordinate support between the teacher intern candidate’s local district mentor and program supervisor.

77.10(13) The program shall provide an orientation for teacher intern candidates. The orientation will include, but not be limited to:
   a. Program goals and expectations;
   b. Licensure and ethics requirements;
   c. Support provided by the program; and
   d. Support provided by the LEA or AEA.

77.10(14) Teacher intern faculty shall provide teacher intern candidates with academic advising, feedback about their performance throughout the program, and consultation opportunities.

77.10(15) Teacher intern faculty shall provide regular supervision in teacher intern candidates’ classrooms with additional supervision and assistance provided as needed.

[ARC 2690C, IAB 7/6/16, effective 8/10/16; ARC 6293C, IAB 4/20/22, effective 5/25/22]
281—77.11(256) Assessment standard. The teacher intern preparation program shall utilize a clearly defined assessment system based on program standards and include both individual candidate assessment and comprehensive program assessment.

77.11(1) The teacher intern assessment system shall be used by the teacher intern preparation program to appropriately monitor individual candidate performance and to evaluate and improve the intern program.

77.11(2) Candidate assessment includes clear criteria for the following:

a. Acceptance into the program (to include testing described in Iowa Code section 256.16). Acceptance requirements include but are not limited to:
   (1) Completion of a baccalaureate degree from a regionally accredited institution, meeting program-established required grade point criteria for the baccalaureate degree and content area;
   (2) Completion of coursework that meets the state minimum requirements for at least one of the BOEE’s secondary endorsement areas, unless the endorsement area requirements are embedded in the teacher intern professional core; and
   (3) Screening designed to generate information about the prospective candidate’s attributes identified as essential for candidates in the program.

b. Continuation in the program with clearly defined checkpoints/gates, to include:
   (1) For formal admission, a requirement that candidates have successfully passed a preprofessional skills test at the level approved by the program before beginning an internship; and
   (2) Verification of an offer of employment as an intern from a school or district administrator.

c. Program completion and subsequent recommendation by the authorized official of the program for an initial teaching license, to include:
   (1) The requirement that each teacher candidate must either meet or exceed a score on subject assessments designed by a nationally recognized testing service that measures pedagogy and knowledge of at least one subject area as approved by the director, or the teacher candidate must meet or exceed the equivalent of a score on an alternate assessment also approved by the director. That alternate assessment must be a valid and reliable subject-area-specific, performance-based assessment for preservice teacher candidates that is centered on student learning. The required passing score will be determined by the director using considerations described in Iowa Code section 256.16(1) “a”(2) as amended by 2019 Iowa Acts, Senate File 159, section 2. A candidate who successfully completes the practitioner preparation program as required under this subparagraph shall be deemed to have attained a passing score on the assessments administered under this subparagraph even if the department subsequently sets different minimum passing scores.
   (2) Waiver by the director of the assessment requirements in this paragraph for not more than one year for a person who has completed the course requirements for an approved intern preparation program but attained an assessment score below the minimum passing score set by the department for successful completion of the program under this paragraph. The department shall forward to the BOEE the names of all candidates granted a waiver for consideration for a temporary license.
   (3) Recommendation for an intern license for one or more of the endorsements identified on the department’s teacher preparation website at www.educateiowa.gov/pk-12/educator-quality/practitioner-preparation.

77.11(3) Individual candidate assessment includes all of the following:

a. Measures used for candidate assessment are fair, reliable, and valid;

b. Candidates are assessed on their demonstration/attainment of program standards;

c. Multiple measures are used for assessment of the candidate on each program standard;

d. Candidates are assessed on program standards at different developmental stages;

e. Candidates are provided with formative feedback on their progress toward attainment of program standards; and

f. Candidates use the provided formative assessment data to reflect upon and guide their development and growth toward attainment of program standards.

77.11(4) Comprehensive program assessment includes all of the following:

a. Individual candidate assessment data on program standards are analyzed;
b. The aggregated assessment data are analyzed to evaluate the program;

c. Findings from the evaluation of aggregated assessment data are used to make program improvements;

d. Evaluation data are shared with stakeholders; and

e. The collection, aggregation, analysis, and evaluation of assessment data take place on a regular cycle.

77.11(5) The program shall conduct a survey of graduates and their employers to ensure that the graduates are well-prepared, and the data shall be used for program improvement.

77.11(6) The program shall regularly review, evaluate, and revise the assessment system.

77.11(7) The program shall annually report to the department such as is required by the state and federal governments.

[ARC 2606C, IAB 7/6/16, effective 8/10/16; AR 4619C, IAB 8/28/19, effective 8/5/19; ARC 6293C, IAB 4/20/22, effective 5/25/22]

281—77.12(256) Curriculum and instruction. Rescinded ARC 2606C, IAB 7/6/16, effective 8/10/16.

281—77.13(256) Candidate support. Rescinded ARC 2606C, IAB 7/6/16, effective 8/10/16.

281—77.14(256) Candidate assessment. Rescinded ARC 2606C, IAB 7/6/16, effective 8/10/16.

281—77.15(256) Program evaluation. Rescinded ARC 2606C, IAB 7/6/16, effective 8/10/16.

These rules are intended to implement Iowa Code sections 256.7 and 256.16.

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CHAPTER 97
SUPPLEMENTARY WEIGHTING

281—97.1(257) Definitions. For the purpose of this chapter, the following definitions apply.

“Actual enrollment” shall mean the enrollment determined annually on October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, pursuant to Iowa Code section 257.6.

“Career academy” shall mean a program of study as defined in 281—Chapter 47. A course offered by a career academy shall not qualify as a regional academy course. A career academy course may qualify as a concurrent enrollment course if it meets the requirements of Iowa Code section 261E.8.

“Class” shall mean a course for academic credit which applies toward a high school or community college diploma.

“Enrolled” shall mean that a student has registered with the school district and is taking part in the educational program.

“Fraction of a school year” shall mean the product of the minutes per day of class multiplied by the number of days per year the class meets divided by the product of the total number of minutes in a school day multiplied by the total number of days in a school year. All minutes available in a normal day shall be used in the calculation.

“ICN” shall mean the Iowa Communications Network.

“Political subdivision” shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

“Project lead the way” means the nonprofit organization with 501(c)(3) tax-exempt status that provides rigorous and innovative science, technology, engineering, and mathematics education curriculum founded in fundamental problem-solving and critical-thinking skills while integrating national academic and technical learning standards.

“Regional academy” shall mean an educational program established by a school district to which multiple school districts send students in grades 7 through 12. The curriculum shall include advanced-level courses and, in addition, may include career-technical courses, Internet-based courses, and coursework delivered via the ICN. Regional academy courses shall not qualify as concurrent enrollment courses and do not generate any postsecondary credit. School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11, subsection 2.

“Superintendent” shall be defined pursuant to Iowa Code section 272.1.

“Supplant” shall mean the community college’s offering a course that consists of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school or the community college’s offering a course that is required by the school district or accredited nonpublic school in order to meet the minimum accreditation standards in Iowa Code section 256.11. If a student is unable to earn credit in both courses, then the two courses would be deemed similar enough in content and skills to be defined as supplanting.

“Supplementary weighting plan” shall mean a plan as defined in this chapter to add a weighting for each eligible Iowa resident student who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents by the number of eligible Iowa resident students enrolled in that class and then multiplying that figure by the weighting factor established in Iowa Code chapter 257.

“Supplementary weighting plan for at-risk students” shall mean a plan as defined in this chapter to add a weighting for each resident student enrolled in the district and a weighting for the percentage of pupils enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal
National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections 1751-1769j, multiplied by the budget enrollment in the school district to generate funding to be used to develop or maintain at-risk programs, alternative programs and alternative school programs, and returning dropout and dropout prevention programs approved pursuant to Iowa Code section 257.40.

“Teacher” shall be defined pursuant to Iowa Code section 272.1.

281—97.2(257) Supplementary weighting plan.

97.2(1) Eligibility. Except if listed under subrule 97.2(7), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if one of the following conditions is met pursuant to Iowa Code section 257.11:

a. Resident student attends class in another school district pursuant to subrule 97.2(2), or
b. Resident student attends class taught by a teacher employed by another school district pursuant to subrule 97.2(3), or
c. Resident student attends class taught by a teacher jointly employed by two or more school districts pursuant to subrule 97.2(4), or
d. Resident student attends class in a community college for college credit pursuant to subrule 97.2(5), or
e. Resident student attends class in a community college for college credit pursuant to subrule 97.2(6).

Other than as listed in paragraphs 97.2(1) “a” to “e” above and in rules 281—97.3(257), 281—97.4(257), and 281—97.7(257), no other sharing arrangement shall be eligible for supplementary weighting.

97.2(2) Attend class in another school district. Students attending class in another school district will be eligible for supplementary weighting under paragraph 97.2(1) “a” only if the school district does not have a licensed and endorsed teacher available within the school district to teach the course(s) being provided.

97.2(3) Attend class taught by a teacher employed by another school district. Students attending class taught by a teacher employed by another school district will be eligible for supplementary weighting under paragraph 97.2(1) “b” only if the school district does not have a licensed and endorsed teacher available within the school district to teach the course(s) being provided.

97.2(4) Attend class taught by a teacher jointly employed with another school district. All of the following conditions must be met for any student attending class taught by a teacher jointly employed to be eligible for supplementary weighting under paragraph 97.2(1) “c.” The school districts jointly employing the teacher must have:

a. A joint teacher evaluation process and instruments.
b. A joint teacher professional development plan.
c. One single salary schedule.

Except for joint employment contracts which meet the requirements of paragraphs “a” to “c” above, no two or more school districts shall list each other for the same classes and grade levels.

97.2(5) Attend class in a community college. All of the following conditions must be met for any Iowa resident public school student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1) “d.”

a. The course must supplement, not supplant, high school courses.

(1) For purposes of these rules, to comply with the “supplement, not supplant” requirement, the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the school district.

(2) The course must not be used by the school district in order to meet the minimum accreditation standards in Iowa Code section 256.11(5) “b,” “c,” “f,” “g,” “i,” and “j.”

(3) A school district with total basic educational data survey enrollment of not more than 600 that contracts with a community college to provide one unit of science required in Iowa Code section
256.11(5) “a” or one unit of mathematics required in Iowa Code section 256.11(5) “d” or “e” and any of the three required sequential units in any one of the four career and technical education service areas identified as the district’s career and technical program required in Iowa Code section 256.11(5) “h” may request supplementary weighting for any community college course within these subject areas if the district’s enrollment in the course or courses comprising the unit exceeds five. Additionally, for the science or mathematics unit, the following conditions must be met:

1. The school district has made every reasonable and good faith effort, as defined in Iowa Code section 279.19A(9), to employ a teacher licensed under Iowa Code chapter 272 for the unit of science or mathematics and is unable to employ such a teacher.

2. The course or courses comprising the one unit are offered during the regular school day.

3. The course or courses comprising the one unit are made accessible to all eligible pupils by the school district.

b. The course must be included in the community college catalog or an amendment or addendum to the catalog.

c. The course must be open to all registered community college students not just high school students.

d. The course must be for college credit and the credit must apply toward an associate of arts or associate of science degree, or toward an associate of applied arts or associate of applied science degree, or toward completion of a college diploma program.

e. The course must be taught by an instructor employed by or under contract with the community college who meets the requirements of Iowa Code section 261E.3.

f. The course must be taught utilizing the community college course syllabus.

g. The course must be taught in such a manner as to result in student work and student assessment which meet college-level expectations.

h. The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

97.2(6) Attend a project lead the way class in a community college. Students attending a science, technology, engineering, or mathematics class that uses an activities-based, project-based, and problem-based learning approach and that is offered collaboratively by the students’ school district and a community college in partnership with a nationally recognized provider of rigorous and innovative science, technology, engineering, and mathematics curriculum are eligible for supplementary weighting under paragraph 97.2(1) “e” if the curriculum provider is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

97.2(7) Ineligibility. The following students are ineligible for supplementary weighting:

a. Nonresident students attending the school district under any arrangement except open enrolled in students, nonpublic shared-time students, or dual enrolled competent private instruction students in grades 9 through 12

b. Students eligible for the special education weighting plan provided in Iowa Code section 256B.9 when being served by special education programs or services that carry additional weighting.

c. Students in whole-grade sharing arrangements except under sharing pursuant to subrule 97.2(5) or subrule 97.2(7).

d. Students open enrolled out except under sharing pursuant to subrule 97.2(5) or paragraph 97.6(1) “c.”

e. Students open enrolled in, except under sharing pursuant to subrule 97.2(5) or paragraph 97.6(1) “c.” when the students are under competent private instruction and are dual enrolled in grades 9 through 12.

f. Students participating in shared services rather than shared classes except under sharing pursuant to rule 281—97.7(257).

g. Students taking postsecondary enrollment options (PSEO) courses.

h. Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly
employed with another school district pursuant to subrule 97.2(4) or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ICN video services to other districts pursuant to subrule 97.6(1).

i. Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ICN video services to other districts pursuant to subrule 97.6(1).

j. Students enrolled in an at-risk program or alternative school program when being served by such program.

k. Students enrolled in summer school courses.

97.2(8) Whole-grade sharing. If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by rule 281—97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole-grade sharing the resident students in those discontinued grades for purposes of these rules.

a. In a one-way whole-grade sharing arrangement, the receiving district may count its resident students in the grade levels that are whole-grade shared if the resident students are shared pursuant to subrule 97.2(2), 97.2(3), or 97.2(5).

b. In a one-way whole-grade sharing arrangement, the receiving district may not count its resident students in the grade levels that are whole-grade shared pursuant to subrule 97.2(3) if the teacher is employed by the same district that is sending students under the whole-grade sharing arrangement.

97.2(9) Due date. Supplementary weighting shall be included with the certified enrollment which is due October 15 following the October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, on which the enrollment was taken.

[ARC 8188B, IAB 10/7/09, effective 11/11/09; ARC 9266B, IAB 12/15/10, effective 1/19/11; ARC 0520C, IAB 12/12/12, effective 1/16/13; ARC 4297C, IAB 2/13/19, effective 3/20/19; ARC 4812C, IAB 12/18/19, effective 1/22/20]

281—97.3(257) Supplementary weighting plan for at-risk students.

97.3(1) Uses of funds. Funding generated by the supplementary weighting plan for at-risk students shall be used to develop or maintain at-risk programs, which may include alternative school programs.

97.3(2) Calculation of funding. Funding for the supplementary weighting plan for at-risk students is calculated as follows:

a. Adding a weighting for each resident student of one hundred fifty-six one-hundred-thousandths, and

b. Adding a weighting of forty-eight ten-thousandths multiplied by the percentage of pupils in the district enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections 1751-1769j, multiplied by the district’s budget enrollment.

97.3(3) Guarantee. Rescinded IAB 8/21/02, effective 9/25/02.

97.3(4) Recalculation of funding. Rescinded IAB 8/21/02, effective 9/25/02.

97.3(5) School-based youth services. Rescinded IAB 8/21/02, effective 9/25/02.

[ARC 4297C, IAB 2/13/19, effective 3/20/19]

281—97.4(257) Supplementary weighting plan for a regional academy.

97.4(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if all of the following criteria are met:
a. Two or more Iowa school districts, other than a whole-grade sharing partner district, send students to advanced-level courses that are included in the curriculum of the regional academy, and these students are eligible for supplementary weighting under paragraph 97.2(1) “a” or “c.” In addition, for the host district to qualify for the minimum weighting pursuant to subrule 97.4(4), one or more Iowa school districts, other than a whole-grade sharing partner district, must send students to career-technical classes that are included in the curriculum of the regional academy.

b. The regional academy is located in the district.

c. The grade levels include one or more grades seven through twelve.

d. The curriculum is an organized course of study, adopted by the board, that includes a minimum of two advanced-level courses that are not part of a career-technical program. An advanced-level course is a course that is above the level of the course units required as minimum curriculum in 281—Chapter 12 in the host district.

e. The resident students are not eligible for supplementary weighting under another supplementary weighting plan.

f. No resident or nonresident students are attending the regional academy under a whole-grade sharing arrangement as defined in subrule 97.2(7).

g. Two or more sending districts that are whole-grade sharing partner districts shall be treated as one sending district for purposes of paragraph 97.4(1) “a.”

h. The school districts participating in a regional academy shall enter into an agreement on how the funding generated by the supplementary weighting received shall be used and shall submit the agreement, as well as a copy of the minutes of meetings of the local school district boards of directors in which the boards approved the agreement, to the department for approval by October 1 of the year in which the districts intend to request supplementary weighting for the regional academy.

97.4(2) Weighting. Resident students eligible for supplementary weighting pursuant to subrule 97.4(1) shall be eligible for a weighting of one-tenth of the fraction of a school year during which the pupil attends courses at the regional academy in which nonresident students are enrolled pursuant to paragraph 97.4(1) “a.”

97.4(3) Maximum weighting. The maximum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to 30 full-time-equivalent pupils.

97.4(4) Minimum weighting. The minimum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to 15 full-time-equivalent pupils if the academy provides both advanced-level courses and career-technical courses.

97.4(5) Additional programs. If all of the criteria in subrule 97.4(1) are met, the regional academy may also include in its curriculum career-technical courses, Internet-based courses and ICN courses.

97.4(6) Career academy. A career academy is not a regional academy for purposes of these rules. [ARC 8188B, IAB 10/7/09, effective 11/11/09; ARC 0014C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter)]

281—97.5(257) Supplementary weighting plan for whole-grade sharing.

97.5(1) Whole-grade sharing. A school district which participates in a whole-grade sharing arrangement executed pursuant to Iowa Code sections 282.10 to 282.12 and which has adopted a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization to take effect on or before July 1, 2024, is eligible to assign a weighting of one-tenth of the fraction of the school year during which resident pupils attend classes pursuant to paragraph 97.2(1) “a,” “b,” or “c.” A school district participating in a whole-grade sharing arrangement shall be eligible for supplementary weighting under this subrule for a maximum of three years. Receipt of supplementary weighting for the second year and for the third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress or continued progress toward the objective of dissolution or reorganization on or before July 1, 2024.
97.5(2) **Contiguous districts.** School districts that adopt a board resolution jointly with all other affected boards to study reorganization must be contiguous school districts. If two or more of the affected districts are not contiguous to each other, all districts separating those districts must be a party to the whole-grade sharing arrangement and the board resolution adopted jointly to study reorganization.

97.5(3) **Consecutive years.** A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2023.

97.5(4) **Change in sharing districts.** A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) may enter into a whole-grade sharing arrangement with one or more different districts for its second or third year of eligible weighting by adopting and filing a new joint board resolution pursuant to this subrule. Establishing a new whole-grade sharing arrangement does not extend the maximum number of years for which a school district is eligible.

97.5(5) **Filing board resolutions.** Each school district that adopts a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization shall file a copy of the board resolution with the department of education not later than October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.

97.5(6) **Filing progress reports.** Each school district that intends to assign a supplementary weighting to resident students attending class in a whole-grade sharing arrangement in any year following the initial year for which supplementary weighting for whole-grade sharing was approved shall file a report of progress toward reorganization with the school budget review committee, on forms developed by the department of education, no later than August 1 preceding October 1 on which date the district intends to request the second or third year of supplementary weighting for whole-grade sharing.

a. The progress report shall include the following information:

   (1) Names of districts with which the district is studying reorganization.

   (2) Descriptive information on the whole-grade sharing arrangement.

   (3) Information on whether a plan for reorganization has been approved by the AEA and an election date has been set.

b. The report must indicate progress toward a reorganization or dissolution to occur on or before July 1, 2024. The indicators of progress include:

   (1) For the second year of supplementary weighting, establishing a reorganization committee.

