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**Administrative**  
**Code**  
**Supplement**

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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

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 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.

Editor's telephone (515)281-3355 or (515)242-6873

### **Corrections Department[201]**

- Replace Chapter 1
- Replace Chapter 5
- Replace Chapters 10 and 11
- Replace Chapter 20
- Replace Chapter 38
- Replace Chapters 40 to 45
- Replace Chapter 47
- Replace Chapters 50 and 51

### **Education Department[281]**

- Replace Analysis
- Replace Chapter 12
- Replace Chapter 15
- Replace Chapter 21

### **Educational Examiners Board[282]**

- Replace Analysis
- Replace Chapter 13
- Replace Chapter 18
- Replace Chapter 23
- Replace Chapter 27

### **Natural Resource Commission[571]**

- Replace Analysis
- Replace Chapter 47

### **Dental Board[650]**

- Replace Chapter 10
- Replace Chapter 16

### **Pharmacy Board[657]**

- Replace Chapter 10
- Replace Chapter 18
- Replace Chapter 22

### **Regents Board[681]**

- Replace Chapter 1



TITLE I  
GENERAL DEPARTMENTAL PROCEDURES  
CHAPTER 1  
DEPARTMENTAL ORGANIZATION AND PROCEDURES  
[Prior to 3/20/91, Corrections Department[291]]

**201—1.1(904) Title I definitions.**

*“Department”* means the department of corrections.

*“Deputy director”* means the administrator who is appointed by the director and is responsible for an operational division within the department of corrections. The four operational divisions are administration, institutional operations, community-based corrections, and prison industries.

*“Director”* means the director of the department of corrections.

*“Plan of compliance”* means a schedule of action to be followed in correcting statute or rule deficiencies cited by the department of corrections.

*“Public official”* means any officer of the federal government, any state or a political subdivision thereof, receiving a salary or per diem, if elected or appointed or whether serving full-time or part-time. [ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—1.2(904) Mission and function.** The department of corrections is mandated by Iowa Code chapter 904 and consists of a policy board, a director and four operational divisions.

The mission of the department of corrections is creating opportunities for safer communities.

The department is charged with the operation of the state’s penal institutions, judicial district department of corrections programs, prison industries, corrections administration, and contracting with the judicial district departments of correctional services for community correctional services. It is further charged with accreditation and funding of community-based corrections programs, including but not limited to pretrial release, presentence investigation, probation, parole, residential facilities, work release centers and other duties provided for by law.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