   (2) For the third year of supplementary weighting, having an AEA-approved plan for reorganization and a date set for an election on the proposed reorganization.

   c. The school budget review committee shall consider each progress report at its first regular meeting of the fiscal year and shall accept the progress report or shall reject the progress report with comments. The reports will be evaluated on demonstrated progress within the past year toward reorganization or dissolution.

   d. A school district whose progress report is not accepted shall be allowed to submit a revised progress report at the second regular meeting of the school budget review committee. The committee shall accept or reject the revised progress report.

   e. If the school budget review committee rejects the progress report and the district does not submit a revised progress report or if the school budget review committee rejects the revised progress report, the school district shall not be eligible for supplementary weighting for whole-grade sharing but may reapply in a subsequent year.

   f. In the event that an election on reorganization fails to pass after the school budget review committee has approved a district’s application for whole-grade sharing supplementary weighting and prior to January 1 of the year in which the reorganization was to take effect, a district may rescind the request for whole-grade sharing supplementary weighting by submitting a request to the school budget
281—97.6(257) Supplementary weighting plan for ICN video services.  

97.6(1) Eligibility. Except for students listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment, is not eligible for supplementary weighting for the same course under another supplementary weighting plan, and meets any of the criteria in paragraph 97.6(1) “a,” “b,” or “c.” For purposes of this subrule, the portion of a course offered via ICN video services shall be considered separately from the portion of the course not offered via ICN video services. Eligible students include:

a. Resident students who receive a virtual class provided by another school district via ICN video services.

b. Resident students who attend a virtual class that the resident district is providing to students in one or more other school districts via ICN video services.

c. Resident students who receive a virtual community college class via ICN video services. The community college class must be a course eligible for supplementary weighting under the criteria listed in subrule 97.2(5).

97.6(2) Weighting. Resident students eligible for supplementary weighting pursuant to subrule 97.6(1) shall be eligible for a weighting of one-twentieth of the fraction of the school year during which the pupil attends the virtual class.

97.6(3) Payment to teachers. A school district that includes students in a virtual class for supplementary weighting shall reserve 50 percent of the supplementary weighting funding the district will receive as a result of including the resident students in the virtual class for supplementary weighting as additional pay for the virtual class teacher.

a. The employer of the virtual class teacher will make the payment.

b. The additional pay includes salary and the employer’s share of FICA and IPERS.

c. The employer shall pay the virtual class teacher during the same school year in which the virtual class is provided.

d. The employer may pay the virtual class teacher at the conclusion of the virtual class or may pay the teacher periodic payments that represent the portion of the virtual class that has been provided. The employer may not pay the teacher prior to services being rendered.

e. The additional pay shall be calculated as 0.5 multiplied by the supplementary weighting for the virtual class multiplied by the district cost per pupil in the subsequent budget year.

f. If the teacher’s contract includes additional pay for teaching the virtual class, the teacher shall receive the higher amount of the additional pay in the contract or the amount of the additional pay calculated pursuant to paragraphs 97.6(3) “b” and “e.” For purposes of this comparison, the employer shall compare the salary portions only.

g. The contract between the agencies shall provide for the additional pay for the teacher of the virtual class. That 50 percent of the supplementary weighting funding would be paid in addition to the tuition sent to the providing district or community college to be paid as additional pay to its teacher employee.

281—97.7(257) Supplementary weighting plan for operational services.  

97.7(1) Eligibility. Supplementary weighting is available if all of the following criteria are met:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to a written contract.

b. The district shares an operational function for at least 20 percent of the contract time period during the fiscal year that is customary for a full-time employee in the operational function for at least 20 percent of the contract time period during the fiscal year. The 20 percent is measured each fiscal year and for each discrete operational function.
c. Personnel shared as part of an operational function are employees of one of the sharing partners but are not employees of more than one of the sharing partners.

d. If the district shares an operational function with more than one political subdivision, the sharing arrangement is listed only once for purposes of supplementary weighting.

e. If the district shares more than one individual in the same operational function, that operational function shall be listed only once for the purposes of supplementary weighting.

f. No individual personnel shall be included for operational function sharing more than once for supplementary weighting in the same fiscal year.

g. If more than one sharing arrangement is implemented in any one operational function area and the services shared are substantially similar as determined by the department of education, only the sharing arrangement implemented first will be eligible for supplementary weighting.

h. The operational function areas shared include one or more of the areas listed in subrule 97.7(2).

97.7(2) Operational function area eligibility. “Operational function sharing” means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, facility operation or maintenance management, curriculum director, master social worker, independent social worker, school counselor, special education director, work-based learning coordinator, or mental health professional if the mental health professional holds a statement of recognition issued by the board of educational examiners. “Operational function sharing” does not mean sharing of clerical personnel or school principals. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

a. Superintendent management.

(1) Shared personnel must perform the services of a superintendent, in the case of a school district, or chief administrator, in the case of an area education agency, or executive administrator, in the case of other political subdivisions. An individual performing the function of a superintendent or chief administrator must be properly licensed for that position.

(2) Clerical or other support services personnel in the superintendent function area or executive administrator function area shall not be considered shared superintendent management under this subrule.

(3) Shared superintendent services or executive administrator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

b. Business management.

(1) Shared personnel must perform the services of managing the business operations. Managing business operations would include personnel performing the duties of a business manager or school business official, or personnel performing duties including, but not limited to, those listed in Iowa Code chapter 291 for a board secretary or board treasurer.

(2) Services of clerical personnel, school administration managers, superintendents, principals, teachers, board officers except those listed in subparagraph 97.7(2) ’b’(1), or any other nonbusiness administration personnel shall not be considered shared business management under this subrule.

(3) Shared business management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

c. Human resources management.

(1) Shared personnel must perform the services of managing human resources.

(2) Services of clerical personnel, superintendents, principals, curriculum directors, teachers, or board officers shall not be considered shared human resources management under this subrule.

(3) Shared human resources management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

d. Student transportation management.

(1) Shared personnel shall include transportation directors or supervisors. Shared personnel must perform services related to transportation.
(2) Services of school business officials, business managers, school administration managers, clerical or paraprofessional personnel, school bus mechanics, and school bus drivers shall not be considered shared student transportation management under this subrule.

(3) Shared transportation management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

   e. Facility operations and maintenance.
      (1) Shared personnel shall include facility managers and supervisors of buildings or grounds. Shared personnel must perform services related to facility operations and maintenance.
      (2) Services of school business officials, business managers, school administration managers, clerical personnel or custodians shall not be considered shared facility operations and maintenance management for supplementary weighting under this subrule.

   f. Curriculum director.
      (1) Shared personnel must perform the services of a curriculum director.
      (2) Technology directors and clerical, paraprofessional, or other support services personnel in the improvement of instruction function area shall not be considered a shared curriculum director under this subrule.

   g. School counselor.
      (1) Shared personnel must perform the services of a school counselor. An individual performing the function of a school counselor must be properly licensed for that position.
      (2) Deans of students, social workers, or clerical, paraprofessional, or other support services personnel in the guidance services function area shall not be considered a shared school counselor under this subrule.

   h. School social worker.
      (1) Shared personnel must perform the services of a school social worker. An individual performing the function of a school social worker must be properly licensed for that position.
      (2) Social workers providing services required to be provided by an area education agency shall not be considered a shared school social worker under this subrule.

   i. Special education director.
      (1) Shared personnel must perform the services of a special education director. An individual performing the function of a special education director must be properly licensed for that position.
      (2) Teachers, superintendents, principals, curriculum directors, or other support services personnel in the improvement of instruction services function area shall not be considered a shared special education director under this subrule.

   j. Work-based learning coordinator.
      (1) Shared personnel must perform the services of a work-based learning coordinator. An individual performing the function of a work-based learning coordinator must be properly trained for that position.
      (2) Superintendents, principals, curriculum directors, deans of students, school counselors, or other support services personnel in the guidance services function area shall not be considered a shared work-based learning coordinator under this subrule.
(3) Shared work-based learning coordinator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

k. Mental health professional.

(1) Shared personnel must perform the services of a mental health professional. An individual performing the function of a mental health professional must hold a statement of professional recognition issued by the board of educational examiners.

(2) Deans of students, school counselors, or other support services personnel in the guidance services function area shall not be considered a shared mental health professional under this subrule.

(3) Shared mental health professional services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

97.7(3) Eligibility. The supplementary weighting for eligible shared operational functions may be included beginning on October 1, 2013.

a. Receipt of supplementary weighting shall be conditioned upon the submission of information provided in the format prescribed by the department of education as part of the BEDS fall data collection.

b. The documentation on the BEDS fall data collection shall be filed no later than the published deadline for that data collection.

97.7(4) Contiguous districts. School districts that share operational functions with other school districts are not required to be contiguous school districts. If the districts are not contiguous, the district(s) separating those districts is not required to be a party to the operational sharing arrangement.

97.7(5) Consecutive years. A school district that is eligible to add a supplementary weighting for a shared operational function is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2023.

97.7(6) Change in sharing partners. A school district that is eligible to add a supplementary weighting for a shared operational function may enter into an operational function sharing arrangement with one or more different sharing partners.

97.7(7) Change in shared personnel. A school district that is eligible to add a supplementary weighting for a shared operational function may enter into an operational function arrangement for a different individual in a substantially similar position.

97.7(8) Multiple shared operational functions. A school district that implements more than one sharing arrangement within any discrete operational function area shall be eligible for supplementary weighting for only one sharing arrangement in that discrete operational function.

97.7(9) Multiple shared individuals within an operational function. A school district that implements more than one sharing arrangement within any discrete operational function area, as both the contract holder and the purchaser of services, shall not be eligible for supplementary weighting if the sharing arrangements would not have been necessary had the district utilized its own properly licensed and qualified employee(s).

97.7(10) Weighting. A school district that shares an eligible operational function listed in subrule 97.7(2) shall be assigned a supplementary weighting as stipulated in Iowa Code section 257.11(5) “a.” The supplementary weighting shall be assigned to each discrete operational function shared. The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement or qualifying operational sharing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

a. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function.

b. A school district that shares an operational function in the area of business management, human resources management, transportation management, or operation and maintenance management shall be assigned a supplementary weighting of five pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be four pupils.
c. A school district that shares the operational functions of a curriculum director, master social worker, independent social worker, school counselor, work-based learning coordinator, special education director, or mental health professional shall be assigned a supplementary weighting of three pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be two pupils.

97.7(11) Sharing arrangement duties. A school district may receive the additional weighting for the sharing of services of an individual with a political subdivision that is not a school corporation even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual.

97.7(12) Maximum weighting. The maximum amount of additional weighting for which a school district participating in operational function sharing shall be eligible in a budget year is an amount corresponding to 21 full-time equivalent pupils. The maximum additional weighting applies to the total of all operational function sharing rather than to each discrete operational function. Each eligible discrete operational function sharing arrangement shall be included in the total of all operational function sharing. If the district’s total of all discrete operational function sharing exceeds 21 full-time equivalent pupils, the department shall make a reduction in the total rather than separately adjusting the discrete operational function sharing that made up the total.

97.7(13) Uses of funding. Additional funds provided through supplementary weighting for operational function sharing shall be used to increase student opportunities.

97.7(14) Area education agency maximum funding. The provisions of rule 281—97.7(257) also apply to an area education agency except for pupil counts for operational function sharing and maximum weightings.

a. An area education agency shall be eligible for a minimum amount of additional funding of $30,000 in a budget year for the total of all operational function sharing arrangements.

b. An area education agency shall be eligible for a maximum amount of additional funding of $200,000 in a budget year for the total of all operational function sharing arrangements.

c. The department of management shall annually set a weighting for each area education agency to generate the approved operational function sharing dollars using each area education agency’s special education cost-per-pupil amount and foundation level.

[ARC 8188B, IAB 10/7/09, effective 11/11/09; ARC 1119C, IAB 10/16/13, effective 11/20/13; see Delay note at end of chapter; ARC 1486C, IAB 6/11/14, effective 5/15/14; ARC 1596C, IAB 9/3/14, effective 10/8/14; ARC 4297C, IAB 2/13/19, effective 3/20/19; ARC 6080C, IAB 12/15/21, effective 1/19/22; ARC 6292C, IAB 4/20/22, effective 5/25/22]

281—97.8(261E) Concurrent enrollment program contracts between accredited nonpublic schools and community colleges. For the purpose of determining funding to the community college, subject to an appropriation to the department for this purpose, a student enrolled in a unit of concurrent enrollment coursework offered through a contract by an accredited nonpublic school with an Iowa community college pursuant to Iowa Code section 261E.8(2) shall be counted as if the student were assigned a weighting as described in subrule 97.2(5).

97.8(1) Eligibility. All of the following conditions must be met for any Iowa resident accredited nonpublic school student attending a community college-offered course offered through a contract with an accredited nonpublic school to be eligible for funding under Iowa Code section 261E.8(2).

a. The course must supplement, not supplant, high school courses.

(1) For purposes of these rules, to comply with the “supplement, not supplant” requirement, the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the accredited nonpublic school.

(2) The course must not be used by the accredited nonpublic school in order to meet the minimum accreditation standards in Iowa Code section 256.11(5) “b,” “c,” “f,” “g,” “i,” and “j.”
(3) A nonpublic school accredited under the standards required pursuant to Iowa Code section 256.11 with a total basic educational data survey enrollment in grades 9 through 12 of not more than 200 that contracts with a community college to provide one unit of science required in Iowa Code section 256.11(5)“a” or one unit of mathematics required in Iowa Code section 256.11(5)“d” or “e” and any of the five units of career and technical education required in Iowa Code section 256.11B may request weighting for any community college course if the accredited nonpublic school’s course enrollment exceeds five.

b. The course must be included in the community college catalog or an amendment or addendum to the catalog.

c. The course must be open to all registered community college students, not just high school students.

d. The course must be for college credit, and the credit must apply toward an associate of arts or associate of science degree, or toward an associate of applied arts or associate of applied science degree, or toward completion of a college diploma program.

e. The course must be taught by an instructor employed by or under contract with the community college who meets the requirements of Iowa Code section 261E.3(2).

f. The course must be taught utilizing the community college course syllabus.

g. The course must be taught in such a manner as to result in student work and student assessment which meet college-level expectations.

h. The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

97.8(2) Reporting and billing. An accredited nonpublic school that enters into a contract for concurrent enrollment courses shall submit student and course information as determined by and according to the timeline established by the department of education. The community college and accredited nonpublic school shall verify the submitted information by semesters or the equivalent. Projected supplementary weighting calculations will be available midyear, but payments to community colleges will not be disbursed until final costs are known at the end of the school year. Community colleges will not bill the accredited nonpublic school until all calculations of supplementary weighting for accredited nonpublic schools are completed.

[ARC 4812C, IAB 12/18/19, effective 1/22/20]

These rules are intended to implement Iowa Code sections 257.6, 257.11, and 257.12 and Iowa Code chapter 261E.

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[Filed ARC 6292C (Notice ARC 6185C, IAB 2/9/22), IAB 4/20/22, effective 5/25/22]


2 November 20, 2013, effective date of ARC 1119C [97.7] delayed until the adjournment of the 2014 General Assembly by the Administrative Rules Review Committee at its meeting held November 8, 2013.
## INSPECTIONS AND APPEALS DEPARTMENT [481]

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481—16.1(10A) Scope. This chapter governs the filing of documents through the division of administrative hearings’ administrative electronic document management system (AEDMS). To the extent the rules in this chapter are inconsistent with any other administrative rule of the division, the rules in this chapter shall govern. Pursuant to Iowa Code section 10A.802, these rules shall prevail over any other law, including Iowa Code chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.2(10A) Definitions.

“AEDMS” means the administrative electronic document management system, the division’s electronic filing and case management system.

“Agency record” means for all cases the electronic files maintained in AEDMS, filings the division maintains in paper form, and exhibits and other materials filed with or delivered in relation to a contested case hearing.

“Confidential” means agency files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

“Division” means the division of administrative hearings in the department of inspections and appeals.

“Electronic filing” means the receipt of a document submitted to AEDMS for filing, as confirmed by the transmission of the notice of electronic filing.

“Electronic record” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

“Electronic service” means the AEDMS electronic transmission of a link where registered users of AEDMS who are entitled to receive notice of the filing may view and download filed documents.

“File stamp” means the date and time that is affixed at the top of the first page of a document when it is filed in AEDMS.

“Nonelectronic filing” means a process by which a paper document or other nonelectronic item is filed with the division.

“Notice of electronic filing” means a document generated by AEDMS when a document is electronically filed.

“PDF” means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

“Protected information” means personal information, the nature of which warrants protection from unlimited public access, including but not limited to:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

“Public” refers to agency files, documents, or information that is not confidential or protected.

“Registered user” means an individual who has registered for an electronic filing account through AEDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password.

“Signature” means the following:
1. For a registered user electronically filing a document in AEDMS, “signature” means the registered user’s username and password accompanied by one of the following approved signature representations:
   - “Digitized signature” means an electronically embeddable image of a person’s handwritten signature;
   - “Electronic signature” means an electronic symbol (“/s/” or “/registered user’s name/”) executed or adopted by a person with the intent to sign the document; or
   - “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, “signature” means the signatory’s name affixed to the document as a digitized or nonelectronic signature.

[ARC 6294C; IAB 4/20/22, effective 5/25/22]

**481—16.3(10A) Registration, username, and passwords.**

**16.3(1) Registration.** Every individual filing documents or viewing or downloading filed documents in the AEDMS must register as a registered user of AEDMS.

**a. Registration.** Every individual must register as a registered user in AEDMS.

**b. Changes in registered user’s contact information.** If a registered user’s email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user’s information contained in AEDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

**c. Duties of registered user.** Each registered user shall ensure that the user’s email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

**d. Division-initiated registration.** The division may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the division completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for the AEDMS account.

**16.3(2) Use of username and password.** A registered user is responsible for all documents filed with the user’s username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

**16.3(3) Username and password security.** If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username/password shall notify the division promptly.

**16.3(4) Denial of access.** The agency may refuse to allow an individual to electronically file or download information in AEDMS due to misuse, fraud, or other good cause.

[ARC 6294C; IAB 4/20/22, effective 5/25/22]

**481—16.4(10A) Electronic filing not mandatory.**

**16.4(1) Electronic filing not mandatory.** Registration and filing through AEDMS, although encouraged, is not mandatory, and the division shall still accept the traditional filing of paper or other electronic documents as set forth in 481—paragraph 10.12(“a.”)

**16.4(2) What constitutes filing.** The electronic transmission of a document to AEDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

**16.4(3) Electronic file stamp.** Documents filed through AEDMS are officially filed when affixed with an electronic file stamp. Filings so endorsed shall have the same force and effect as documents time-stamped in a nonelectronic manner.

[ARC 6294C; IAB 4/20/22, effective 5/25/22]

**481—16.5(10A) Filing of paper documents.**
16.5(1) Conversion of paper or other electronic documents filed. When a party files a document other than through AEDMS, the division will convert the filed documents to an electronic format viewable to registered users of AEDMS. The original of converted documents need not be retained by the division.

16.5(2) Form of paper documents. Each document must be printed on only one side and be delivered to the division with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the division in an appropriate file folder. [ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.6(10A) Date and time of filing.

16.6(1) Date of filing. An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day AEDMS is available.

16.6(2) Time of filing. A document is timely filed if it is filed before midnight on the date the filing is due.

16.6(3) Rejected filing. The division may reject electronic filings that do not meet the requirements of this chapter. A rejected electronic filing is not filed. When an electronic filing is rejected, the filer will be electronically notified of the rejection and the reason for the rejection. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved. [ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.7(10A) Signatures.

16.7(1) Registered user. A username and password accompanied by a digitized, electronic, or nonelectronic signature shall serve as the registered user’s signature on all electronically filed documents.

16.7(2) Format. Any AEDMS filing requiring a signature must be signed with either a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person’s signature:
   a. Name;
   b. Name of firm or governmental agency;
   c. Mailing address;
   d. Telephone number; and
   e. Email address.

16.7(3) Multiple signatures. By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document. [ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.8(10A) Redaction of electronic documents.

16.8(1) Responsibilities of filers generally.
   a. It is the responsibility of the filer to ensure that a confidential document is certified as confidential.
   b. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.
   c. The division will not review filings to determine whether appropriate omissions or redactions have been made or whether a document has been properly certified as confidential.

16.8(2) Omission and redaction requirements.
   a. Protected information that is not material to the proceedings. A filer may redact protected information from documents filed with the division when the information is not material to the proceedings.
   b. Protected information that is material to the proceedings. When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the division.
c. Protected information in a confidential document. Parties are not required to redact protected information from documents that are certified as confidential.

16.8(3) Information that may be redacted. A filer may redact the following information from documents available to the public unless the information is material to the proceedings:

a. Driver’s license numbers.

b. Information concerning medical treatment or diagnosis.

c. Employment history.

d. Personal financial information.

e. Proprietary or trade secret information.

f. Information concerning crime victims.

g. Sensitive security information.

h. Home addresses.

16.8(4) Improperly included protected information. A party may ask the division to restrict access to improperly included protected information from a filed document. The division may order a properly redacted document to be filed.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.9(10A) General requirements when filing documents.

16.9(1) Format. All documents must be converted to a PDF before they are filed in AEDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and orientation and having the scanned content of the document be legible.

16.9(2) Separating documents. Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

16.9(3) Selecting document types. For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into AEDMS, only the division may make corrections to the document type the filer has chosen.

16.9(4) Correcting errors. If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the division as soon as possible. If the division discovers an error in the filing or docketing of a document, the division may notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

481—16.10(10A) Case initiation and service.

16.10(1) Case initiation. A case may be initiated by an agency or governmental entity via AEDMS by the electronic filing of a transmittal form pursuant to rule 481—10.4(10A).

16.10(2) Filings by registered user. To the extent another party to the case is not a registered user, the registered user shall serve those filings upon the nonregistered user pursuant to the applicable rules of contested case procedure and any other controlling law.

16.10(3) Electronic service and distribution of electronic filings.

a. When a document is electronically filed, that document will be served automatically through AEDMS to all parties to the proceeding who are registered users. No other service to those registered users is required unless ordered by the division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until they have filed a withdrawal of appearance or document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

16.10(4) Division-generated documents. All documents issued by the division shall be electronically filed and served upon registered users. Division-generated documents shall be served upon nonregistered users pursuant to the applicable rules of contested case procedure and any other controlling law.

[ARC 6294C, IAB 4/20/22, effective 5/25/22]

These rules are intended to implement Iowa Code section 10A.802.
[Filed ARC 6294C (Notice ARC 6176C, IAB 2/9/22), IAB 4/20/22, effective 5/25/22]
CHAPTERS 17 to 21
Reserved

AUDITS DIVISION
481—100.1(99B) Definitions. In addition to the definitions found in Iowa Code chapter 99B, and unless specifically defined in 481—Chapters 101 to 106, the following definitions apply to all social and charitable gambling rules.

“Bingo supplies and equipment” means a machine, display board, monitor, card, bingo paper, or any other implement or provision used in the conduct of the game of bingo licensed pursuant to Iowa Code chapter 99B.

“Director” means the director of the department of inspections and appeals.

“Responsible party” means the individual identified on the license application as the contact person. The responsible party is expected to have a general knowledge of Iowa gambling laws and rules. This individual is deemed to be an agent of the organization until the department is notified otherwise in writing.

[ARC 4013C, IAB 9/26/18, effective 10/31/18; ARC 6296C, IAB 4/20/22, effective 5/25/22]

481—100.2(99B) Licensure. Gambling shall only occur upon receipt of a license issued by the department. The license shall be prominently displayed at the gambling location.

100.2(1) Types of gambling licenses—qualified organizations. A qualified organization (QO), as defined in Iowa Code section 99B.1(26), may apply for the six following license types, each of which permits the activities listed. A QO with a two-year QO license may also apply for a seventh license type, a very large raffle license.

<table>
<thead>
<tr>
<th>License type/Activity type</th>
<th>Two-year QO</th>
<th>One-year QO</th>
<th>180-day QO</th>
<th>90-day QO</th>
<th>14-day QO</th>
<th>Bingo at a fair or festival</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bingo</td>
<td>Three occasions per week; 15 occasions per month</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Two occasions</td>
<td>One occasion per day for length of fair or festival</td>
</tr>
<tr>
<td>Games of skill and chance</td>
<td>Unlimited carnival-style games</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Unlimited carnival-style games</td>
<td>No</td>
</tr>
<tr>
<td>Game night</td>
<td>One per calendar month</td>
<td>One per calendar month</td>
<td>One per calendar month</td>
<td>One per calendar month</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Very small and small raffles</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>No</td>
</tr>
<tr>
<td>Large raffles</td>
<td>One per calendar year</td>
<td>Eight per license period, each conducted in a different county</td>
<td>One per calendar year</td>
<td>One per calendar year</td>
<td>One per calendar year</td>
<td>No</td>
</tr>
<tr>
<td>License type/Activity type</td>
<td>Two-year QO</td>
<td>One-year QO</td>
<td>180-day QO</td>
<td>90-day QO</td>
<td>14-day QO</td>
<td>Bingo at a fair or festival</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-----------</td>
<td>-----------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Very large raffles</td>
<td>One per calendar year, requires additional very large raffle license</td>
<td>One per calendar year, requires additional very large raffle license</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Electronic raffles</td>
<td>One small raffle per day; one large raffle per calendar year</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

100.2(2) *Other types of gambling licenses.* There are four other types of gambling licenses:

a. One-year license for an amusement concession.

b. Two-year license for social gambling in beer and liquor establishments.

c. Two-year license for social gambling in public places.

d. Annual license for manufacturers and distributors of bingo equipment and supplies or electronic raffle systems.

100.2(3) *Political action committees ineligible.* Political action committees are not qualified organizations as defined in Iowa Code section 99B.1(26) and are not eligible for gambling licenses.

[ARC 4013C, IAB 9/26/18, effective 10/31/18; ARC 6018C, IAB 11/3/21, effective 12/8/21]

481—100.3(99B) *License application.*

100.3(1) *Applications.* Applications may be completed online or downloaded by visiting dia.iowa.gov and clicking on the link for “Social and Charitable Gambling.” A paper application may be requested from the Social and Charitable Gambling Unit, Iowa Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083; or by calling (515)281-6848.

100.3(2) *Receipt of application.* An application shall be submitted at least 30 days before the beginning date requested.

100.3(3) *Fees.* License fees are not refundable.

100.3(4) *Documentation.* Qualified organizations applying for a charitable gambling license must submit with the application documentation, as described in the application, to prove tax-exempt status.

100.3(5) *Application for incorrect license.* If the applicant does not apply for the appropriate license, the license fee may be applied to the appropriate license within 30 days of notification to the applicant by the department. For example, the applicant applies for a 90-day qualified organization license but wishes to conduct bingo. The fee for the 90-day qualified organization license may be applied to a two-year or 14-day qualified organization license, if the applicant responds within 30 days of notification by the department.

100.3(6) *Incomplete application submitted.* If the applicant submits an incomplete application, the application may be completed and submitted within 30 days of notification to the applicant by the department without forfeiting the fee submitted with the incomplete application.

100.3(7) *Responsible party.* The responsible party identified on the application shall sign the application or submit the online application. The responsible party shall be a person who is authorized to make decisions on behalf of the qualified organization.

[ARC 4013C, IAB 9/26/18, effective 10/31/18; ARC 6296C, IAB 4/20/22, effective 5/25/22]

481—100.4(99B) *Additional requirements for licensure.* In addition to requirements for licensure found in Iowa Code chapter 99B, the department may use the following standards to determine whether to issue a gambling license. These standards do not apply to licensure of manufacturers or distributors of bingo equipment and supplies or electronic raffle equipment.
100.4(1) Sales tax permit—exemptions. Qualified organizations shall either possess or have made application for a sales tax permit at the time the license application is submitted. The following gambling activities are exempt from sales and local option taxes:

a. Gambling activities conducted by county and city governments.

b. Gambling activities held by the Iowa state fair, Iowa state fair authority, or Iowa state fair foundation (organized under Iowa Code chapter 173), including gambling activities that occur outside of the annual scheduled fair event.

c. Gambling activities held by a fair (as defined in Iowa Code section 174.1(2)), including gambling activities that occur outside of scheduled fair events.

d. Raffles held by a licensed qualified organization at a fair as defined in Iowa Code section 99B.1 and pursuant to the requirements specified in Iowa Code section 99B.24.

e. Raffles, whether or not they are conducted at a fair event, where the proceeds are used to provide educational scholarships by a qualifying organization representing veterans as defined in Iowa Code section 99B.27(1) “b.”

100.4(2) State tax liabilities. The applicant must have no outstanding state tax liabilities or, if there are outstanding state tax liabilities, the applicant must have entered into a negotiated repayment plan with the department of revenue and be current in all payments pursuant to the plan. A copy of the repayment plan shall be submitted with the licensure application.

100.4(3) Revocation—no license issued.

a. No one involved in an organization with a gambling license revocation action pending will be granted a license similar to the license revoked.

b. No one with a gambling license currently under revocation may be issued any gambling license during the period of revocation.

c. A license will not be issued if there is a current revocation of either a gambling or a liquor license for the location named on the license application.

100.4(4) Criminal violations. No applicant shall have been convicted of or pled guilty to a criminal violation of Iowa gambling law.

100.4(5) Violations of gambling law or Iowa alcoholic beverage control Act. Violation of gambling law or the Iowa alcoholic beverage control Act affects whether a gambling license is issued.

a. The applicant may have no more than two convictions of or guilty pleas to serious or aggravated misdemeanors in the last two years. This includes any combination of serious or aggravated misdemeanors.

b. No liquor license shall have been suspended within the last 12 months because of a conviction of or guilty plea to a criminal violation of the Iowa alcoholic beverage control Act (Iowa Code chapter 123).

c. No liquor license shall have been revoked because of a conviction of or guilty plea to a criminal violation of the Iowa alcoholic beverage control Act.

d. No applicant shall have been convicted of a felony, federal or state, within five years of the date of the application. For felony convictions more than five years prior to the date of the application, citizenship rights must have been restored in order for the application to be considered.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.5(99B) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 99B is not honored for payment by the bank on which the check is drafted, the department will attempt to redeem the check. The department will notify the applicant of the need to provide sufficient payment. An additional fee of $25 shall be assessed for each dishonored check. If the department does not receive cash to replace the check, no license will be issued.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.6(99B) Payment systems. Licensees allowing participants to make payment by debit card, as authorized by Iowa Code section 99B.5, shall ensure that payment systems comply with all applicable federal and state laws regarding payment card processing and the protection of personal information. Licensees conducting amusement concessions at a fair and allowing participants to make payment by
credit card, as authorized by 2018 Iowa Acts, House File 2417, section 1, shall ensure that payment systems comply with all applicable federal and state laws regarding payment card processing and the protection of personal information.
[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.7(99B) Participation—game of skill, game of chance or raffle. No one who conducts a game of skill, game of chance or raffle may participate in the game or raffle. For purposes of this rule, an individual “conducts” a raffle if the individual directly participates in the mechanism of selection of the prize, such as drawing the winning entry. For purposes of this rule, an individual “conducts” a game of skill or game of chance if, for example, the person is a dealer or a croupier or otherwise operates the game.
[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.8(99B) Posted rules—games other than bingo and raffles. Rules established by the licensee shall be posted on a sign near the front of the playing area or made available electronically at each player’s location. Rules for each game shall be accessible to a player before the player forfeits money to play the game. Rules shall be in large, easily readable print and shall include:
1. The name and mailing address of the licensee;
2. Prices to play;
3. How winners will be determined;
4. Prize(s) or categories of prizes for each game; and
5. Rules established by the licensee for the game. Rules shall define a game and indicate the cost per game. For example, a game might be one opportunity to shoot and make one basket, or three opportunities to shoot and make one basket.
[ARC 4013C, IAB 9/26/18, effective 10/31/18; ARC 4732C, IAB 10/23/19, effective 11/27/19]

481—100.9(99B) Posted rules—bingo. Requirements for posted bingo rules are found in rule 481—103.5(99B).
[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.10(99B) Rules—raffles. A copy of the rules for a raffle shall be available upon request.
100.10(1) The rules shall include the following:
   a. Methods of awarding a prize;
   b. Prices to play, including discounts; and
   c. Whether a sufficient number of entries must be sold in order for the raffle to occur, or if an alternate prize is offered when sales of entries are insufficient.
100.10(2) A licensed qualified organization may also include in its rules items such as the policy for nonpayment of prizes.
[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.11(99B) Prizes. Prizes are governed by the following standards.
100.11(1) Amusement concession licensees. The maximum prize limit for games of skill, games of chance and bingo is $950 in merchandise.
100.11(2) Qualified organizations. The following table provides prize limits for types of gambling conducted by qualified organizations.
<table>
<thead>
<tr>
<th>Type of gambling</th>
<th>Prize limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Games of skill and games of chance</td>
<td>$10,000 in merchandise</td>
</tr>
<tr>
<td>Very small raffle</td>
<td>Cumulative value of cash prizes is $1,000 or less; or purchased merchandise is $1,000 or less; or donated merchandise is $5,000 or less</td>
</tr>
<tr>
<td>Small raffle</td>
<td>Cumulative value of all cash and prizes is more than $1,000 but not more than $10,000</td>
</tr>
<tr>
<td>Large raffle</td>
<td>Cumulative value of cash and prizes is more than $10,000 but not more than $100,000</td>
</tr>
<tr>
<td>Very large raffle</td>
<td>Cumulative value of cash and prizes is more than $100,000 but not more than $200,000; or the prize is real property</td>
</tr>
<tr>
<td>Single bingo game</td>
<td>Up to $250 cash or merchandise</td>
</tr>
<tr>
<td>Bingo jackpot</td>
<td>$1,000 cash or merchandise maximum on first jackpot in 24-hour period; $2,500 cash or merchandise maximum on second jackpot in 24-hour period (see Iowa Code section 99B.21(2)“d”)</td>
</tr>
</tbody>
</table>

100.11(3) Annual game night. An individual shall not spend more than $250 for entrance fees and wagers. Cash and merchandise may be awarded in an aggregate amount not to exceed $10,000. No participant shall win more than a total of $5,000.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.12(99B) Games of chance—prohibited games. Slot machines are unlawful for all licenses issued under Iowa Code chapter 99B. Other than during an annual game night, games in the following list are unlawful:

1. Punchboard,
2. Pushcard,
3. Pull-tab,
4. Craps,
5. Chuck-a-luck,
6. Roulette,
7. Klondike,
8. Blackjack,
9. Baccarat,
10. Equality, or
11. Three-card monte.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.13(99B) Records. In addition to requirements found in Iowa Code section 99B.16, the following requirements apply. Gambling records, maintained separately from all other records, shall be kept current.

100.13(1) Disbursement journal. Records of expenses and dedicated and distributed money are required.

a. A disbursement journal shall include the date of expenditure, the name of the payee, a description of the purpose of payment, the amount of payment, and the method of payment (check, electronic fund transfer, etc.).

b. The disbursement journal shall clearly indicate dedication as the purpose for expenditure of dedicated funds.

100.13(2) Supporting documentation—time requirements. Supporting documentation such as invoices or bills shall be kept for three years.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]
481—100.14(99B) Reports. A licensed qualified organization shall submit an annual report to the department by January 31 of each year for the prior calendar year period of January 1 through December 31. A report shall be submitted even if no gambling activity occurred during the reporting period. Reports may be completed online by visiting dia.iowa.gov and clicking on the link for “Social and Charitable Gambling.” A paper version of the annual gambling report may be obtained from the Social and Charitable Gambling Unit, Iowa Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083; or by telephone (515)281-6848. When the due date is on Saturday, Sunday, or a legal holiday, the report is due the next business day.

[ARC 4013C; IAB 9/26/18, effective 10/31/18]

481—100.15(10A,17A,99B) Appeal rights. Any decision of the department may be appealed in accordance with procedures set out in 481—Chapter 10 and Iowa Code chapter 17A. When an appeal is received, the status of the license is governed by the following:

100.15(1) Denial of untimely or insufficient renewal application. If a renewal application is not timely or sufficient, a license may not be issued until a final decision is issued and all appeal rights have been exhausted.

100.15(2) Denial of timely and sufficient renewal application. If a renewal application is timely and sufficient but is denied by the department, a license remains effective until a final decision is issued and all appeal rights have been exhausted.

100.15(3) Denial of new application. If a new application is denied, no license may be issued until a final decision is issued and all appeal rights have been exhausted.

[ARC 4013C; IAB 9/26/18, effective 10/31/18]

481—100.16(99B) Raffles. The following apply to all raffles, including electronic raffles.

100.16(1) Timing. A valid raffle shall only occur during the period of the license. The license must be in effect before promotions for the raffle can begin. The gambling event begins when the first entry is sold and ends when winning numbers are drawn. Calendar raffles and build-up or pyramid raffles are prohibited. If an organization obtains a temporary license to conduct a raffle, the entirety of the raffle, including promotion, sale of entries and drawing, must fall within the time period for the temporary license.

100.16(2) Raffle entries—sales. Any price may be charged for a raffle entry, and the price, including any discounts, shall be the same for every purchaser. Raffle entries shall not be purchased by credit card. Raffle entries shall not be sold outside the state of Iowa. Organizations shall comply with United States Postal Service regulations restricting the sale of raffle entries through the mail. The purchaser of a raffle entry shall be provided the location, date, and time of the corresponding raffle drawing at the time of purchase.

100.16(3) Raffle entries—discount. A licensee may offer raffle entries for sale at a discounted rate if the discount is applied in a nondiscriminatory manner.

a. Examples. Selling one entry for $5 or five entries for $20 is acceptable as long as the discount is available to all purchasers. The amount paid for entries shall not be determined by any variable characteristic, such as height, weight or wingspan.

b. Promotion and availability of discount. The discount must be available to all persons throughout the duration of the raffle and must be posted on all promotional material.

100.16(4) Winners. Raffle winners cannot be required to be present to win. The drawing of the winning entry shall be done in a manner that allows the purchasers to observe the drawing.

a. The date by which the prize shall be claimed shall be no fewer than 14 days following the drawing. The licensed qualified organization shall make a reasonable effort to inform the winner of the drawing results during that time frame.

b. If the prize is not claimed, the licensed qualified organization may do one of the following:

(1) Continue to draw until a winner claims the prize. Each drawing must allow the time period specified in paragraph 100.16(4)’a’ for claiming the prize.

(2) Donate the unclaimed prize to another qualified organization to be used for an educational, civic, public, charitable, patriotic, or religious use.
100.16(5) Prizes. If a prize is merchandise, its value shall be determined by the purchase price paid by the organization or donor. The prize may be a single item or several items.

[ARC 4013C, IAB 9/26/18, effective 10/31/18; ARC 6296C, IAB 4/20/22, effective 5/25/22]

481—100.17(99B) Expenses. Reasonable expenses shall not exceed 40 percent of the net receipts.