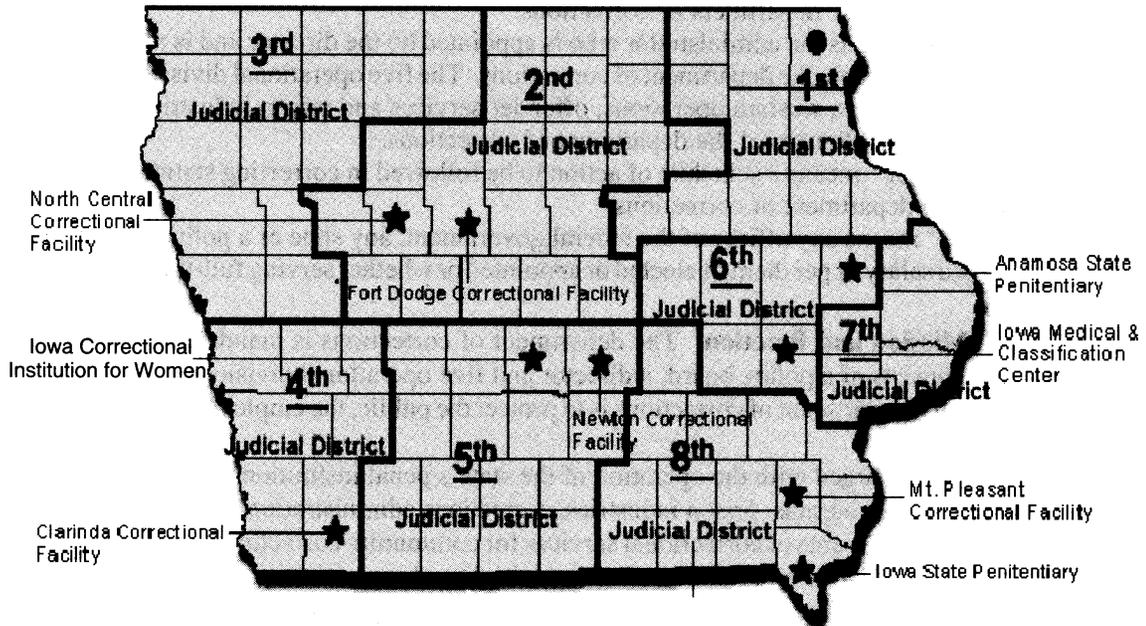
**201—1.3(904) Offices.**

**1.3(1) Central office.** The central office for the department of corrections is located in the Jessie Parker State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Corrections, Jessie Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa 50319; telephone (515)725-5701. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

**1.3(2) Division offices.** The central offices of the divisions of the department are also located in the Jessie Parker State Office Building.

**1.3(3) Contact information.** Contact information for correctional institutions and judicial district departments of correctional services and other offices located outside the principal headquarters is listed below and may also be found on the department’s website, which is listed in rule 201—1.4(904). The following map provides a general overview of judicial district department of correctional services and correctional institution locations.

Department of Corrections Institutions  
and  
Judicial District Departments of Correctional Services



Anamosa State Penitentiary  
406 North High Street  
Anamosa, IA 52205  
(319)462-3504  
(319)462-4962 Fax

Iowa Medical and Classification Center  
2700 Coral Ridge Avenue  
Coralville, IA 52241  
(319)626-2391  
(319)626-2141 Fax

Mt. Pleasant Correctional Facility  
1200 East Washington  
Mt. Pleasant, IA 52641  
(319)385-9511  
(319)385-8828 Fax

Iowa State Penitentiary  
2111 330th Avenue, P.O. Box 316  
Fort Madison, IA 52627  
(319)372-5432  
(319)372-6967 Fax

Newton Correctional Facility  
307 S. 60th Avenue W, P.O. Box 218  
Newton, IA 50208  
(641)792-7552  
(641)791-1683 Fax

Fort Dodge Correctional Facility  
1550 L Street  
Fort Dodge, IA 50501-5767  
(515)574-4700  
(515)574-4707 Fax

North Central Correctional Facility  
313 Lanedale  
Rockwell City, IA 50579  
(712)297-7521  
(712)297-7875 Fax

Iowa Correctional Institution for Women  
420 Mill Street SW  
Mitchellville, IA 50169  
(515)967-4236  
(515)967-5347 Fax

|   |   |
|---|---|
| Clarinda Correctional Facility<br>2000 N. 16th Street<br>Clarinda, IA 51362<br>(712)542-5634/5635<br>(712)542-4844 Fax                | First Judicial District, DCS<br>314 East Sixth Street, P.O. Box 4030<br>Waterloo, IA 50704-4030<br>(319)236-9626<br>(319)291-3947 Fax |
| Second Judicial District, DCS<br>509 Main Street, Suite 200<br>Ames, IA 50010<br>(515)232-1511<br>(515)232-9453 Fax                   | Third Judicial District, DCS<br>515 Water Street<br>Sioux City, IA 51103<br>(712)252-0590<br>(712)252-0634 Fax                        |
| Fourth Judicial District, DCS<br>810 South Tenth Street<br>Council Bluffs, IA 51501<br>(712)325-4943<br>(712)325-0312 Fax             | Fifth Judicial District, DCS<br>1000 Washington Street<br>Des Moines, IA 50314<br>(515)242-6611<br>(515)242-6656 Fax                  |
| Sixth Judicial District, DCS<br>951 29th Ave. SW<br>Cedar Rapids, IA 52404<br>(319)398-3675<br>(319)398-3684 Fax                      | Seventh Judicial District, DCS<br>605 Main Street<br>Davenport, IA 52803-5244<br>(563)322-7986<br>(563)324-2063 Fax                   |
| Eighth Judicial District, DCS<br>1805 West Jefferson, P.O. Box 1060<br>Fairfield, IA 52556-1060<br>(641)472-4242<br>(641)472-9966 Fax |   |

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—1.4(904) Internet website.** The department's Internet home page is located at [www.doc.iowa.gov](http://www.doc.iowa.gov).  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—1.5(904) Method by which and location where the public may obtain information or make submissions or reports.**

**1.5(1)** Persons wishing to obtain information from or report information to the department may contact any of the offices listed in rule 201—1.3(904) or found on the department's website.

**1.5(2)** Persons wishing to make submissions to the department may do so by delivering or forwarding information to the principal offices of the affected division or, if the subject matter is relevant to a specific prison or judicial district department of correctional services, the nearest office as listed in rule 201—1.3(904) or found on the department's website.

**201—1.6(904) Board of corrections.** The director of the department has, by statute, the advice and counsel of the board of corrections. This seven-member board is appointed by the governor with confirmation by the senate, and its powers and duties are policymaking and advisory with respect to the services and programs operated by the department.

**1.6(1)** A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

**1.6(2)** When a quorum is present, a position is carried by a majority of the qualified members of the board.

**1.6(3)** Copies of administrative rules and other materials considered are made a part of the minutes by reference.

**1.6(4)** Copies of the minutes are kept on file in the director's office.

**1.6(5)** At each meeting the board shall set the date and location of the next meeting.

*a.* Notice of the meetings shall be given pursuant to Iowa Code chapter 21.

*b.* When it is determined by the chairperson of the board that an emergency meeting is required, the communications media shall be notified as far in advance of the meeting as time allows. The nature of the emergency shall be stated in the minutes.

*c.* Persons wishing to appear before the board shall submit their request to the department office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda.

*d.* Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that board members have adequate time to receive and evaluate the material.

**1.6(6)** In cases not covered by these rules, Robert's Rules of Order shall govern.

**1.6(7)** The chairperson may appoint committees of the board as necessary to conduct the business of the board. Committee meetings shall comply with Iowa Code chapter 21.

**1.6(8)** The board shall:

*a.* Oversee the work of the department as defined in Iowa Code section 904.105 and, for this purpose, the board shall have access at any time to all books, papers, documents and records of the department.

*b.* Report to the governor and the general assembly recommendations regarding the activities of the department when necessary.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—1.7(904) Director.** The governor appoints the director of the department of corrections. The director is responsible for the daily administration of the department. The operations are performed by four divisions consisting of institutional operations, community-based corrections (CBC), administration, and prison industries. The deputy directors of these divisions report to the director of the department.

In addition to the deputy directors, the general counsel/inspector general, the director of media and public relations, the director of research/recidivism reduction, and the medical services director report to the director of the department.

**1.7(1)** The appointment and qualifications of the director are mandated in Iowa Code section 904.107.

**1.7(2)** Duties of the director are prescribed in Iowa Code section 904.108.

**1.7(3)** The director shall have the authority to place on notice intended administrative action pursuant to Iowa Code chapter 17A by approval of the board of corrections. A report listing all rules placed under notice during the previous month shall be submitted to the board of corrections at its regular meeting for review. The board of corrections shall review and shall adopt rules following the period of public comment.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—1.8(904) Organization of the department.**

**1.8(1)** The deputy director of institutional operations is responsible for all institutions and facilities. These descriptions are in no way binding on the director's authority to transfer incarcerated individuals between institutions.

*a.* Deputy director of institutional operations:

(1) The Iowa state penitentiary, Fort Madison.

(2) The Anamosa state penitentiary, Anamosa.

(3) The Iowa medical and classification center, Coralville.

- (4) Mount Pleasant correctional facility, Mount Pleasant.
- (5) The Iowa correctional institution for women, Mitchellville.
- (6) The Clarinda correctional facility, Clarinda.
- (7) The north central correctional facility, Rockwell City.
- (8) The Newton correctional facility and the Newton correctional release center, Newton.
- (9) The Fort Dodge correctional facility, Fort Dodge.