100.17(1) Proof of expense. No expense item shall be allowed without a proper receipt, paid invoice or canceled check and shall not be paid from an outside source. The burden of proof is on the licensee to show that all expenses were incurred exclusively and directly as a result of the gambling activity. An expense will not be considered reasonable if the amount charged significantly exceeds the prevailing rate or average retail cost of the item or service purchased.

100.17(2) Allowed expenses. Expenses allowed within the 40 percent limit are:

a. The license fee;
b. Rent of building or equipment;
c. Taxes (other than state and local sales tax paid on gross receipts);
d. Promotion expense;
e. Major equipment purchases;
f. Overhead expenses;
g. Worker compensation; and
h. Other expenses incurred exclusively and directly as a result of the gambling activity.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.18(99B) Net receipts. At least 60 percent of net receipts shall be dedicated and distributed to educational, civic, public, charitable, patriotic, or religious uses.

100.18(1) Examples. The following examples illustrate methods to determine net receipts, allowable expenses, and the amount requested to be dedicated and distributed.

a. Example 1. When sales tax is not included in gross receipts, sales tax need not be deducted to arrive at net receipts.

| Gross receipts (excluding sales tax) | $100,000 |
| Amount awarded as prizes           | $20,000  |
| Net receipts                       | $80,000  |
| Minimum dedicated and distributed (60% of net receipts) | $48,000 |
| Maximum expenses (40% of net receipts) | $32,000 |

b. Example 2. When sales tax is included in gross receipts, it is deducted to arrive at net receipts.

| Gross receipts (including sales tax) | $107,000 |
| Amount awarded as prizes            | $20,000  |
| Sales tax (7%)                      | $7,000   |
| Net receipts                        | $80,000  |
| Minimum dedicated and distributed (60% of net receipts) | $48,000 |
| Maximum expenses (40% of net receipts) | $32,000 |

100.18(2) Time for distribution. Net receipts received during the calendar year shall be distributed no later than 30 days following the end of each calendar year unless permission to do otherwise is requested in writing and granted by the department.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.19(99B) Licensure of manufacturers and distributors of bingo equipment and supplies and electronic raffle systems. A manufacturer or distributor of bingo equipment and supplies and electronic raffle systems, as defined in Iowa Code section 99B.32, shall obtain a license prior to conducting business within the State of Iowa.
100.19(1) Duration of license. The license is issued for a one-year period.

100.19(2) Application. To obtain a license, the applicant shall complete an application for a license and submit a $1,000 fee.

a. The applicant shall comply with the requirements of Iowa Code chapter 99B, administrative rules of the department and other applicable state or federal laws.

b. The department may require detailed information concerning the business structure and operation of the applicant, including but not limited to the following:

(1) All owners, officers and board members of the business.

(2) All names under which the applicant will conduct business in the state of Iowa.

100.19(3) Manufacturers and distributors of electronic raffle systems—additional requirements. A manufacturer or distributor of electronic raffle systems must meet the following additional requirements in order to obtain a license.

a. Approval of certifying entity by the department. In addition to licensure, manufacturers and distributors of electronic raffle systems must be certified by an entity approved by the department. “Approved by the department,” for purposes of this subrule, means that the entity has submitted its qualifications in writing to the director for review and has received approval in writing by the director or the director’s designee.

b. Certification—requirements. Entities approved by the department to certify manufacturers and distributors of electronic raffle systems shall ensure all electronic raffle systems meet the requirements of Iowa Code section 99B.25 and rule 481—100.20(99B).

c. Review of contracts—notification. The applicant shall submit to the department for review at the time of application the base contract intended for use with qualified organizations. For the duration of the license, the licensee shall notify the department each time the licensee enters into a contract with a qualified organization by submitting in writing the name of the qualified organization and the duration of the contract. The required notification will allow the department to verify that the qualified organization holds a valid two-year qualified organization license, which permits the conduct of an electronic raffle.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.20(99B) Bingo supplies and equipment. Products sold within this state to a gambling license holder shall meet the following requirements:

100.20(1) Products must be manufactured and sold by an Iowa-licensed manufacturer or distributor.

100.20(2) Products shall be supplies and equipment used in connection with the game of bingo as defined in Iowa Code section 99B.1. The following are noninclusive characteristics of the game of bingo to which products must conform:

a. Cards or playing faces shall have spaces marked in horizontal and vertical rows. Each space shall be designated by number, letter, symbol, or picture, or a combination of numbers, letters, symbols, or pictures.

b. Balls or objects used to select spaces which are to be covered on the card or playing face must bear numbers, letters, symbols, or pictures, or a combination of numbers, letters, symbols, or pictures corresponding to the system used for designating the spaces.

c. The bingo machine must contain a receptacle where objects or balls are placed and from which the objects or balls representing the space to be covered are selected. The selection of the balls or objects by the bingo machine must be by chance and may be either manual or mechanical.

100.20(3) Bingo cards sold in Iowa must have the manufacturer’s name imprinted on the cards.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

481—100.21(99B) Electronic raffles. In addition to the requirements found in Iowa Code section 99B.25, the following apply to electronic raffles:

100.21(1) An electronic raffle shall be conducted in a fair and honest manner.

100.21(2) All entries shall be included in the drawing.

100.21(3) The sale of raffle entries and the drawing of the winning entry shall take place within the same calendar day.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]
481—100.22(99B) Social gambling. Social gambling requirements are located in Iowa Code sections 99B.41 to 99B.45.

[ARC 4013C, IAB 9/26/18, effective 10/31/18]

These rules are intended to implement Iowa Code chapter 99B.

[Filed 12/10/76, Notice 10/6/76—published 12/29/76, effective 2/2/77]
[Filed emergency 4/28/78—published 5/17/78, effective 4/28/78]
[Filed 11/21/80, Notice 10/15/80—published 12/10/80, effective 1/14/81]
[Filed emergency 6/26/81—published 7/22/81, effective 7/1/81 to 12/31/81]
[Filed 8/28/81, Notice 7/22/81—published 9/16/81, effective 10/21/81]
[Filed 10/22/82, Notice 9/15/82—published 11/10/82, effective 12/15/82]
[Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]
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[Filed emergency 5/26/89—published 6/14/89, effective 7/1/89]
[Filed 12/12/76, Notice 10/6/76—published 12/29/76, effective 2/2/77]
[Filed 11/21/80, Notice 10/15/80—published 12/10/80, effective 1/14/81]
[Filed 3/13/81, Notice 2/4/81—published 4/1/81, effective 5/6/81]
[Filed 8/28/81, Notice 7/22/81—published 9/16/81, effective 10/21/81]
[Filed 10/22/82, Notice 9/15/82—published 11/10/82, effective 12/15/82]
[Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]
[Filed emergency 6/29/84—published 7/18/84, effective 7/1/84]
[Filed 8/24/84, Notice 7/18/84—published 9/12/84, effective 10/17/84]
[Filed 1/25/85, Notice 12/19/84—published 2/13/85, effective 3/20/85]
[Filed 9/20/85, Notice 7/17/85—published 10/9/85, effective 11/13/85]
[Filed emergency 11/14/86—published 12/17/86, effective 11/14/86]
[Filed 4/24/87, Notice 3/11/87—published 5/20/87, effective 6/24/87]
[Filed 10/23/87, Notice 9/9/87—published 11/18/87, effective 12/23/87]
[Filed emergency 5/26/89—published 6/14/89, effective 7/1/89]
[Filed 12/10/76, Notice 10/6/76—published 12/29/76, effective 2/2/77]
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[Filed emergency 7/1/92—published 7/22/92, effective 7/1/92]
[Filed emergency 7/19/95—published 8/16/95, effective 7/19/95]
[Filed 9/19/95, Notice 8/16/95—published 10/11/95, effective 11/15/95]
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[Filed emergency 7/13/07—published 8/10/07, effective 7/13/07]
[Filed 9/7/07, Notice 8/1/07—published 9/26/07, effective 10/31/07]
[Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]
[Filed ARC 4013C (Notice ARC 3919C, IAB 8/1/18), IAB 9/26/18, effective 10/31/18]
[Filed ARC 4732C (Notice ARC 4590C, IAB 8/14/19), IAB 10/23/19, effective 11/27/19]
[Filed ARC 6018C (Notice ARC 5895C, IAB 9/8/21), IAB 11/3/21, effective 12/8/21]
[Filed ARC 6296C (Notice ARC 6214C, IAB 2/23/22), IAB 4/20/22, effective 5/25/22]

1  This history transferred in IAC 9/5/90 from 481—Chapter 103, applicable to “Qualified Organization.”
2  This history transferred in IAC 9/5/90 from 481—Chapter 105, applicable to “Annual Game Night.”
CHAPTER 36
Reserved

CHAPTER 37
Reserved
TITLE III
WITHDRAWAL DIVERSION, STORAGE AND USE OF WATER
DIVISION A
WATER WELL CONSTRUCTION: GENERAL STANDARDS AND REGISTRATION OF CONTRACTORS
CHAPTER 38
PRIVATE WATER WELL CONSTRUCTION PERMITS

567—38.1(455B) Definitions.

"Abandoned well" means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing groundwater is unsafe or impracticable.

"Agreement" means a signed document between the department and the county board of supervisors with which the department delegates the authority to issue private well drilling permits to the county board of supervisors or its designee.

"Construction" means the physical act or process of making a water well including, but not limited to, siting, excavation, construction and installation of equipment and materials necessary to maintain and operate the well.

"Contiguous" means any number of parcels of land that physically touch one another, including tracts of land separated by roads, railroads or streams, except that for the purpose of reporting on other existing wells on the property, the radius of a contiguous piece of land shall be limited to one mile from the site of the new well constructed.

"Contractor" means a person engaged in the business of well construction or reconstruction. The term may include a corporation, partnership, sole proprietorship, association or any other business entity, as well as any employee or officer of the entity.

"Department" means the Iowa department of natural resources.

"Director" means the director of the department or a designee.

"Groundwater" means any water below the surface of the earth.

"Inactive water well" means a water well which is not currently in use and is capped or sealed to prevent the entrance of contaminatns into the well, but is in such a condition that it can be activated to produce a safe supply of water.

"Landowner" means an individual, trust, partnership, corporation, government or governmental subdivision or agency, association or other legal entity that has legal or equitable title to a piece of land.

"Landowner’s agent" means a person who acts for or in place of the landowner by authority from the landowner.

"Private water well" means a well that does not supply a public water supply system.

"Protected source" means a surface water or groundwater source recognized by rule as deserving special protection in order to ensure its long-term availability, in terms of either quality or quantity, or both, to preserve the public health and welfare.

"Public water supply system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes (1) any collection, treatment, storage, and distribution facilities under control of the supplier of water and used primarily in connection with the system, and (2) any collection (including wells) or pretreatment storage facilities not under the control which are used primarily in connection with the system.

"Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. Water well does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

567—38.2(455B) Forms. The following application form is currently in use:

Application for Private Water Well Construction Permit. 12/98. 542-0988

567—38.3(455B) Permit requirement.
38.3(1) **When permit required.** A landowner or landowner’s agent shall not drill or construct a new private water well without first obtaining a well construction permit issued by the department or by a county board of supervisors or the board’s designee authorized to issue permits pursuant to this chapter. Examples of private water wells requiring well construction permits include, but are not limited to: domestic wells, livestock wells, irrigation wells, recreational-use wells, monitoring wells, heat pump wells, industrial wells, and dewatering wells, except that dewatering wells shall be exempt from the construction standards of 567—Chapter 49 (nonpublic water wells).

38.3(2) **Exemptions.** The following types of excavations do not need private water well construction permits: soil borings, percolation test holes, sand and gravel and limestone exploration holes, excavations for storing and extracting natural gas or other products, gravel pits and quarries and all monitoring wells required as part of a permit or a construction approval issued by the department. Test holes, used to determine the availability, quality or depth of groundwater are also exempt provided that all the following conditions are met.

a. The use of the test hole is limited to the conduct of the test only.

b. The duration of the test is not more than seven consecutive days.

c. The test hole is properly closed immediately after the test is completed in accordance with 567—Chapter 39 “Requirements for Properly Plugging Abandoned Wells.”

38.3(3) **Caveat.** Nothing in these rules shall be construed as exempting public water supply wells from the construction permit and water withdrawal permit provisions of the environmental protection commission rules, 567—Iowa Administrative Code.

567—38.4(455B) Form of application. Application shall be made on forms supplied by the department. However, counties that have active delegation of authority to issue new private well construction permits pursuant to rule 567—38.15(455B) may develop and use their own application forms subject to the approval of the department. Each application shall list all wells, including nonplugged abandoned wells, on the applicant’s property contiguous to the well site described in the application and shall describe the location of each well site. The location shall be given in the form of a legal land description (section, township and range) to the nearest quarter of a quarter of a quarter of a section, or as a latitude and longitude in degrees to four decimal accuracy. The list of wells to be registered shall include but is not limited to abandoned wells, inactive wells, agricultural drainage wells, irrigation wells, domestic wells and livestock wells.

[Editorial change: IAC Supplement 4/20/22]

567—38.5(455B) Fees.

38.5(1) **Fee payment.** This paragraph is in effect through June 30, 2003. Each application shall be accompanied by a nonrefundable fee of $25 in the form of a check or money order payable to the Department of Natural Resources, unless a county board of supervisors or the board’s designee is authorized to issue private well construction permits pursuant to rule 567—38.15(455B). In cases where the permitting authority is delegated to the county, the county board of supervisors may set a different fee and shall designate the terms for fee payment. More than one proposed well for the same use on one contiguous piece of property of less than ten acres may be listed on one application and only one fee need be paid irrespective of the number of wells listed on the application form. Additional wells on the same property at a later time require another permit. A proper application shall consist of a fully and properly completed form and nonrefundable fee.

Effective July 1, 2003, each application shall be accompanied by a nonrefundable fee of $125 in the form of a check or money order payable to the Department of Natural Resources, unless a county board of supervisors or the board’s designee is authorized to issue private well construction permits pursuant to rule 567—38.15(455B). In cases where the permitting authority is delegated to the county, the county board of supervisors may set a different fee, shall designate the terms for fee payment, and shall submit to the department a permit fee of $25 per application. More than one proposed well for the same use on one contiguous piece of property of less than ten acres may be listed on one application and only one fee need be paid irrespective of the number of wells listed on the application form. Additional wells on
the same property at a later time require another permit. A proper application shall consist of a fully and properly completed form and nonrefundable fee. The $25 fee collected by the counties for each permitted well shall be submitted quarterly by the counties to the department on forms and in a manner as provided by the department.

38.5(2) Exemption. The department is exempt from the fee payment requirements to the counties. The department shall remit fees directly to the department’s private well permit program fund. [Editorial change: IAC Supplement 4/20/22]

567—38.6(455B) Well maintenance and reconstruction. A private well construction permit is required for all replacement wells. A private well construction permit is required for modification to a well such as changes in physical dimensions including, but not limited to, deepening the well and changing the diameter or length of the casing or the screen. A private well construction permit is not required for the repair, maintenance, or rehabilitation of an existing well that does not change its physical dimensions.

567—38.7(455B) Emergency permits. Contracting counties must have policies and procedures in place to accommodate the issuance of permits on an emergency basis for the immediate replacement or reconstruction of water wells in response to the sudden and unforeseen loss or serious impairment of a well for its intended use.

567—38.8(455B) Permit issuance and conditions.

38.8(1) When issued. Upon receipt of a complete application, the department or contracting county shall issue a permit to the landowner or landowner’s agent except as provided in rule 567—38.12(455B).

38.8(2) Not a water withdrawal permit. Each permit shall include notification that a private well construction permit is not a water withdrawal permit and does not eliminate the necessity of obtaining any water withdrawal permits required in 567—Chapters 50 through 54. A water withdrawal permit is required before an applicant can withdraw more than 25,000 gallons of water per day from any source or combination of sources in the state of Iowa.

38.8(3) Construction by certified well contractor. Each well construction permit shall require that each well be constructed by a certified well contractor in compliance with 567—Chapters 49 and 82. However, temporary dewatering wells at construction sites shall be exempt from the construction standards of 567—Chapter 49. [Editorial change: IAC Supplement 4/20/22]

567—38.9(455B) Noncompliance. Violations of any of the provisions of this chapter may be addressed by the department pursuant to Iowa Code sections 455B.109, 455B.110, 455B.175 and 455B.191.

567—38.10(455B) Expiration of a permit. A private well construction permit shall expire one calendar year from the date of issuance. If construction of the proposed well is not started prior to the expiration date, a new application plus a new nonrefundable fee must be filed with the department or the county board of supervisors pursuant to rule 567—38.15(455B). [Editorial change: IAC Supplement 4/20/22]

567—38.11(455B) Transferability. A private well construction permit is not transferable.

567—38.12(455B) Denial of a permit. The department or contracting county may deny a private well construction permit if granting the permit would lead to the violation of state law, could result in groundwater contamination, would lead to withdrawal from a protected source, or the well could threaten public health or the environment. Examples of wells that could threaten public health or the environment and, therefore, may be denied construction permits include, but are not limited to: in situ mining wells, wells which may result in a negative impact on an identified point source of groundwater contamination and cause leachate plume to spread or migrate, underground injection wells except as provided in subrule 567—50.6(4) and 567—62.9(455B).
567—38.13(455B) Appeal of a permit denial. Any applicant aggrieved by a decision issued under the provisions of this chapter may file a notice of appeal with the director. The notice of appeal must be filed within 30 days of the date of the permit decision. The form of the notice of appeal and appeal procedures are governed by 567—Chapter 7. Appeal of a permit denied by a county which has been delegated authority to issue private water well permits shall be administered by the county in accordance with the county’s appeal or judiciary review process. Appeal to the department is possible only when the appeal involves well design or construction variances or if delegation to the county is suspended, rescinded or revoked.

[Editorial change: IAC Supplement 4/20/22]

567—38.14 Reserved.

567—38.15(455B) Delegation of authority to county board of supervisors.

38.15(1) Application by board. A county board of supervisors requesting the authority to issue private well construction permits shall apply to the department in accordance with Iowa Code chapter 28E. The application shall include statements of agreement to comply with 567—Chapter 38. Additional information may be requested by the department. The department may contract for all or part of the private well permitting services in those counties that do not receive or maintain delegation authority or for permit authorities retained by the department.

38.15(2) County standards. The county board of supervisors may impose additional standards as local conditions dictate, but the standards cannot be less stringent than those required by the provisions of this chapter.

38.15(3) Information to department. The delegation agreement shall provide for the method, format and frequency of reporting all permit application information and remission of fees to the department.

38.15(4) Board authority. After delegation of authority to a county board of supervisors, all applications in that county shall be made to the board or its designee except that all new private well permit applications by state or federal agencies shall be made to the department.

38.15(5) Term of delegation. The delegation of authority may be for up to five years and may be redelegated at the discretion of the department.

38.15(6) Permit number. Each permit shall be given a unique number as prescribed by the department. This numbering system shall be consistent throughout the state.

38.15(7) Well tag. The department may require that an identification tag be applied to each well. Counties with delegated permitting authority and certified water well contractors are responsible for ensuring that the tags are properly attached to the wells. The department may supply the numbered tags.

567—38.16(455B) Concurrent authority of the department. Notwithstanding the delegation of permit granting authority pursuant to rule 567—38.15(455B), the department reserves the right to exercise concurrent authority. In cases where the board or its designee fails to act on an application, or the director determines that a particular application cannot be appropriately evaluated by the board or its designee, the department may review such an application without invoking the provisions of rule 567—38.17(455B).

[Editorial change: IAC Supplement 4/20/22]

567—38.17(455B) Revocation of delegation agreement. The department may revoke the delegation to issue private well construction permits if the board of supervisors or its designee: failed or refused to carry out the provisions of this chapter in a timely manner; or violated any of the provisions of the delegation of authority agreement with the department.