*b.* Reserved.

**1.8(2)** The deputy director of CBC:

*a.* Is responsible for supervising and coordinating of Code of Iowa requirements as they apply to the judicial district department of correctional services for all eight judicial districts to include:

- (1) The first judicial district department of correctional services.
- (2) The second judicial district department of correctional services.
- (3) The third judicial district department of correctional services.
- (4) The fourth judicial district department of correctional services.
- (5) The fifth judicial district department of correctional services.
- (6) The sixth judicial district department of correctional services.
- (7) The seventh judicial district department of correctional services.
- (8) The eighth judicial district department of correctional services.

*b.* Is responsible for providing assistance and support to the judicial district departments of correctional services and for periodic review and accreditation of these programs. The following services shall be provided in addition to parole and work release:

- (1) Pretrial interviews.
- (2) Pretrial supervision.
- (3) Presentence investigation.
- (4) Probation.
- (5) Residential services.
- (6) Community service sentencing.
- (7) OWI facilities.

*c.* Is responsible for programming for and treatment of incarcerated individuals to include the following:

- (1) Interstate compact administration.
- (2) Substance abuse treatment services.
- (3) Cognitive learning.
- (4) Batterers' education programs.
- (5) Sex offender treatment.
- (6) Preemployment programs.

**1.8(3)** The fiscal manager for the division of administration shall be responsible for the following:

- a.* Budget development and control.
- b.* Personnel.
- c.* Accountable government oversight.
- d.* Planning and development.
- e.* General administrative support.
- f.* Fiscal policy and procedures.
- g.* Engineering.
- h.* Data processing.

**1.8(4)** The deputy director for prison industries shall be responsible for the following:

*a.* The manufacturing/service/purchasing operations.

*b.* The activities and programs of the sales manager and territorial sales staff of Iowa prison industries.

*c.* The budget, income and expense forecasts and financial record keeping/reporting required to operate Iowa prison industries as a self-supporting activity.

*d.* Private sector employment.

- e.* Farms.
- f.* Centralized canteen.
- g.* State and federal surplus.

**1.8(5)** The director of research/recidivism reduction shall be responsible for the following:

- a.* Learning center.
- b.* Research department.

**1.8(6)** The general counsel/inspector general shall be responsible for the following:

- a.* Legal services.
- b.* Coordination of court orders.
- c.* Investigations.
- d.* EEO/AA.
- e.* Administrative law judges.
- f.* Jail inspections.
- g.* Legislative program.
- h.* Administrative rules.

**1.8(7)** The director of media and public relations shall be responsible for the following:

- a.* Providing public information to constituency groups and the media.
- b.* Facilitating internal communications in the department.

**1.8(8)** The medical services director shall be responsible for the following:

- a.* Institutional medical services.
- b.* Central pharmacy.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 904.101 to 904.108.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

[Filed 11/18/83, Notice 9/28/83—published 12/7/83, effective 1/11/84]

[Filed emergency 1/27/84—published 2/15/84, effective 1/27/84]

[Filed 5/4/84, Notice 2/15/84—published 5/23/84, effective 6/27/84 and 7/1/84]

[Filed 7/24/84, Notice 5/23/84—published 8/15/84, effective 9/19/84]

[Filed 4/4/85, Notice 10/24/84—published 4/24/85, effective 5/29/85]

[Filed 9/20/85, Notice 7/31/85—published 10/9/85, effective 11/13/85]

[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]

[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]

[Filed 4/17/07, Notice 2/14/07—published 5/9/07, effective 6/13/07]

[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 5  
PUBLIC RECORDS AND  
FAIR INFORMATION PRACTICES  
[Prior to 3/20/91, Corrections Department[291]]

The Iowa department of corrections hereby adopts, with the following exceptions and amendments, rules of the Governor’s Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are published at [www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf) on the General Assembly’s website.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—5.1(17A,22) Definitions.** As used in this chapter:

“*Agency*” means the department of corrections.

“*Confidential records*” are records, as defined under Iowa Code sections 22.7, 22.8, 904.601, 904.602, and 904.603, which are not disclosed to members of the public except by court order. This includes records which the department is prohibited by law from making available for inspection by members of the public and those exempt records which the department has determined not to disclose to members of the public.

“*Custodian*” means an agency or a person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22.

“*Open records*” are those records which are not authorized or required to be kept confidential under Iowa Code sections 22.7, 22.8, 904.601, 904.602, and 904.603 or any other provision of the law.

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

“*Record*” means the whole or a part of a public record, as defined in Iowa Code section 22.1, that is owned by or in the physical possession of this agency.

“*Record system*” means any group of records, under the control of the agency, from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—5.2(17A,22) Statement of policy.** The purpose of this chapter is to facilitate broad public access to open records. It also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff shall cooperate with members of the public in implementing the provisions of that chapter.

**201—5.3(17A,22) Requests for access to records.**

**5.3(1) Location of record.** A request for access to a record should be directed to the office where the record is kept:

*a.* Records of current inmates are maintained at the inmates’ place of confinement. Such requests should be directed to the Records Office at:

Anamosa State Penitentiary  
406 North High Street  
Anamosa, Iowa 52205  
(319)462-3504

Mount Pleasant Correctional Facility  
1200 East Washington  
Mount Pleasant, Iowa 52641  
(319)385-9511

Clarinda Correctional Facility  
2000 N. 16th Street  
Clarinda, Iowa 51632  
(712)542-5634

Newton Correctional Facility  
307 S. 60th Avenue W, Box 218  
Newton, Iowa 50208  
(641)792-7552

Iowa State Penitentiary  
2111 330th Avenue  
P.O. Box 316  
Fort Madison, Iowa 52627  
(319)372-5432

Iowa Medical and Classification Center  
2700 Coral Ridge Avenue  
Coralville, IA 52241  
(319)626-2391

Iowa Correctional Institution for Women  
420 Mill Street SW  
Mitchellville, Iowa 50169  
(515)967-4236

North Central Correctional Facility  
313 Lanedale  
Rockwell City, Iowa 50579  
(712)297-7521

Fort Dodge Correctional Facility  
1550 L Street  
Fort Dodge, IA 50501  
(515)574-4700

If the requester does not know the current place of confinement, the request for a record should be directed to the Iowa medical and classification center as previously listed.

*b.* Records of former incarcerated individuals and other individuals served by the department's division of institutions should be directed to records office at the Iowa medical and classification center as previously listed.

*c.* Requests for other records, including administration or operation, should be directed to the Director, Department of Corrections, Jessie Parker Building, 510 East 12th Street, Des Moines, Iowa 50319, (515)725-5701.

**5.3(2) Office hours.** Open records shall be made available during all customary office hours, which are 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**5.3(3) Request for access.** Requests for access to records may be made in writing, in person, or by telephone if the request is for open record information. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

**5.3(4) Response to requests.** The custodian is authorized to grant or deny access to the record according to the provisions of Iowa Code chapter 22, sections 904.601, 904.602, 904.603, and this chapter. The decision to grant or deny access may be delegated to one or more designated employees. Unless the size or nature of the request requires time for compliance, the agency shall comply with the request as soon as feasible. However, access to such a record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The agency shall promptly inform the requester of the reason for the delay. A request to review a confidential record shall be in writing. A person requesting access to such a record may be required to complete department of corrections Form No. IN-V-24-F-1 enumerating the specific grounds justifying access to the confidential record and to provide any proof necessary to establish relevant facts, request prior to receiving access to the record.

**5.3(5) Security of record.** No person may, without permission from the custodian, search or remove any record from agency files. The examination and copying of agency records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

**5.3(6) Copying.** A reasonable number of copies of an open record may be made in the agency's office. If photocopy equipment is not available in the agency's office where an open record is kept, the custodian shall permit examination of the record in that office and shall arrange to have copies promptly made elsewhere.