These rules are intended to implement Iowa Code sections 455B.105(11), 455B.172, and 455B.187.

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DENTAL BOARD[650]

[Prior to 5/18/88, Dental Examiners, Board of[320]]

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“Accredited school” means a dental, dental hygiene, or dental assisting education program accredited by the American Dental Association Commission on Dental Accreditation.

“Board” means the dental board.

“Chapter” means Iowa Code chapter 153.

“Coronal polish” means an adjunctive procedure that must also include removal of any calculus, if present, by a dentist or dental hygienist. Coronal polishing of teeth using only a rotary instrument and a rubber cup or brush for such purpose, when performed at the direction of and under the supervision of a licensed dentist, is deemed not to be the giving of prophylactic treatment.

“Dental hygiene committee,” as defined in Iowa Code section 153.33A, means the dental hygiene committee of the dental board.

“Department” means the department of public health.

“Direct supervision” means that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room.

“General supervision of a dental assistant” means that a dentist has examined the patient and has delegated the services to be provided by a registered dental assistant, which are limited to all extraoral duties, dental radiography, intraoral suctioning, and use of a curing light and intraoral camera. The dentist need not be present in the facility while these services are being provided.

“General supervision of a dental hygienist” means that a dentist has examined the patient and has prescribed authorized services to be provided by a dental hygienist. The dentist need not be present in the facility while these services are being provided. If a dentist will not be present, the following requirements shall be met:

1. Patients or their legal guardians must be informed prior to the appointment that no dentist will be present and therefore no examination will be conducted at that appointment.
2. The hygienist must consent to the arrangement.
3. Basic emergency procedures must be established and in place and the hygienist must be capable of implementing these procedures.
4. The treatment to be provided must be prior prescribed by a licensed dentist and must be entered in writing in the patient record.

“Lapsed license,” “permit,” or “registration” means a license, permit, or registration that a person has failed to renew as required or the license, permit, or registration of a person who failed to meet stated obligations for renewal within a stated time. A person whose license, permit, or registration has lapsed continues to hold the privilege of licensure or registration in Iowa, but may not practice dentistry, dental hygiene, or dental assisting until the license, permit, or registration is reinstated.

“License” means a certificate issued to a person to practice as a dentist or dental hygienist under the laws of this state.

“Licensee” means a person who has been issued a certificate to practice as a dentist or dental hygienist under the laws of this state.

“Overpayment” means payment in excess of the required fee. Overpayment shall result in the return of the original request and payment, prior to processing, with a clarification of the total amount due.

“Peer review” as defined in Iowa Code section 272C.1(7) means evaluation of professional services rendered by a licensee or registrant.

“Peer review committee” as defined in Iowa Code section 272C.1(8) means one or more persons acting in a peer review capacity pursuant to these rules.
“Personal supervision” means the dentist is physically present in the treatment room to oversee and direct all intraoral or chairside services of the dental assistant trainee and a licensee or registrant is physically present to oversee and direct all extraoral services of the dental assistant.

“Practice of dentistry” as defined in Iowa Code section 153.13 includes the rendering of professional services in this state as an employee or independent contractor or the rendering of any dental decisions, including diagnosing, treatment planning, determining the appropriateness of proposed dental care, or engaging in acts that constitute the practice of dentistry.

The following classes of persons shall also be deemed to be engaged in the practice of dentistry:
1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.
2. Persons who perform examinations, diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background, experience, and expertise are common to the practice of dentistry.
3. Persons who offer to perform, perform, or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of this paragraph, “tooth whitening” means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

“Registrant” means a person who has been issued a certificate to practice as a dental assistant under the laws of this state.

“Registration” means a certificate issued to a person to practice as a dental assistant under the laws of this state.

This rule is intended to implement Iowa Code sections 147.1(2), 147.13, 147.30, 147.76, 147.80, 153.13 and 153.15, and chapter 272C.

650—1.2(17A,147,153,272C) Purpose of the board. The purpose of the board is to protect public health, safety, and welfare by administering, interpreting, and enforcing the provisions of law that relate to the practice of dentistry, dental hygiene, and dental assisting. In pursuit of this mission, the board performs these primary functions:
1.2(1) Administers examinations for the testing of dentists, dental hygienists, and dental assistants;
1.2(2) Issues licenses, registrations, certificates, and permits to qualified practitioners;
1.2(3) Sets standards for license, registration, and permit renewal and continuing education;
1.2(4) Enforces Iowa laws regulating the practice of dentistry, dental hygiene, and dental assisting;
1.2(5) Investigates complaints concerning violations of the dental practice Act and rules;
1.2(6) Conducts disciplinary hearings and monitors the compliance of licensees or registrants with board orders; and
1.2(7) Adopts rules and establishes standards for practitioners pursuant to its authority under the Iowa Code and administrative rules.

650—1.3(17A,147,153) Organization of the board.
1.3(1) The board shall be composed of five members licensed to practice dentistry, two members licensed to practice dental hygiene and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. All members are appointed by the governor, subject to confirmation by the senate.
1.3(2) Five members of the board shall constitute a quorum for the purpose of conducting business.
1.3(3) The dental hygiene committee of the board shall be composed of the two dental hygiene members of the board and one dentist member of the board. The dentist member will be elected annually to serve on the committee by a majority vote of the board. The dentist member of the committee must
have supervised and worked in collaboration with a dental hygienist for a period of at least three years immediately preceding election to the committee.

1.3(4) Two members of the dental hygiene committee shall constitute a quorum for the purpose of conducting business.

1.3(5) Committees of the board may be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons. Committees of the board may include the executive committee, licensure committee, grievance committee, continuing education advisory committee, and dental assistant committee.

650—1.4(153) Organization of the dental hygiene committee.

1.4(1) All matters regarding the practice, discipline, education, examination, and licensure of dental hygienists will be initially directed to the dental hygiene committee. The committee shall have the authority to adopt recommendations regarding the practice, discipline, education, examination, and licensure of dental hygienists and shall carry out duties as assigned by the board. Recommendations by the committee shall include a statement and documentation supporting its recommendation to the board. The board shall review all committee recommendations. The recommendations shall be ratified by the board unless the board makes a specific written finding that the recommendation exceeds the jurisdiction or expands the scope of the committee beyond the authority granted in subrule 1.4(2), creates an undue financial impact on the board, or is not supported by the record. The board may not amend a committee recommendation without the concurrence of the majority of the members of the dental hygiene committee.

1.4(2) This rule shall not be construed as impacting or changing the scope of practice of the profession of dental hygiene or authorizing the independent practice of dental hygiene.

1.4(3) The committee shall not have regulatory or disciplinary authority with regard to dentists, dental assistants, dental lab technicians, or other auxiliary dental personnel.

This rule is intended to implement Iowa Code section 153.33A.

650—1.5(17A,153) Information. Members of the public may obtain information from or submit requests relating to the practice of dentistry, dental hygiene, or dental assisting, continuing education, or any other matter to the Executive Director, Iowa Dental Board, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

[ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—1.6(17A,147,153) Meetings.

1.6(1) The board shall hold an annual meeting each year in Des Moines to elect officers and conduct other business. Officers of the board shall consist of a chairperson, vice chairperson, and secretary. Officers shall assume their duties immediately following their election at the annual meeting.

1.6(2) The board may hold additional meetings as the chairperson, vice chairperson, or majority of the board deems necessary. Written notices stating the time and place of the meetings shall be provided consistent with the open meetings law.

1.6(3) The dental hygiene committee shall hold an annual meeting each year in Des Moines, Iowa, to elect officers and conduct other business. Officers of the committee shall consist of a chairperson, vice chairperson, and secretary. Officers shall assume their duties immediately following their election at the annual meeting.

1.6(4) The dental hygiene committee may hold additional meetings as the chairperson, vice chairperson, or majority of the committee deems necessary.

1.6(5) Dates and location of board meetings may be obtained from the board’s office. Except as otherwise provided by statute, all board meetings shall be open and the public shall be permitted to attend.

These rules are intended to implement Iowa Code sections 17A.3, 147.14(4), 147.22, and 153.33A(1).

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650—14.1(147,153,272C) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed prior to the expiration date of the license. Dental hygiene licenses expire on August 31 of every odd-numbered year. Dental licenses expire August 31 of every even-numbered year.

14.1(1) Application renewal procedures.

a. Renewal notice. The board office will send a renewal notice by email to each licensee at the licensee’s last-known email address.

b. Licensee and permit holder obligation. The licensee or permit holder is responsible for renewing the license or permit prior to its expiration. Failure of the licensee or permit holder to receive the notice does not relieve the licensee or permit holder of the responsibility for renewing that license or permit in order to continue practicing in the state of Iowa.

c. Renewal application form. Application for renewal must be made on forms provided by the board office. Licensees and permit holders may renew their licenses and permits online or via paper application.

d. Complete and timely filed application. No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.1(2) Application fee. The appropriate fee as specified in 650—Chapter 15 of these rules must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.1(3) Continuing education requirements. Completion of continuing education in accordance with 650—Chapter 25 is required for renewal of an active license. However, licensees are exempt from the continuing education requirement for the current biennium in which the license is first issued.

14.1(4) CPR certification. In order to renew a license, an applicant must submit a statement:

a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;

b. Providing the expiration date of the CPR certificate; and

c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

14.1(5) Dental hygiene committee review. The dental hygiene committee may, in its discretion, review any applications for renewal of a dental hygiene license and make recommendations to the board. The board’s review is subject to 650—Chapter 1.

This rule is intended to implement Iowa Code section 147.10 and chapters 153 and 272C.

650—14.2(153) Renewal of registration as a dental assistant. A certificate of registration as a registered dental assistant must be renewed biennially. Registration certificates shall expire on August 31 of every odd-numbered year.

14.2(1) Renewal procedures.

a. Renewal notice. The board office will send a renewal notice by email to each registrant at the registrant’s last-known email address.

b. Registrant obligation. The registrant is responsible for renewing the registration prior to its expiration. Failure of the registrant to receive the notice does not relieve the registrant of the responsibility for renewing that registration in order to continue practicing in the state of Iowa.
c. **Renewal application form.** Registrants may renew their registration online or via paper application. Paper application for renewal must be made in writing on forms provided by the board office before the current registration expires.

d. **Complete and timely filed application.** No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.2(2) **Application fee.** The appropriate fee as specified in 650—Chapter 15 must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.2(3) **Continuing education requirements.** Completion of continuing education as specified in 650—Chapter 25 is required for renewal of an active registration. Failure to meet the requirements of renewal in the time specified by rule will automatically result in a lapsed registration.

14.2(4) **CPR certification.** In order to renew a registration, an applicant must submit a statement:

   a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;

   b. Providing the expiration date of the CPR certificate; and

   c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

This rule is intended to implement Iowa Code sections 147.10 and 153.39.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—14.3(136C,153) **Renewal of dental assistant radiography qualification.** A certificate of radiography qualification must be renewed biennially. Radiography qualification certificates shall expire on August 31 of every odd-numbered year.

14.3(1) **Renewal procedures.**

   a. **Renewal notice.** The board office will send a renewal notice by regular mail or email to each registrant at the registrant’s last-known mailing address or email address. The board will notify each registrant by mail or email of the expiration of the radiography qualification.

   b. **Registrant obligation.** The registrant is responsible for renewing the radiography qualification prior to its expiration. Failure of the registrant to receive the notice does not relieve the registrant of the responsibility for renewing that radiography qualification if the registrant wants to continue taking dental radiographs in the state of Iowa.

   c. **Renewal application form.** Application for renewal must be made in writing on forms provided by the board office before the current radiography qualification expires. Registrants may renew their radiography qualification online or via paper application.

   d. **Complete and timely filed application.** No renewal application shall be considered timely and sufficient until received by the board office and accompanied by all material required for renewal and all applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for renewals submitted online, the electronic timestamp will be deemed the date of filing.

14.3(2) **Application fee.** The appropriate fee as specified in 650—Chapter 15 must accompany the application for renewal. A penalty shall be assessed by the board for late renewal, as specified in 650—Chapter 15.

14.3(3) **Continuing education requirements.** In order to renew a radiography qualification, the dental assistant shall obtain at least two hours of continuing education in the subject area of dental radiography. Proof of attendance shall be retained by the dental assistant and must be submitted to the board office upon request.

14.3(4) **CPR certification.** In order to renew a radiography qualification, an applicant must submit a statement:
a. Confirming that the applicant possesses a valid certificate from a nationally recognized course in cardiopulmonary resuscitation (CPR) that included a “hands-on” clinical component;
b. Providing the expiration date of the CPR certificate; and
c. Acknowledging that the CPR certificate will be retained and made available to board office staff as part of routine auditing and monitoring.

This rule is intended to implement Iowa Code chapters 136C and 153.

[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.4(147,153,272C) Grounds for nonrenewal. The board may refuse to renew a license, registration or radiography qualification on the following grounds:

14.4(1) After proper notice and hearing, for a violation of these rules or Iowa Code chapter 147, 153, or 272C during the term of the last license, registration or radiography qualification or renewal of license, registration or radiography qualification.

14.4(2) Failure to pay required fees.

14.4(3) Failure to obtain required continuing education.

14.4(4) Failure to provide a statement of current certification in cardiopulmonary resuscitation in a course that includes a clinical component.

14.4(5) Receipt of a certificate of noncompliance from the child support recovery unit of the department of human services in accordance with 650—Chapter 33.

This rule is intended to implement Iowa Code section 153.23 and chapters 147, 252J, and 272C.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 4747C, IAB 11/6/19, effective 12/11/19]

650—14.5(147,153,272C) Late renewal.

14.5(1) Failure to renew license or permit.

a. Failure to renew a dental or dental hygiene license or permit prior to September 1 following expiration shall result in a late fee in the amount specified in 650—Chapter 15 being assessed by the board in addition to the renewal fee.

b. Failure to renew prior to October 1 following expiration shall result in assessment of a late fee in the amount specified in 650—Chapter 15.

c. Failure of a license or permit holder to renew a license or permit prior to November 1 following expiration shall cause the license or permit to lapse and become invalid. A licensee or permit holder whose license or permit has lapsed and become invalid is prohibited from the practice of dentistry or dental hygiene until the license or permit is reinstated in accordance with rule 650—14.6(147,153,272C).

14.5(2) Failure to renew registration.

a. Failure to renew a dental assistant registration prior to September 1 following expiration shall result in a late fee in the amount specified in 650—Chapter 15 assessed by the board in addition to the renewal fee.

b. Failure to renew prior to October 1 following expiration shall result in assessment of a late fee in the amount specified in 650—Chapter 15.

c. Failure to renew a registration prior to November 1 following expiration shall cause the registration to lapse and become invalid. A registrant whose registration has lapsed and become invalid is prohibited from practicing as a dental assistant until the registration is reinstated in accordance with rule 650—14.6(147,153,272C).

14.5(3) Failure to renew radiography qualification. Failure to renew a radiography qualification prior to November 1 following expiration shall cause the radiography qualification to lapse and become invalid. A dental assistant whose radiography qualification is lapsed is prohibited from engaging in dental radiography until the qualification is reinstated in accordance with rule 650—14.7(136C,153).

This rule is intended to implement Iowa Code sections 147.10, 147.11, and 272C.2.

[ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—14.6(147,153,272C) Reinstatement of a lapsed license or registration.

14.6(1) A licensee or a registrant who allows a license or registration to lapse by failing to renew may have the license or registration reinstated at the discretion of the board by submitting the following:
a. A completed application for reinstatement of a lapsed license or registration to practice dentistry, dental hygiene or dental assisting, on forms provided by the board.
b. Dates and places of practice.
c. A list of other states in which licensed or registered and the identifying number of each license or registration.
d. Payment of a renewal fee, as specified in 650—Chapter 15, plus the reinstatement application fee as specified in 650—Chapter 15.
e. Evidence of completion of the hours of continuing education required for renewal of a license or registration in accordance with 650—Chapter 25 taken within the previous two-year period, or evidence of the full-time or part-time practice of the profession in another state of the United States or the District of Columbia, for a minimum of two years within the previous five-year period.
f. If licensed or registered in another state, the licensee or registrant shall provide certification by the state board of dentistry or equivalent authority of such state that the licensee or registrant has not been the subject of final or pending disciplinary action.
g. A statement disclosing and explaining any disciplinary actions, investigations, claims, complaints, judgments, settlements, or criminal charges.
h. Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. The course must include a clinical component.
i. For reinstatement of a lapsed license, a completed fingerprint packet to facilitate a criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI), including the fee for the evaluation of the fingerprint packet and the criminal history background checks by the DCI and FBI, as specified in 650—Chapter 15.

14.6(2) The board may require a licensee or registrant who is applying for reinstatement, and has not actively practiced clinically within the previous five years, to successfully complete a regional clinical examination, or other board-approved examination or assessment, for the purpose of ensuring that the applicant possesses sufficient knowledge and skill to practice safely.

14.6(3) When the board finds that a practitioner applying for reinstatement is or has been subject to disciplinary action taken against a license or registration held by the applicant in another state of the United States, District of Columbia, or territory, and the violations which resulted in such actions would also be grounds for discipline in Iowa in accordance with rule 650—30.4(153), the board may deny reinstatement of a license or registration to practice dentistry, dental hygiene, or dental assisting in Iowa or may impose any applicable disciplinary sanctions as specified in rule 650—30.2(153) as a condition of reinstatement.

14.6(4) The dental hygiene committee may, in its discretion, review any applications for reinstatement of a lapsed dental hygiene license and make recommendations to the board. The board’s review of the dental hygiene committee recommendation is subject to 650—Chapter 1.

This rule is intended to implement Iowa Code sections 147.10, 147.11, and 272C.2.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—14.7(136C,153) Reinstatement of lapsed radiography qualification. A dental assistant who allows a radiography qualification to lapse by failing to renew may have the radiography qualification reinstated at the discretion of the board by submitting the following:

14.7(1) A completed application for reinstatement of the dental assistant radiography qualification.
14.7(2) Payment of the radiography reinstatement application fee and the current renewal fee, both as specified in 650—Chapter 15.
14.7(3) Proof of current registration as a dental assistant or proof of an active Iowa nursing license.
14.7(4) If the radiography qualification has been lapsed for less than five years, proof of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period.
14.7(5) If the radiography qualification has been lapsed for more than five years, the dental assistant shall be required to retake and successfully complete an examination in dental radiography. A dental
assistant who presents proof of a current radiography qualification issued by another state and who has engaged in dental radiography in that state is exempt from the examination requirement.

This rule is intended to implement Iowa Code section 136C.3 and chapter 153.

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CHAPTER 15
FEES

650—15.1(147,153) Establishment of fees. The board is self-supporting through the collection of fees and does not receive an appropriation from the general fund. Pursuant to Iowa Code section 147.80, the board is to establish fees by rule based on the costs of sustaining the board and the actual costs of the services performed by the board. Under Iowa law, the board is required to annually prepare an estimate of projected revenues generated by the fees received and review projected expenses to ensure that there are sufficient funds to cover projected expenses.

[ARC 0164C, IAB 6/13/12, effective 5/21/12; ARC 0265C, IAB 8/8/12, effective 9/12/12]

650—15.2(147,153) Definitions. The following definitions apply to this chapter:

“Fee” means the amount charged for the services described in this chapter. All fees are nonrefundable. Overpayment of the fee will result in return of the original request and payment, prior to processing, with a clarification of the total amount due.

“Service charge” means the amount charged for making a service available online and is in addition to the actual fee for a service itself. For example, a licensee who renews a license online will pay the license renewal fee and a service charge.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3490C, IAB 12/6/17, effective 1/10/18]

650—15.3(153) Examination fees. All fees are nonrefundable. In addition to the fees specified in this rule, an applicant will pay a service charge for filing online.