**5.3(7) Fees.**

*a. When charged.* The agency may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

*b. Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the agency shall be prominently posted in agency offices. Copies of records may be made by or for members of the public on agency photocopy machines or from electronic storage systems at cost as determined and posted in agency offices by the custodian. When the mailing of copies of records is requested, the actual cost of such mailing may also be charged to the requester.

*c. Supervisory fee.* An hourly fee may be charged for actual agency expenses in supervising the examination and copying of requested records when the supervision time required is in excess of five minutes. The custodian shall prominently post in agency offices the hourly fees to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of an agency employee who ordinarily would be appropriate and suitable to perform this supervisory function.

*d. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—5.4(17A,22) Access to confidential records.** Pursuant to Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination and copying of such a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in Iowa Code section 904.602.

**5.4(1) Proof of identity.** A person requesting access to a confidential record may be required to provide proof of identity or authority to secure access to the record.

**5.4(2) Requests.** The custodian may require a request to examine and copy a confidential record to be in writing. A person requesting access to such a record may be required to sign a certified statement or affidavit enumerating the specific reasons justifying access to the confidential record and to provide any proof necessary to establish relevant facts.

**5.4(3) Notice to subject of record and opportunity to obtain injunction.** After the custodian receives a request for access to a confidential record, and before the custodian releases such a record, the custodian may make reasonable efforts to notify promptly any person who is a subject of that record, is identified in that record, and whose address or telephone number is contained in that record. To the extent such a delay is practicable and in the public interest, the custodian may give the subject of such a confidential record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of the record the specific period of time during which disclosure will be delayed for that purpose.

**5.4(4) Request denied.** When the custodian denies a request for access to a confidential record, the custodian shall promptly notify the requester. If the requester indicates to the custodian that a written notification of the denial is desired, the custodian shall promptly provide such a notification that is signed by the custodian and that includes:

*a.* The name and title or position of the custodian responsible for the denial; and

*b.* A citation to the provision of law vesting authority in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to this requester.

**5.4(5) Request granted.** When the custodian grants a request for access to a confidential record to a particular person, the custodian shall notify that person and indicate any lawful restrictions imposed by the custodian on that person's examination and copying of the record.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—5.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.**

**5.5(5) Request granted or deferred.** If a request for confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be placed in the agency public file in lieu of the original record. If the agency subsequently receives a request for access to the original record, the agency will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record.

**201—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** Except as otherwise provided by law, a person may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. However, this does not authorize a person who is a subject of such a record to alter the original copy of that record or to expand the official record of any agency proceeding. Requester shall send the request to review such a record or the written statement of additions, dissents, or objections to the custodian or to the director's office. The request to review such a record or the written statement of such a record of additions, dissents, or objections must be dated and signed by requester, and shall include the current address and telephone number of the requester or the requester's representative.

**201—5.9(17A,22) Disclosures without the consent of the subject.**

**5.9(1)** Open records are routinely disclosed without the consent of the subject.

**5.9(2)** To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

- a. For a routine use as defined in 201—5.10(17A,22) or in the particular record system.
- b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record; provided that the record is transferred in a form that does not identify the subject.
- c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.
- d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.
- e. To the legislative services agency under Iowa Code section 2A.3.
- f. Disclosures in the course of employee disciplinary proceedings.
- g. In response to a court order or subpoena.

**201—5.10(17A,22) Routine use.** To the extent allowed by law, the following uses are considered routine uses of all agency records:

1. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.
2. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.
3. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of the agency.

4. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.
5. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.
6. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

**201—5.11(17A,22) Consensual disclosure of confidential records.**

**5.11(1)** *Consent to disclosure by a subject individual.* To the extent allowed by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 201—5.7(17A,22).

**5.11(2)** *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**5.11(3)** *Obtaining information from a third party.* The department is required to obtain information to assist in making decisions regarding classification, programming, security, and administrative management operational decisions. Requests to third parties for this information may involve the release of confidential information about individuals. Except as provided by law, the department may make these requests only when the individual has authorized the release on department of corrections Form No. IN-V-24, F2.