15.3(1) Portfolio dental examination fee. The fee for dental examination on the basis of portfolio is $1500.

15.3(2) Reserved.

[ARC 3488C, IAB 12/6/17, effective 1/10/18]

650—15.4(153) Application fees. All fees are nonrefundable. In addition to the fees specified in this rule, an applicant will pay a service charge for filing online.

15.4(1) Dental licensure on the basis of examination. The fees for a dental license issued on the basis of examination include an application fee, a fee for evaluation of a fingerprint packet and criminal background check and, if the applicant is applying within three months or less of a biennial renewal due date, the renewal fee.

a. Application fee. The application fee for a license to practice dentistry is $200.

b. Initial licensure period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the licensure application fee. A license shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a licensee shall pay the renewal fee as specified in rule 650—15.5(153).

c. Fingerprint packet and criminal history check. The fee for evaluation of a fingerprint packet and criminal background check is as specified in subrule 15.8(4).

15.4(2) Dental hygiene licensure on the basis of examination. The fees for a dental hygiene license issued on the basis of examination include an application fee, an initial licensure fee, and a fee for evaluation of a fingerprint packet and criminal background check.

a. Application fee. The application fee for a license to practice dental hygiene is $100.

b. Initial licensure period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the licensure application fee. A license shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a licensee shall pay the renewal fee as specified in rule 650—15.5(153).

c. Fingerprint packet and criminal history check. The fee for evaluation of a fingerprint packet and criminal background check is as specified in subrule 15.8(4).

15.4(3) Resident dental license. The application fee for a resident dental license is $120.

15.4(4) Faculty permit. The application fee for a faculty permit is $200.
15.4(5) Dental licensure on the basis of credentials. The fees for a dental license issued on the basis of credentials include an application fee, an initial licensure fee, and a fee for evaluation of a fingerprint packet and criminal background check.

a. Application fee. The application fee for a license to practice dentistry issued on the basis of credentials is $550.

b. Initial licensure period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the licensure application fee. A license shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a licensee shall pay the renewal fee as specified in rule 650—15.5(153).

c. Fingerprint packet and criminal history check. The fee for evaluation of a fingerprint packet and criminal background check is as specified in subrule 15.8(4).

15.4(6) Dental hygiene licensure on the basis of credentials. The fees for a dental hygiene license issued on the basis of credentials include an application fee, an initial licensure fee, and a fee for evaluation of a fingerprint packet and criminal background check.

a. Application fee. The application fee for a license to practice dental hygiene issued on the basis of credentials is $200.

b. Initial licensure period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the licensure application fee. A license shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a licensee shall pay the renewal fee as specified in rule 650—15.5(153).

c. Fingerprint packet and criminal history check. The fee for evaluation of a fingerprint packet and criminal background check is as specified in subrule 15.8(4).

15.4(7) Reinstatement of a lapsed dental assistant registration. The fee for a reinstatement application for a lapsed dental assistant registration is $50.

15.4(8) Reinstatement of a lapsed dental hygiene license. The fee for a reinstatement application for a lapsed dental hygiene license is $100.

15.4(9) Reinstatement of a lapsed dental license. The fee for a reinstatement application for a lapsed dental license is $150.

15.4(10) General anesthesia permit application. The application fee for a general anesthesia permit is $500.

15.4(11) Moderate sedation permit application. The application fee for a moderate sedation permit is $500.

15.4(12) Local anesthesia permit—initial application and reinstatement. The application or reinstatement fee for a permit to authorize a dental hygienist to administer local anesthesia is $70.

15.4(13) Dental assistant trainee application. The fee for an application for registration as a dental assistant trainee is $25.

15.4(14) Dental assistant registration only application.

a. Application fee. The application fee for dental assistant registration is $40.

b. Initial registration period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the registration application fee. A dental assistant registration shall not be issued for a period less than three months or longer than two years and three months. Thereafter, a registrant shall pay the renewal fee as specified in rule 650—15.5(153).

15.4(15) Combined application—dental assistant registration and qualification in radiography.

a. Application fee. The application fee for a combined application for both registration as a registered dental assistant and radiography qualification is $60.

b. Initial combined registration and radiography qualification period and renewal period. If an applicant applies within three months or less of a biennial renewal due date, the applicant shall pay the renewal fee along with the combined registration/radiography qualification application fee. A dental assistant registration and radiography qualification shall not be issued for a period less than three months
or longer than two years and three months. Thereafter, the applicant shall pay the renewal fee as specified in rule 650—15.5(153).

15.4(16) Dental assistant radiography qualification application fee. The fee for an application for dental assistant radiography qualification is $40.

15.4(17) Temporary permit—urgent need or educational services. The fee for an application for a temporary permit to serve an urgent need or provide educational services is $100 if an application is submitted online or $150 if submitted via paper application.


[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 0618C, IAB 3/6/13, effective 4/10/13; ARC 0984C, IAB 9/4/13, effective 10/9/13; ARC 3490C, IAB 12/6/17, effective 1/10/18; ARC 3488C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—15.5(153) Renewal fees. All fees are nonrefundable. Each two-year renewal period begins on September 1 and runs through August 31. Dental licenses, moderate sedation permits, and general anesthesia permits expire in even-numbered years. Dental hygiene licenses, local anesthesia permits, dental assistant registration and qualification in dental radiography expire in odd-numbered years. To avoid late fees, paper renewal applications must be postmarked on or received in the board office by August 31. To avoid late fees, online renewal applications must be time-stamped no later than 11:59 p.m. (CST) on August 31.

15.5(1) Dental license renewal. The fee for renewal of a license to practice dentistry for a biennial period is $315.

15.5(2) Dental hygiene license renewal. The fee for renewal of a license to practice dental hygiene for a biennial period is $150.

15.5(3) General anesthesia permit renewal. The fee for renewal of a general anesthesia permit is $125.

15.5(4) Moderate sedation permit renewal. The fee for renewal of a moderate sedation permit is $125.

15.5(5) Local anesthesia permit renewal. The fee for renewal of a permit to authorize a dental hygienist to administer local anesthesia is $25.

15.5(6) Dental assistant registration renewal. The fee for renewal of registration as a registered dental assistant is $75.

15.5(7) Combined renewal application—dental assistant registration and qualification in radiography. The fee for a combined application to renew both a registration as a registered dental assistant and a radiography qualification is $115.

15.5(8) Dental assistant qualification in radiography renewal. The fee for renewal of a certificate of qualification in dental radiography is $40.

15.5(9) Faculty permit renewal. The fee for renewal of a faculty permit is $315.

15.5(10) Resident license renewal. The fee for renewal or extension of a resident license is $40.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3488C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—15.6(153) Late renewal fees. All fees are nonrefundable. A licensee, registrant or permit holder who fails to renew a license, registration or permit following expiration is subject to late renewal fees as described in this rule.

15.6(1) Failure to renew a license, registration or permit prior to September 1. Failure by a licensee, registrant or permit holder to renew the license, registration or permit prior to September 1 following expiration shall result in the following late fees:

a. Dental license or permit. A late fee of $100 shall be assessed, in addition to the renewal fee.

b. Dental hygiene license. A late fee of $100 shall be assessed, in addition to the renewal fee.

c. Dental assistant registration. A late fee of $20 shall be assessed, in addition to the renewal fee.
15.6(2) Failure to renew a license, registration or permit prior to October 1. Failure by a licensee, registrant or permit holder to renew the license, registration or permit prior to October 1 following expiration shall result in the following late fees:
   a. Dental license or permit. A late fee of $150 shall be assessed, in addition to the renewal fee.
   b. Dental hygiene license. A late fee of $150 shall be assessed, in addition to the renewal fee.
   c. Dental assistant registration. A late fee of $40 shall be assessed, in addition to the renewal fee.

15.6(3) Failure to renew a license, registration or permit prior to November 1. Failure by a licensee, registrant or permit holder to renew a license, registration or permit prior to November 1 following expiration shall cause the license, registration or permit to lapse and become invalid. A licensee, registrant or permit holder whose license, registration or permit has lapsed and become invalid is prohibited from the practice of dentistry, dental hygiene, or dental assisting until the license, registration or permit is reinstated.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3488C, IAB 12/6/17, effective 1/10/18]

650—15.7(147,153) Reinstatement fees. If a license, registration or permit lapses, a licensee, registrant or permit holder may submit an application for reinstatement. Licensees, registrants or permit holders are subject to reinstatement fees as described in this rule.

15.7(1) Reinstatement of a dental license. In addition to the reinstatement application fee specified in subrule 15.4(9), the applicant must pay a renewal fee as specified in subrule 15.5(1) and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(2) Reinstatement of a dental hygiene license. In addition to the reinstatement application fee specified in subrule 15.4(8), the applicant must pay a renewal fee as specified in subrule 15.5(2) and the fee for evaluation of a fingerprint packet and criminal background check as specified in subrule 15.8(4).

15.7(3) Reinstatement of a dental assistant registration. In addition to the reinstatement application fee specified in subrule 15.4(7), the applicant must pay a renewal fee as specified in subrule 15.5(6) to reinstate a registration as a registered dental assistant.

15.7(4) Combined reinstatement application—dental assistant registration and qualification in radiography. In addition to the reinstatement application fee specified in subrule 15.4(7), the applicant must pay a renewal fee as specified in subrule 15.5(7) for a combined application to reinstate both a registration as a registered dental assistant and a radiography qualification.

15.7(5) Reinstatement of qualification in radiography. In addition to the reinstatement application fee of $40, the applicant must pay a renewal fee as specified in subrule 15.5(8) to reinstate a qualification in dental radiography without registration as a dental assistant.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3490C, IAB 12/6/17, effective 1/10/18; ARC 3488C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/22/22]

650—15.8(153) Miscellaneous fees. Payments made to the Iowa Dental Board, which shall be considered a repayment receipt as defined in Iowa Code section 8.2, shall be received in the board office prior to release of the requested document.

15.8(1) Duplicates. The fee for issuance of a hard-copy duplicate license, permit or registration certificate or current renewal is $25. Electronic copies are provided at no cost.

15.8(2) Certification or verification. The fee for a written certification or written verification of an Iowa license, permit or registration is $25.

15.8(3) Trainee manual. The fee for the dental assistant trainee manual is $70.

15.8(4) Fingerprint packet and criminal history background check. The fee for evaluation of a fingerprint packet and the criminal history background checks is $46.

15.8(5) IPRC monitoring. The fee for monitoring for compliance with an IPRC agreement is $100 per quarter, unless otherwise stated in the Iowa practitioner program contract entered into pursuant to 650—Chapter 35.

15.8(6) Monitoring for compliance with settlement agreements. The fee for monitoring a licensee’s, registrant’s or permit holder’s compliance with a settlement agreement entered into pursuant to 650—subrule 51.19(9) is $300 per quarter, unless otherwise stated in the settlement agreement.

15.8(7) Disciplinary hearings—fees and costs.
a. Definitions. As used in this subrule in relation to fees related to a formal disciplinary action filed by the board against a licensee, registrant or permit holder:

“Deposition” means the testimony of a person pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“Expenses” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding and shall include mileage reimbursement at the rate specified in Iowa Code section 70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“Medical examination fees” means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a licensee when the examination or evaluation is conducted pursuant to an order of the board.

“Transcript” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“Witness fees” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purposes of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72 as the case may be.

b. The board may charge a fee not to exceed $75 for conducting a disciplinary hearing which results in disciplinary action taken against the licensee by the board. In addition to the fee, the board may recover from the licensee costs for the following procedures and personnel:

1. Court reporter and transcript.
2. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing. In addition, the board may assess a licensee the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.
3. Depositions. Deposition costs for the purposes of allocating costs against a licensee include only those deposition costs incurred by the state of Iowa. The licensee is directly responsible for the payment of deposition costs incurred by the licensee.
4. Medical examination fees incurred relating to a person licensed under Iowa Code chapter 147. All costs of physical or mental examinations or substance abuse evaluations or drug screening or clinical competency evaluations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation or pending complaint or as a sanction following a contested case shall be paid directly by the licensee.

15.8(8) Certification of reimbursable costs. The executive director or designee shall certify any reimbursable costs incurred by the board. The executive director shall calculate the specific costs, certify the cost calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on the party responsible for payment of the certified costs at the time of the filing.

15.8(9) Assessment of fees and costs. A final decision of the board imposing disciplinary action against a licensee shall include the amount of any disciplinary hearing fee assessed, which shall not exceed $75. If the board also assesses reimbursable costs against the licensee, the board shall file a certification of reimbursable costs which includes a statement of costs delineating each category of costs and the amount assessed. Fees and costs that cannot be calculated at the time of the issuance of the board’s final disciplinary order may be invoiced to the licensee at a later time, provided the board’s final disciplinary order states that the fees and costs will be invoiced at a later date. The board shall specify the time period in which the fees and costs must be paid by the licensee.

15.8(10) Board treatment of collected fees, costs. Fees and costs collected by the board shall be considered repayment receipts as defined in Iowa Code section 8.2.
15.8(11) *Failure to pay assessed fees, costs.* Failure of a licensee to pay the fees and costs assessed herein within the time period specified in the board’s final disciplinary order shall constitute a violation of an order of the board and shall be grounds for disciplinary action.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3490C, IAB 12/6/17, effective 1/10/18, ARC 3488C, IAB 12/6/17, effective 1/10/18; ARC 4676C, IAB 9/25/19, effective 10/30/19]

650—15.9(153) **Continuing education fees.**

15.9(1) *Application for prior approval of activities.* The fee for an application for prior approval of a continuing education activity is $10.

15.9(2) *Application for postapproval of activities.* The fee for an application for postapproval of a continuing education activity is $10.

15.9(3) *Application for approved sponsor status.* The fee for an application to become an approved sponsor for a continuing education activity is $100. The biennial renewal fee is $100.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3488C, IAB 12/6/17, effective 1/10/18]

650—15.10(153) **Facility inspection fee.** The actual costs for an on-site evaluation of a facility at which deep sedation/general anesthesia or moderate sedation is authorized pursuant to 650—Chapter 29 shall not exceed $500 per facility per inspection.

[ARC 0265C, IAB 12/6/17, effective 9/12/12; ARC 3488C, IAB 12/6/17, effective 1/10/18]

650—15.11(22,147,153) **Public records.** Public records are available according to 650—Chapter 6, “Public Records and Fair Information Practices.” Payment made to the Iowa Dental Board, which shall be considered a repayment receipt as defined in Iowa Code section 8.2, shall be received in the board office prior to the release of the records.

15.11(1) Copies of public records shall be calculated at $.25 per page plus labor. A $16 per-hour fee shall be charged for labor in excess of one-half hour for searching and copying documents or retrieving and copying information stored electronically. No additional fee shall be charged for delivery of the records by mail or fax. A fax is an option if the requested records are fewer than 30 pages. The board office shall not require payment when the fee for the request would be less than $5 total.

15.11(2) Electronic copies of public records delivered by email shall be calculated at $.10 per page; the minimum charge shall be $5. A $16 per-hour fee shall be charged for labor in excess of one-half hour for searching and copying documents or retrieving and copying information stored electronically. The board office shall not require payment when the fee for the request would be less than $5 total.

15.11(3) Electronic files of statements of charges, final orders and consent agreements from each board meeting may be delivered via email, upon written request, at no cost.

15.11(4) Printed copies of statements of charges, final orders and consent agreements from each board meeting shall be available for an annual subscription fee of $120.

[ARC 0265C, IAB 8/8/12, effective 9/12/12; ARC 3490C, IAB 12/6/17, effective 1/10/18; ARC 3488C, IAB 12/6/17, effective 1/10/18]

650—15.12(22,147,153) **Purchase of a mailing list or data list.** Payment made to the Iowa Dental Board, which shall be considered a repayment receipt as defined in Iowa Code section 8.2, shall be received in the board office prior to the release of a list.

15.12(1) *Mailing list for dentists, hygienists or assistants.* The standard mailing list for all active licensees and registrants includes the full name, address, city, state, ZIP code, and Iowa county. The standard mailing list of dentists or dental hygienists includes resident licensees and faculty permit holders.

a. Printed mailing list, $65 per profession requested.

b. Mailing list on disc or DVD, $45 per profession requested.

c. Mailing list in an electronic file, $35 per profession requested.

15.12(2) *Data list for dentists, hygienists, or assistants.* The standard data list for active licensees or registrants includes full name, address, Iowa county (if applicable), original issue date, expiration date, license or registration number, license or registration status, specialty (if applicable), and whether public
disciplinary action has been taken. The standard data list includes resident licensees and faculty permit holders. Additional data elements, programming or sorting increases the following fees by $25.
   a. Printed standard data list, $75 per profession requested.
   b. Standard data list on disc or DVD, $55 per profession requested.
   c. Standard data list in an electronic file, $45 per profession requested.

650—15.13(147,153) Returned checks. The board shall charge a fee of $39 for a check returned for any reason. If a license or registration had been issued by the board office based on a check that is later returned by the bank, the board shall request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee or registrant shall be subject to disciplinary action for noncompliance with board rules.

650—15.14(147,153,272C) Copies of the laws and rules. Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available from the board office for the following fees.
   1. Iowa Code and Iowa Administrative Code access, no fee, available at dentalboard.iowa.gov.
   2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, $10.

650—15.15(17A,147,153,272C) Waiver prohibited. Rules in this chapter are not subject to waiver pursuant to 650—Chapter 7 or any other provision of law.
[Filed ARC 3490C (Notice ARC 3156C, IAB 7/5/17), IAB 12/6/17, effective 1/10/18]
[Filed ARC 4676C (Notice ARC 4424C, IAB 5/8/19), IAB 9/25/19, effective 10/30/19]
[Filed ARC 6303C (Notice ARC 6210C, IAB 2/23/22), IAB 4/20/22, effective 5/25/22]

<sup>◊</sup> Two or more ARCs
TITLE V
PROFESSIONAL STANDARDS

CHAPTER 25
CONTINUING EDUCATION

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—25.1(153) Definitions. For the purpose of this chapter, these definitions shall apply:

“Advisory committee” means a committee on continuing education formed to review and advise the board with respect to applications for approval of sponsors or activities. The committee’s members shall be appointed by the board and consist of at least one member of the board, two licensed dentists with expertise in the area of professional continuing education, two licensed dental hygienists with expertise in the area of professional continuing education, and two registered dental assistants with expertise in the area of professional continuing education. The advisory committee on continuing education may recommend approval or denial of applications or requests submitted to it pending final approval or disapproval of the board at its next meeting.

“Board” means the dental board.

“Continuing dental education” consists of education activities designed to review existing concepts and techniques and to update knowledge on advances in dental and medical sciences. The objective of continuing dental education is to improve the knowledge, skills, and ability of the individual to deliver the highest quality of service to the public and professions.

Continuing dental education should favorably enrich past dental education experiences. Programs should make it possible for practitioners to attune dental practice to new knowledge as it becomes available. All continuing dental education should strengthen the skills of critical inquiry, balanced judgment and professional technique.

“Dental public health” is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice in which the community serves as the patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, with the administration of group dental care programs, and with the prevention and control of dental diseases on a community basis.

“Hour of continuing education” means one unit of credit which shall be granted for each hour of contact instruction and shall be designated as a “clock hour.” This credit shall apply to either academic or clinical instruction.

“Licensee” means any person who has been issued a certificate to practice dentistry or dental hygiene in the state of Iowa.

“Opioid” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain.

“Registrant” means any person registered to practice as a dental assistant in the state of Iowa.

“Self-study activities” means the study of something by oneself, without direct supervision or attendance in a class. “Self-study activities” may include Internet-based coursework, television viewing, video programs, correspondence work or research, or computer programs that are interactive and require branching, navigation, participation and decision making on the part of the viewer. Internet-based webinars which include the involvement of an instructor and participants in real time and which allow for communication with the instructor through messaging, telephone or other means shall not be construed to be self-study activities.

“Sponsor” means a person, educational institution, or organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules. During the time a person, educational institution, or organization is an approved sponsor, all continuing education activities of such person or organization may be deemed automatically approved provided the continuing education activities meet the continuing education guidelines of the board.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 4400C, IAB 4/24/19, effective 5/29/19]

650—25.2(153) Continuing education administrative requirements.
25.2(1) Each person licensed to practice dentistry or dental hygiene in this state shall complete during the biennium renewal period a minimum of 30 hours of continuing education approved by the board.

25.2(2) Each person registered to practice dental assisting in this state shall complete during the biennium renewal period a minimum of 20 hours of continuing education approved by the board.

25.2(3) Each person who holds a qualification in dental radiography in this state shall complete during the biennium renewal period a minimum of two hours of continuing education in the area of dental radiography.

25.2(4) The continuing education compliance period shall be the 24-month period commencing September 1 and ending on August 31 of the renewal cycle.

25.2(5) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity either previously approved by the board or which otherwise meets the requirements herein and is approved by the board pursuant to rule 650—25.5(153).

25.2(6) It is the responsibility of each licensee or registrant to finance the costs of continuing education.

[ARC 3489C, IAB 12/6/17, effective 1/10/18]

650—25.3(153) Documentation of continuing education hours.

25.3(1) Every licensee or registrant shall maintain a record of all courses attended by keeping the certificates of attendance for four years. The board reserves the right to require any licensee or registrant to submit the certificates of attendance for the continuing education courses attended. If selected for continuing education audit, the licensee or registrant shall file a signed continuing education form and submit certificates or other evidence of attendance.

25.3(2) Licensees and registrants are responsible for obtaining proof of attendance forms when attending courses. Clock hours must be verified by the sponsor with the issuance of proof of attendance forms to the licensee or registrant.

25.3(3) Each licensee or registrant shall report the number of continuing education credit hours completed during the current renewal cycle in compliance with this chapter. Such report shall be filed with the board at the time of application for renewal of a dental or dental hygiene license or renewal of dental assistant registration.

25.3(4) No carryover of credits from one biennial period to the next will be allowed.

[ARC 3489C, IAB 12/6/17, effective 1/10/18]


25.4(1) The following courses are required for all licensees and registrants:

a. Mandatory reporter training for child abuse and dependent adult abuse.

b. Cardiopulmonary resuscitation.

c. Infection control.

d. Jurisprudence.

25.4(2) Mandatory reporter training for child abuse and dependent adult abuse.

a. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats adults in Iowa shall complete an initial two-hour dependent adult abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Completion of the initial training course results in two hours of continuing education credit. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certificate. Completion of the recertification training results in one hour of continuing education credit.

b. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats children in Iowa shall complete an initial two-hour child abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Completion of the initial training course results in two hours of continuing education credit. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certificate. Completion of the recertification training results in one hour of continuing education credit.
25.4(3) Cardiopulmonary resuscitation (CPR). Licensees and registrants shall furnish evidence of valid certification for CPR, which shall be credited toward the continuing education requirement for renewal of the license, faculty permit or registration. Such evidence shall be filed at the time of renewal of the license, faculty permit or registration. Valid certification means certification by an organization on an annual basis or, if that certifying organization requires certification on a less frequent basis, evidence that the licensee or registrant has been properly certified for each year covered by the renewal period. In addition, the course must include a clinical component. Credit hours awarded for certification in CPR shall not exceed three hours of required continuing education hours per biennium. Credit hours awarded for certification in pediatric advanced life support (PALS) or advanced cardiac life support (ACLS) may be claimed hour for hour.

25.4(4) Infection control. Beginning September 1, 2018, licensees and registrants shall complete continuing education in the area of infection control. Licensees and registrants shall furnish evidence of continuing education completed within the previous biennium in the area of infection control standards, as required by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. Completion of continuing education in the area of infection control shall be credited toward the required continuing education requirement in the renewal period during which it was completed. A minimum of one hour shall be submitted.

25.4(5) Jurisprudence. Beginning September 1, 2018, licensees and registrants shall complete continuing education in the area of Iowa jurisprudence related to the practice of dentistry, dental hygiene and dental assisting. Licensees and registrants shall furnish evidence of continuing education completed within the previous biennium in the area of Iowa jurisprudence. Completion of continuing education in the area of Iowa jurisprudence shall be credited toward the required continuing education requirement in the renewal period during which it was completed. A minimum of one hour shall be submitted.

25.4(6) The following is required for dentists only.

   a. As a condition of license renewal, a licensed dentist who has prescribed opioids to a patient during the biennium renewal period shall obtain a minimum of one hour of continuing education credit on opioids. This training shall include guidelines for prescribing opioids, including recommendations on limitations of dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacological therapy options. This hour may count toward the 30 hours of continuing education required for license renewal. The licensee shall maintain documentation of this hour, which may be subject to audit. If the continuing education did not cover the U.S. Centers for Disease Control and Prevention guideline for prescribing opioids for chronic pain, the licensee shall read the guideline prior to license renewal.

   b. A licensed dentist who did not prescribe opioids during the biennium renewal period may attest that the dentist is not subject to this requirement due to the fact that the dentist did not prescribe opioids during the time period.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 4409C, IAB 4/24/19, effective 5/29/19; ARC 4846C, IAB 1/1/20, effective 2/5/20]

650—25.5(153) Acceptable programs and activities.

25.5(1) A continuing education activity shall be acceptable and not require board approval if it meets the following criteria:

   a. It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee or registrant and is of value to dentistry and applicable to oral health care; and

   b. It pertains to common subjects or other subject matters which relate to the practice of dentistry, dental hygiene, or dental assisting which are intended to refresh and review, or update knowledge of new or existing concepts and techniques, and enhance the dental health of the public; and

   c. It is conducted by individuals who have sufficient special education, training and experience to be considered experts concerning the subject matter of the program. The program must include a written outline or manual that substantively pertains to the subject matter of the program.

25.5(2) Types of activities acceptable for continuing dental education credit may include:
a. A dental science course that includes topics which address the clinical practice of dentistry, dental hygiene, dental assisting and dental public health.

b. Courses in record keeping, medical conditions which may have an effect on oral health, ergonomics related to clinical practice, HIPAA, risk management, sexual boundaries, communication with patients, OSHA regulations, and the discontinuation of practice related to the transition of patient care and patient records.

c. Sessions attended at a multiday convention-type meeting. A multiday convention-type meeting is held at a national, state, or regional level and involves a variety of concurrent educational experiences directly related to the practice of dentistry.

d. Postgraduate study relating to health sciences.

e. Successful completion of a recognized specialty examination or the Dental Assisting National Board (DANB) examination.

f. Self-study activities.

g. Original presentation of continuing dental education courses.

h. Publication of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting.

i. Delivery of volunteer dental services without compensation through a free clinic, the purpose of which is the delivery of health care services to low-income or underserved individuals.

25.5(3) Credit may be given for other continuing education activities upon request and approval by the board.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 5318C, IAB 12/16/20, effective 1/20/21]

650—25.6(153) Unacceptable programs and activities.

25.6(1) Unacceptable subject matter and activity types include, but are not limited to, personal development, business aspects of practice, business strategy, financial management, marketing, sales, practice growth, personnel management, insurance, and collective bargaining. While desirable, those subjects and activities are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal. The board may deny credit for any course.

25.6(2) Inquiries relating to acceptability of continuing dental education activities, approval of sponsors, or exemptions should be directed to Advisory Committee on Continuing Dental Education, Iowa Dental Board, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 5318C, IAB 12/16/20, effective 1/20/21]

650—25.7(153) Prior approval of activities. A person or organization, other than an approved sponsor, that desires prior approval for a course, program or other continuing education activity or that desires to establish approval of the activity prior to attendance may apply for approval to the board, using board-approved forms, at least 90 days in advance of the commencement of the activity. Within 90 days after receipt of such application, the board shall advise the licensee or registrant in writing whether the activity is approved and the number of hours allowed. All requests may be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. An application fee as specified in 650—Chapter 15 is required. Continuing education course approval shall be valid for a period of five years following the date of board approval. Thereafter, courses may be resubmitted for approval. Courses which clearly meet the criteria listed under acceptable programs and activities are not required to be submitted for approval.

[ARC 3489C, IAB 12/6/17, effective 1/10/18]

650—25.8(153) Postapproval of activities. A licensee or registrant seeking credit for attendance and participation in an educational activity which was not conducted by an approved sponsor or otherwise approved and which does not clearly meet the acceptable programs and activities listed in rule 650—25.5(153) may apply for approval to the board using board-approved forms. Within 90 days after receipt of such application, the board shall advise the licensee or registrant in writing whether the activity is approved and the number of hours allowed. All requests may be reviewed by the advisory
committee on continuing education prior to final approval or denial by the board. An application fee as specified in 650—Chapter 15 is required.

[ARC 3489C, IAB 12/6/17, effective 1/10/18]

650—25.9(153) Designation of continuing education hours. Continuing education hours shall be determined by the length of a continuing education course in clock hours. For the purpose of calculating continuing education hours for renewal of a license or registration, the following rules shall apply:

25.9(1) Attendance at a multiday convention.
   a. Attendees at a multiday convention may receive a maximum of 1.5 hours of credit per day with the maximum of six hours of credit allowed per biennium.
   b. Sponsors of multiday conventions shall submit to the board for review and prior approval guidelines for awarding credit for convention attendance.

25.9(2) Presenters or attendees of table clinics at a meeting.
   a. Four hours of credit shall be allowed for presentation of an original table clinic at a meeting as verified by the sponsor when the subject matter conforms with rule 650—25.5(153).
   b. Attendees at the table clinic session of a dental, dental hygiene, or dental assisting meeting shall receive two hours of credit as verified by the sponsor when the subject matter conforms with rule 650—25.5(153).

25.9(3) Postgraduate study relating to health sciences shall receive 15 credits per semester.

25.9(4) Successful completion of a specialty examination or the Dental Assisting National Board (DANB) shall result in 15 hours of credit.

25.9(5) Self-study activities shall result in a maximum of 12 hours of continuing education credit per biennium.

25.9(6) An original presentation of continuing dental education shall result in credit double that which the participants receive. Additional credit will not be granted for the repeating of presentations within the biennium. Credit is not given for teaching that represents part of the licensee’s or registrant’s normal academic duties as a full-time or part-time faculty member or consultant.

25.9(7) Publication of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting shall result in 5 hours of credit per article with the maximum of 20 hours allowed per biennium.

25.9(8) Delivery of volunteer dental services in accordance with paragraph 25.5(2) “i” shall result in one hour of continuing education credit for every three hours worked. Dentists and dental hygienists can report a maximum of six hours of credit per biennium of volunteer dental services. Dental assistants can report a maximum of four hours of credit per biennium of volunteer dental services. The volunteer hours must be verified by the free clinic or the organization sponsoring the event where volunteer services are provided.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 5318C, IAB 12/16/20, effective 1/20/21]

650—25.10(153) Extensions and exemptions.

25.10(1) Illness or disability. The board may, in individual cases involving physical disability or illness, grant an exemption of the continuing education requirements or an extension of time within which to fulfill the same or make the required reports. No exemption or extension of time shall be granted unless written application is made on forms provided by the board and signed by the licensee or registrant and a licensed health care professional. Extensions or exemptions of the continuing education requirements may be granted by the board for any period of time not to exceed one calendar year. In the event that the physical disability or illness upon which an exemption has been granted continues beyond the period granted, the licensee or registrant must apply for an extension of the exemption. The board may, as a condition of the exemption, require the applicant to make up a certain portion or all of the continuing education requirements.

25.10(2) Other extensions or exemptions. Extensions or exemptions of continuing education requirements will be considered by the board on an individual basis. Licensees or registrants will be exempt from the continuing education requirements for:
   a. Periods that the person serves honorably on active duty in the military services;
b. Periods that the person practices the person’s profession in another state or district having a continuing education requirement and the licensee or registrant meets all requirements of that state or district for practice therein;

c. Periods that the person is a government employee working in the person’s licensed or registered specialty and assigned to duty outside the United States;

d. Other periods of active practice and absence from the state approved by the board;

e. The current biennium renewal period, or portion thereof, following original issuance of the license;

f. For dental assistants registered pursuant to rule 650—20.6(153), the current biennium renewal period, or portion thereof, following original issuance of the registration.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 4676C, IAB 9/25/19, effective 10/30/19]

650—25.11(153) Approval of sponsors.

25.11(1) An organization or person which desires approval as a sponsor of courses, programs, or other continuing education activities shall apply for approval to the board stating its education history, including approximate dates, subjects offered, total hours of instruction presented, and names and qualifications of instructors. All applications shall be reviewed by the advisory committee on continuing education prior to final approval or denial by the board.

25.11(2) Prospective sponsors must apply to the board using approved forms in order to obtain approved sponsor status. An application fee as specified in 650—Chapter 15 is required. Sponsors must pay the biennial renewal fee as specified in 650—Chapter 15 and file a sponsor recertification record report biennially.

25.11(3) The person or organization sponsoring continuing education activities shall make a written record of the Iowa licensees or registrants in attendance, maintain the written record for a minimum of five years, and submit the record upon the request of the board. The sponsor of the continuing education activity shall also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.

25.11(4) Sponsors must be formally organized and adhere to board rules for planning and providing continuing dental education activities. Programs sponsored by individuals or institutions for commercial or proprietary purposes, especially programs in which the speaker advertises or urges the use of any particular dental product or appliance, may be recognized for credit on a prior-approval basis only. When courses are promoted as approved continuing education courses which do not meet the requirements as defined by the board, the sponsor will be required to refund the registration fee to the participants. Approved sponsors may offer noncredit courses provided the participants have been informed that no credit will be given. Failure to meet this requirement may result in loss of approved sponsor status.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—25.12(153) Review of programs or sponsors. The board on its own motion or at the recommendation of the advisory committee on continuing education may monitor or review any continuing education program or sponsors already approved by the board. Upon evidence of a failure to meet the requirements of rule 650—25.11(153), the board may revoke the approval status of the sponsor. Upon evidence of significant variation in the program presented from the program approved, the board may deny all or any part of the approved hours granted to the program. A provider that wishes to appeal the board’s decision regarding revocation of approval status or denial of continuing education credit shall file an appeal within 30 days of the board’s decision. A timely appeal shall initiate a contested case proceeding. The contested case shall be conducted pursuant to Iowa Code chapter 17A and 650—Chapter 51. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

650—25.13(153) Noncompliance with continuing dental education requirements. It is the licensee’s or registrant’s personal responsibility to comply with these rules. The license or registration of
individuals not complying with the continuing dental education rules may be subject to disciplinary action by the board or nonrenewal of the license or registration.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

### 650—25.14(153) Dental hygiene continuing education

The dental hygiene committee, in its discretion, shall make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The dental hygiene committee may utilize the continuing education advisory committee as needed. The board’s review of the dental hygiene committee recommendation is subject to 650—Chapter 1. The following items pertaining to dental hygiene shall be forwarded to the dental hygiene committee for review.

1. Dental hygiene continuing education requirements and requests for approval of programs, activities and sponsors.
2. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.
3. Requests for reinstatement from lapsed dental hygiene practitioners.
4. Appeals of denial of dental hygiene continuing education and conduct of hearings as necessary.

[ARC 3489C, IAB 12/6/17, effective 1/10/18; ARC 6303C, IAB 4/20/22, effective 5/25/22]

These rules are intended to implement Iowa Code sections 147.10, 153.15A, and 153.39 and chapter 272C.

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CHAPTER 3
POSTING, INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

[Prior to 9/24/86, Labor, Bureau of [530]]
[Prior to 10/7/98, see 347—Ch 3]

875—3.1(88) Posting of notice; availability of the Act, regulations and applicable standards.

3.1(1) Each employer shall post and keep posted a notice or notices informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the department of workforce development, division of labor services. The notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that such notices are not altered, defaced or covered by other materials. The notice or notices will be furnished by the division of labor services.

Reproductions or facsimiles of the state poster shall constitute compliance with the posting requirements of Iowa Code section 88.6(3) “a” where such reproductions or facsimiles are at least 8½ inches by 14 inches, and the printing size is at least 10 point. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, generally not less than 36 point.

3.1(2) “Establishment” means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, central administrative office or governmental agency or subdivision thereof.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Occupational Safety and Health Administration, U.S. Department of Labor, or the division of labor services. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications and electric, gas and sanitary services, the notice or notices required by this rule shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as harbor workers, traveling salespersons, technicians, engineers, and similar personnel, such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of subrule 3.1(1).

3.1(3) Copies of the Act, all regulations published and all applicable safety and health rules are available from the division of labor services. If an employer has obtained copies of these materials from the division of labor services or the U.S. Department of Labor, the employer shall make them available upon request to any employee or authorized employee representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or authorized employee representative and the employer.

3.1(4) Any employer failing to comply with the provisions of this rule shall be subject to citation and penalty in accordance with the provisions of Iowa Code section 88.14.

This rule is intended to implement Iowa Code section 88.6(3) “a.”

[ARC 3557C, IAB 1/3/18, effective 2/11/18]

875—3.2(88) Objection to inspection.

3.2(1) Upon a refusal to permit a compliance safety and health officer, in the exercise of official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records or to question any employer, owner, operator, agent or employee, or to permit a representative of employees to accompany the compliance safety and health officer during the physical inspection of any workplace, the compliance safety and health officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records or interviews concerning which no objection is raised. The compliance safety and
health officer shall endeavor to ascertain the reason for such refusal and shall immediately report the refusal and the reason therefor to the labor commissioner or the commissioner’s designee. The labor commissioner shall promptly take appropriate action, including compulsory process, if necessary.

3.2(2) Compulsory process shall be sought in advance of an attempted inspection or investigation if, in the judgment of the labor commissioner or a designee, circumstances exist which make such preinspection process desirable or necessary. Some examples of circumstances in which it may be desirable or necessary to seek compulsory process in advance of an attempt to inspect or investigate include (but are not limited to):

a. When the employer’s past practice either implicitly or explicitly puts the commissioner on notice that a warrantless inspection will not be allowed, or

b. When an inspection includes the use of special equipment or when the presence of an expert or experts is needed in order to properly conduct the inspection, and procuring a warrant prior to an attempt to inspect would alleviate the difficulties or costs encountered in coordinating the availability of such equipment or expert.

3.2(3) For the purposes of this rule, the term “compulsory process” shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent. Ex parte inspection warrants shall be the preferred form of compulsory process in all circumstances where compulsory process is relied upon to seek entry to a workplace under this rule.

This rule is intended to implement Iowa Code section 88.6(1).

875—3.3(88) Entry not a waiver. Any permission to enter, inspect, review records or question any person shall not imply or be conditioned upon a waiver of any cause of action, citation or penalty under the Act. Compliance safety and health officers are not authorized to grant any such waiver.

This rule is intended to implement Iowa Code section 88.6(1).

875—3.4(88) Advance notice of inspections.