**201—5.12(17A,22) Release to subject.**

**5.12(1)** The subject of a confidential record may file a written request to review confidential records about that person. However, the department need not release the following records to the subject:

- a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code sections 22.7(18) and 904.602.
- b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.
- c. Peace officers' investigative reports may be withheld from the subject, except as required by the Iowa Code.
- d. As otherwise authorized by law.

**5.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject.

**201—5.13(17A,22) Availability of records.**

**5.13(1)** *Open records.* Department records are open for public inspection and copying unless otherwise provided by current rule or law.

**5.13(2)** *Confidential records.* The following records may be kept confidential. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3);
- b. Tax records made available to the agency. (Iowa Code sections 422.17, 422.20);
- c. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4));
- d. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)“d.”
- e. Those portions of agency staff manuals, instructions, or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes, or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (Iowa Code sections 17A.2, 17A.3)

*f.* Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

*g.* Other records made confidential by law.

*h.* Current Iowa Administrative Code, 291—5.1(2), “a” through “o”; 5.1(5), 5.1(6), 5.1(10), and 5.1(11).

**201—5.14(17A,22) Personally identifiable information.**

**5.14(1)** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in this rule. For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

**5.14(2)** The type of record. Disclosures are in accordance with the following code:

| CODE | MEANING   |
|------|---|
| O    | The records are open for public inspection.   |
| C    | The records are confidential and are not open to public inspection.   |
| D    | The department has discretion whether to allow public inspection of the record when the record contains information that is partially open or partially confidential. |

**5.14(3)** The records systems maintained by the department are:

*a. Director's office*

| Description of Record              | Type of Record | Legal Authority | Storage                | Comparison |
|------------------------------------|----------------|-----------------|------------------------|------------|
| 1. Bd. Mtg. Minutes                | O, D           | 22, 904         | Hard Copy<br>Automated | Full       |
| 2. Incarcerated Individual Corres. | O, C, D        | 904             | Hard Copy              | N/A        |
| 3. Business Corres.                | O, C           | 22, 904         | Hard Copy<br>Automated | Partial    |
| 4. General Corres.                 | O              | 904             | Hard Copy<br>Automated | Partial    |
| 5. Investigations                  | C              | 904             | Hard Copy              | N/A        |
| 6. Incident Reports                | C              | 904             | Hard Copy              | N/A        |
| 7. Press Releases                  | O              | 904             | Hard Copy<br>Automated | N/A        |

*b. Institutions*

| Description of Record                   | Type of Record | Legal Authority | Storage                | Comparison |
|---|----------------|-----------------|------------------------|------------|
| 1. Incarcerated Individual Records      |                |                 |                        |            |
| a. Demographic Data/Action Section      | O, C, D        | 904             | Hard Copy<br>Automated | Full       |
| b. Admission Documents                  | C, D           | 904             | Hard Copy<br>Automated | N/A        |
| c. Classification and Release Documents | O, C, D        | 904             | Hard Copy<br>Automated | Full       |
| d. Time Computation                     | O, C, D        | 904             | Hard Copy<br>Automated | Full       |
| e. Clinical and Medical                 | O, C, D        | 904             | Hard Copy<br>Automated | Full       |
| f. Correspondence and Visiting          | O, C           | 904             | Hard Copy<br>Automated | Full       |
| g. Legal Documents                      | O, C           | 904             | Hard Copy<br>Automated | Full       |
| 2. Incarcerated Individual Accounts     | O, C, D        | 904             | Hard Copy<br>Automated | Full       |
| 3. Security Records                     |                |                 |                        |            |
| a. Disciplinary Records                 | O, C           | 904             | Hard Copy<br>Automated | Full       |
| b. Segregation Logs                     | C              | 904             | Hard Copy              | N/A        |
| c. Housing Unit Logs                    | C              | 904             | Hard Copy              | N/A        |
| d. Incident Reports                     | C              | 904             | Hard Copy<br>Automated | N/A        |
| 4. Contracts and Agreements             | O              | 904             | Hard Copy              | N/A        |
| 5. Volunteers                           | D              | 904             | Hard Copy              | N/A        |
| 6. Staff Training                       | O, C           | 904             | Hard Copy<br>Automated | Full       |
| 7. Incarcerated Individual Movement     | O              | 904             | Hard Copy<br>Automated | N/A        |
| 8. Meeting Minutes                      | D              | 22, 904         | Hard Copy<br>Automated | Full       |
| 9. Lawsuits and Attorney Corres.        | C              | 22, 904         | Hard Copy              | N/A        |
| 10. Library Records                     | D              | 904             | Hard Copy              | N/A        |
| 11. Education and Vocation Records      | C              | 904             | Hard Copy<br>Automated | Full       |
| 12. Press Releases                      | O              | 904             | Hard Copy<br>Automated | N/A        |
| 13. Incarcerated Individual Grievances  | C              | 904             | Hard Copy<br>Automated | Full       |
| 14. Miscellaneous                       | O              | 904             | Hard Copy<br>Automated | Full       |