3.4(1) Advance notice of inspections may not be given, except in the following situations:

a. In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible;

b. In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;

c. Where necessary to ensure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection; and

d. In other circumstances where the labor commissioner or the commissioner’s designee determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

3.4(2) In situations described in 3.4(1), advance notice of inspections may be given only if authorized by the labor commissioner or the commissioner’s designee, except that in cases of apparent imminent danger, advance notice may be given by the compliance safety and health officer without such authorization if the labor commissioner or the commissioner’s designee is not immediately available. When advance notice is given, it shall be the employer’s responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of the representative is known to the employer. Upon the request of the employer, the compliance safety and health officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the compliance safety and health officer with the identity of the representative and with other information as is necessary to enable the compliance safety and health officer promptly to inform the representative of the inspection. An employer who fails to comply with the obligation under this rule promptly to inform the authorized representative of employees of the inspection, or to furnish such information as is necessary to enable the compliance safety and health officer promptly to inform the representative of the inspection, may be subject to citation and penalty under Iowa Code section 88.14(3). Advance notice in any of the situations described in subrule 3.4(1) shall not be given more than 24 hours before
the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

This rule is intended to implement Iowa Code sections 88.6(1) and 88.14(6).

875—3.5(88) Conduct of inspections.

3.5(1) Inspections shall take place at the times and in the places of employment as the labor commissioner or the commissioner’s designee may direct. At the beginning of an inspection, compliance safety and health officers shall present their credentials to the owner, operator or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records they wish to review. However, such designation of records shall not preclude access to additional records.

3.5(2) Compliance safety and health officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of the establishment. As used herein the term “employ other reasonable investigative techniques” includes, but is not limited to, the use of cameras, audio and videotaping equipment, devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

3.5(3) In taking photographs and samples, compliance safety and health officers shall take reasonable precautions to ensure that such actions with flash, spark-producing or other equipment would not be hazardous. Compliance safety and health officers shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.

3.5(4) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer’s establishment.

3.5(5) At the conclusion of the inspection, the compliance safety and health officer shall confer with the employer or representative and informally advise the employer or representative of any apparent safety or health violations disclosed by the inspection. During the conference, the employer shall be afforded an opportunity to bring to the attention of the compliance safety and health officer any pertinent information regarding conditions in the workplace.

3.5(6) Inspections shall be conducted in accordance with the requirements of this chapter.

This rule is intended to implement Iowa Code section 88.6(1).

[ARC 8522B, IAB 2/10/10, effective 3/17/10]

875—3.6(88) Representatives of employers and employees.

3.6(1) Compliance safety and health officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by employees shall be given an opportunity to accompany the compliance safety and health officer during the physical inspection of any workplace for the purpose of aiding the inspection. A compliance safety and health officer may permit additional employer representatives and additional representatives authorized by employees to accompany the compliance safety and health officer where the compliance safety and health officer determines that the additional representatives will further aid the inspection. A different employer and employee representative may accompany the compliance safety and health officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.

3.6(2) Compliance safety and health officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this rule. If there is no authorized representative of employees, or if the compliance safety and health officer is unable to determine with reasonable certainty who is the representative, the compliance safety and health officer should consult with a reasonable number of employees concerning matters of safety and health in the workplace.

3.6(3) The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the compliance safety and health officer, good cause has been shown
why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, the third party may accompany the compliance safety and health officer during the inspection.

3.6(4) Compliance safety and health officers are authorized to deny the right of accompaniment under this rule to any person whose conduct interferes with a fair and orderly inspection.

This rule is intended to implement Iowa Code sections 88.6(1) and 88.6(4).

875—3.7(88) Complaints by employees.

3.7(1) Any employee or representative of employees who believes that a violation of the Act exists in any workplace where the employee is employed may request an inspection of the workplace by giving notice of the alleged violation to the commissioner or a designee. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the employer or agent by the commissioner’s designee no later than at the time of inspection, except that, upon the request of the person giving the notice, the identity and the identities of individual employees referred to therein shall not appear in the copy or on any record published, released, or made available by the division of labor services.

3.7(2) If upon receipt of notification the commissioner or a designee determines that the complaint meets the requirements set forth in subrule 3.7(1), and that there are reasonable grounds to believe that the alleged violation exists, an inspection shall be made as soon as practicable, to determine if the alleged violation exists. Inspections under this rule shall not be limited to matters referred to in the complaint.

3.7(3) During any inspection of a workplace, any employee or representative of employees employed in the workplace may notify the compliance safety and health officer of any violation of the Act which they have reason to believe exists in the workplace.

875—3.8(88) Trade or governmental secrets.

3.8(1) At the commencement of an inspection, the employer may identify areas in the establishment which contain or which might reveal trade or governmental secrets. If the compliance safety and health officer has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs and environmental samples, shall be labeled “confidential-trade/governmental secrets” and shall not be disclosed except in accordance with the provisions of Iowa Code section 88.12.

3.8(2) Upon the request of an employer, any authorized representative of employees in an area containing trade or governmental secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no representative or employee, the compliance safety and health officer shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

This rule is intended to implement Iowa Code sections 88.6(1) and 88.12.

875—3.9(88) Imminent danger. Whenever and as soon as a compliance safety and health officer concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act, the affected employees and employers shall be notified as provided in Iowa Code section 88.11(3). Appropriate citations and notices of proposed penalties may be issued with respect to an imminent danger even though, after being informed of the danger by the compliance safety and health officer, the employer immediately eliminates the imminence of the danger and initiates steps to abate the danger.

875—3.10(88) Consultation with employees. Compliance safety and health officers may consult with employees concerning matters of occupational safety and health to the extent that they deem necessary for
the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act which the employee has reason to believe exists in the workplace to the attention of the compliance safety and health officer.

This rule is intended to implement Iowa Code sections 88.6(1) and 88.6(4).

**875—3.11(88) Citations.**

3.11(1) The civil penalties proposed by the labor commissioner on or after June 1, 2022, are as follows:

a. *Willful violation.* The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than $10,360 and shall not exceed $145,027.

b. *Repeated violation.* The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed $145,027.

c. *Serious violation.* The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed $14,502.

d. *Other-than-serious violation.* The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed $14,502.

e. *Failure to correct violation.* The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed $14,502 per day.

f. *Posting, reporting, or record-keeping violation.* The penalty for each posting, reporting, or record-keeping violation under Iowa Code section 88.14(9) shall not exceed $14,502.

3.11(2) Upon receipt of any citation under the Act, the employer shall immediately post the citation or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided in this rule. Where, because of the nature of the employer’s operations, it is not practicable to post the citation at or near each place of alleged violation, the citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced or covered by other material. Notices of de minimis violations need not be posted.

3.11(3) Each citation or a copy thereof shall remain posted until the violation has been abated, or for three working days, whichever is later. The filing by the employer of a notice of intention to contest shall not affect the posting responsibility under this rule unless and until the employment appeal board issues a final order vacating the citation.

3.11(4) An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the employment appeal board and the notice may explain the reasons for the contest. The employer may also indicate that specified steps have been taken to abate the violation.

3.11(5) Any employer failing to comply with the provisions of subrules 3.11(2) and 3.11(3) shall be subject to citation and penalty in accordance with the provisions of Iowa Code section 88.14.

3.11(6) Any employer to whom a citation and notification of penalty have been issued may, under Iowa Code section 88.8, notify the commissioner of the employer’s intention to contest the citation or notification of penalty. The notice of contest shall be in writing. The notice of contest shall be received by the division of labor services or postmarked no later than 15 working days after the receipt by the employer of the citation and notification of penalty. The notice of contest may be provided to the division of labor services by mail, personal delivery or facsimile transmission.

This rule is intended to implement Iowa Code chapter 88.

[ARC 3557C, IAB 1/3/18, effective 2/11/18; ARC 3810C, IAB 5/23/18, effective 6/30/18; ARC 4412C, IAB 4/24/19, effective 5/29/19; ARC 4640C, IAB 8/28/19, effective 10/2/19; ARC 5157C, IAB 8/26/20, effective 10/3/20; ARC 5632C, IAB 5/19/21, effective 6/26/21; ARC 6295C, IAB 4/20/22, effective 5/25/22]

**875—3.12(88) Informal conferences.** At the request of an affected employer, employee, or representative of employees, the labor commissioner or the commissioner’s designee may hold an
informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The settlement of any issue at the conference shall be subject to the rules of procedure prescribed by the employment appeal board. If the conference is requested by the employer, an affected employee or the employee’s representative shall be afforded an opportunity to participate, at the discretion of the labor commissioner or the commissioner’s designee. If the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the labor commissioner or the commissioner’s designee. Any party may be represented by counsel at the conference. No conference or request for a conference shall operate as a stay of any 15-working-day period for filing a notice of intention to contest.

This rule is intended to implement Iowa Code sections 17A.3(1) “b” and 17A.10.

875—3.13(88) Petitions for modification of abatement date.

3.13(1) An employer may file a petition for modification of abatement date when the employer has made a good faith effort to comply with the abatement requirements of a citation, but such abatement has not been completed because of factors beyond its reasonable control.

3.13(2) A petition for modification of abatement date shall be in writing and shall include the following information:

a. All steps taken by the employer, and the dates of the action, in an effort to achieve compliance during the prescribed abatement period.

b. The specific additional abatement time necessary in order to achieve compliance.

c. The reasons the additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

d. All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

e. A certification that a copy of the petition and notice informing affected employees of their rights to party status has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with 3.13(3) “a” and a certification of the date upon which the posting and service was made. A notice in the following form shall be deemed to comply with this paragraph:

(Name of employer)

Your employer has been cited by the commissioner of labor for violation of the Iowa Occupational Safety and Health Act and has requested additional time to correct one or more of the violations. Affected employees are entitled to participate as parties under terms and conditions established by the Iowa employment appeal board in its rules of procedure. Affected employees or their representatives desiring to participate must file a written objection to the employer’s petition with the commissioner of labor. Failure to file the objection within ten working days of the first posting of the accompanying petition and this notice shall constitute a waiver of any further right to object to the petition or to participate in any proceedings related thereto. Objections shall be sent to the commissioner’s designee: Iowa OSHA, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. All papers relevant to this matter may be inspected at: (place reasonably convenient to employees, preferably at or near workplace).

3.13(3) A petition for modification of abatement date shall be filed with the labor commissioner or the commissioner’s designee no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer’s statement of exceptional circumstances explaining the delay.

a. A copy of the petition and a notice of employee rights complying with 3.13(2) “e” shall be posted in a conspicuous place where all affected employees will have notice thereof or near the location where the violation occurred. The petition and notice of employee rights shall remain posted for a period of ten working days. Where affected employees are represented by an authorized representative, the representative shall be served with a copy of the petition and notice of employee rights.

b. Affected employees or their representatives may file an objection in writing to a petition with the labor commissioner or the commissioner’s designee. Failure to file the objection within ten working
days of the date of posting of the petition and notice of employee rights or of service upon an authorized representative shall constitute a waiver of any further right to object to the petition.

c. The labor commissioner or the commissioner’s designee shall have the authority to approve any filed petition for modification of abatement date. Uncontested petitions shall become final orders pursuant to Iowa Code section 88.8.

d. The labor commissioner or the commissioner’s designee shall not exercise approval power until the expiration of 15 working days from the date the petition and notice of employee rights were posted or served by the employer.

3.13(4) Where any petition is objected to by the labor commissioner or the commissioner’s designee or affected employees, the petition, citation, and any objections shall be forwarded to the employment appeal board within 3 working days after the expiration of the 15-day period set out in subrule 3.13(3) “d.”

This rule is intended to implement Iowa Code section 88.8.
[ARC 3557C, IAB 1/3/18, effective 2/11/18]

875—3.14 to 3.18 Reserved.

875—3.19(88) Abatement verification.

3.19(1) Scope and application. This rule applies to employers who receive a citation for a violation of the Iowa Occupational Safety and Health Act.

3.19(2) Definitions.

“Abatement” means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by OSHA during an inspection.

“Abatement date” means:
1. For an uncontested citation item, the later of:
   • The date in the citation for abatement of the violation;
   • The date approved by OSHA or established in litigation as a result of a petition for modification of the abatement date (PMA); or
   • The date established in a citation by an informal settlement agreement.
2. For a contested citation item for which the employment appeal board has issued a final order affirming the violation, the later of:
   • The date identified in the final order for abatement; or
   • The date computed by adding the period allowed in the citation for abatement to the final order date;
   • The date established by a formal settlement agreement.

“Affected employees” means those employees who are exposed to the hazard(s) identified as a violation(s) in a citation.

“Final order date” means:
1. For an uncontested citation item, the fifteenth working day after the employer’s receipt of the citation;
2. For a contested citation item:
   • The thirtieth day after the date on which a final order was entered by the employment appeal board or
   • The date on which a court issues a decision affirming the violation in a case in which a final order of employment appeal board has been stayed.

“Movable equipment” means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between work sites.

3.19(3) Abatement certification.

a. Within ten calendar days after the abatement date, the employer must certify to the division that each cited violation has been abated, except as provided in paragraph “b” of this subrule.

b. The employer is not required to certify abatement if the compliance safety and health officer during the on-site portion of the inspection:
(1) Observes, within 24 hours after a violation is identified, that abatement has occurred; and
(2) Notes in the citation that abatement has occurred.
   c. The employer’s certification that abatement is complete must include, for each cited violation, in addition to the information required in 3.19(8), the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement.

3.19(4) Abatement documentation.
   a. The employer must submit to the division, along with the information on abatement certification required by subrule 3.19(3), paragraph “c,” documents demonstrating that abatement is complete for each willful or repeat violation and for any serious violation for which the division indicates in the citation that the abatement documentation is required.
   b. Documents demonstrating that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

3.19(5) Abatement plans.
   a. The division may require an employer to submit an abatement plan for each cited violation (except an other-than-serious violation) when the time permitted for abatement is more than 90 calendar days. If an abatement plan is required, the citation must so indicate.
   b. The employer must submit an abatement plan for each cited violation within 25 calendar days from the final order date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to the violative condition in the interim until abatement is complete.

3.19(6) Progress reports.
   a. An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:
      (1) That periodic progress reports are required and the citation items for which they are required;
      (2) The date on which an initial progress report must be submitted, which may be no sooner than 30 calendar days after submission of an abatement plan;
      (3) Whether additional progress reports are required; and
      (4) The date(s) on which additional progress reports must be submitted.
   b. For each violation, the progress report must identify, in a single sentence if possible, the action taken to achieve abatement and the date the action was taken.

3.19(7) Employee notification.
   a. The employer must inform affected employees and their representative(s) about abatement activities covered by this rule by posting a copy of each document submitted to the division or a summary of the document near the place where the violation occurred.
   b. Where posting does not effectively inform employees and their representatives about abatement activities (for example, for employers who have mobile work operations), the employer shall:
      (1) Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or
      (2) Take other steps to communicate fully to affected employees and their representatives about abatement activities.
   c. The employer must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the division.
   d. An employee or an employee representative shall submit a request to examine and copy abatement documents within three working days of receiving notice that the documents have been submitted. The employer shall comply with an employee’s or employee representative’s request to examine and copy abatement documents within five working days of receiving the request.
   d. The employer must ensure that notice to employees and employee representatives is provided at the same time or before the information is provided to the division and that abatement documents are:
      (1) Not altered, defaced, or covered by other material; and
(2) Remain posted for three working days after submission to the division.

3.19(8) Transmitting abatement documents.

   a. The employer must include, in each submission required by this rule, the following information:
      1. The employer’s name and address;
      2. The inspection number to which the submission relates;
      3. The citation and item numbers to which the submission relates;
      4. A statement that the information submitted is accurate; and
      5. The signature of the employer or the employer’s authorized representative.

   b. The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the division receives the document is the date of submission.

3.19(9) Movable equipment.

   a. For serious, repeat, and willful violations involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within the work site or between work sites. Attaching a copy of the citation to the equipment is deemed to meet the tagging requirement of this paragraph as well as the posting requirement of rule 875—3.11(88).

   b. The employer must use a warning tag that properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued. A sample tag is available at osha.gov as Appendix C to 29 CFR 1903.19.

   c. If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment:
      (1) For hand-held equipment, immediately after the employer receives the citation; or
      (2) For non-hand-held equipment, prior to moving the equipment within or between work sites.

   d. For the construction industry, a tag that is designed and used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by OSHA to meet the requirements of this rule when the information required by subrule 3.19(9), paragraph “b,” is included on the tag.

   e. The employer must ensure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other material.

   f. The employer must ensure that the tag or copy of the citation attached to movable equipment remains attached until:
      (1) The violation has been abated and all abatement verification documents required by this regulation have been submitted to the division;
      (2) The cited equipment has been permanently removed from service or is no longer within the employer’s control; or
      (3) The appeal board issues a final order vacating the citation.

[ARC 3557C; IAB 1/3/18, effective 2/11/18]

875—3.20(88) Policy regarding employee rescue activities.

3.20(1) The labor commissioner or the commissioner’s designee shall review the inspection report of the compliance safety and health officer. If, on the basis of the report, the labor commissioner or the commissioner’s designee believes that the employer has violated a requirement of Iowa Code section 88.4 or any rule, the commissioner or the commissioner’s designee shall issue to the employer either a citation or a notice of de minimis violations which has no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the compliance safety and health officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this rule after the expiration of six months following the occurrence of any alleged violation.

3.20(2) Any citation shall describe with particularity the nature of the alleged violation, including a reference to Iowa Code chapter 88, or rule alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.
3.20(3) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under subrule 3.7(1) or a notification of violation under subrule 3.7(3), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

3.20(4) Every citation shall state that the issuance of a citation does not constitute a finding that a violation has occurred unless there is a failure to contest as provided for in Iowa Code chapter 88 or, if contested, unless the citation is affirmed by the appeal board.

3.20(5) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:

a. The employee is designated or assigned by the employer to have responsibility to perform or assist in rescue operations, and the employer fails to provide protection of the safety and health of the employee, including failing to provide appropriate training and rescue equipment; or

b. The employee is directed by the employer to perform rescue activities in the course of carrying out the employee’s job duties, and the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

c. The employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual. Additionally, the employer has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

3.20(6) For purposes of this policy, the term “imminent danger” means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

875—3.21 Reserved.

875—3.22(88,89B) Additional hazard communication training requirements.

3.22(1) Training format. The employer may present the training program to the employee in any format; however, the employer shall preserve a written summary and synopsis of the training, a cassette tape recording of an oral presentation, or a videotape recording of an audio-video presentation of the training relied upon by the employer for compliance with 29 CFR 1910.1200(h), and shall allow employees and their designated representatives access to the written synopsis, tape recording, or videotape recording.

3.22(2) Review by the division. The training program shall be available for review and approval upon inspection by the division. Upon request by the commissioner, the employer shall make available the written synopsis, cassette tape recording, or videotape recording used or prepared by the employer. The commissioner may conduct an inspection to review an actual training program or review the employer’s records of a training program.

875—3.23(88) Definitions. The definitions and interpretations contained in Iowa Code section 88.3 shall be applicable to the terms when used in this chapter. As used in this chapter unless the context clearly requires otherwise:


“Compliance safety and health officer” means a person authorized by the labor commissioner of the department of workforce development, division of labor services, to conduct inspections.

“Division” means the Iowa division of labor of the department of workforce development.

“Inspection” means any inspection of an employer’s factory, plant, establishment, construction site or other area, workplace or environment where work is performed by an employee of an employer, and
includes any inspection conducted pursuant to a filed complaint, and any follow-up inspection, accident investigation or other inspections conducted under the Act.

“Working days” means Mondays through Fridays but shall not include Saturdays, Sundays or federal or state holidays. In computing 15 working days, the day of receipt of any notice shall not be included, and the last day of the 15 working days shall be included.

This rule is intended to implement Iowa Code section 88.6.


These rules are intended to implement Iowa Code chapters 17A and 88.

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