*c. Community-Based Corrections - Interstate Compact*

| Description of Record                                 | Type    | Legal Authority | Storage        | Comparison |
|---|---------|-----------------|----------------|------------|
| Interstate Compact                                    |         |                 | Hard Automated |            |
| I. Parole/Probation Supervision                       |         | 904.602         |                |            |
| A. Investigation Requests                             | O, C, D | 904.602         | Hard Automated | Full       |
| B. Acceptance   | C, D    | 904.602         | Hard Automated | Full       |
| C. Rejection  | C, D    | 904.602         | Hard Automated | Full       |
| D. Progress   | C, D    | 904.602         | Hard           | N/A        |
| E. Violations   | C, D    | 904.602         | Hard Automated | Full       |
| F. Discharge Request                                  | C, D    | 904.602         | Hard           | N/A        |
| G. Other Closures                                     | C, D    | 904.602         | Hard Automated | Full       |
| Presentence Investigation Request                     |         |                 |                |            |
| H. Presentence Investigation                          | C       | 904.602         | Hard           | N/A        |
| Absconder Tracking                                    |         |                 |                |            |
| I. Parole Violators                                   | O, C, D | 904.602         | Hard Automated | Full       |
| J. Miscellaneous Reports and Correspondence           | O, C, D | 904.602         | Hard           | N/A        |
| II. Parole/Probation/Pretrial/Presentence/Residential |         |                 |                |            |
| A. Classification                                     | O, C, D | 904.602         | Hard Automated | Full       |
| B. Status Reports                                     | O, C, D | 904.602         | Hard Automated | Full       |
| C. Charge/Disposition                                 | O, C, D | 904.602         | Hard Automated | Full       |
| III. Work Release                                     |         |                 |                |            |
| A. Progress Reports                                   | C, D    | 904.602         | Hard Automated | Full       |
| B. Violation Reports                                  | C, D    | 904.602         | Hard Automated | Full       |
| C. Discharge Reports                                  | C, D    | 904.602         | Hard Automated | Full       |
| D. Disciplinary Records                               | O, C    | 904.602         | Hard Automated | Full       |
| E. Time Computation                                   | O, C, D | 904.602         | Hard Automated | Full       |
| F. Legal Documents                                    | O, C    | 904.602         | Hard Automated | Full       |
| G. Incident Reports                                   | C       | 904.602         | Hard Automated | Full       |
| H. Demographic Data/Action Section                    | O, C, D | 904.602         | Hard Automated | Full       |

| Description of Record                   | Type    | Legal Authority | Storage        | Comparison |
|---|---------|-----------------|----------------|------------|
| I. Admission Documents                  | C, D    | 904.602         | Hard Automated | N/A        |
| J. Classification and Release Documents | O, C, D | 904.602         | Hard           | Full       |
| K. Clinical and Medical                 | O, C, D | 904.602         | Hard           | N/A        |
| L. Correspondence and Visiting          | O, C    | 904.602         | Hard           | Full       |
| IV. Client Complaints                   | C       | 904.602         | Hard           | N/A        |
| V. Jail Inspections                     | O, C, D | 904.602         | Hard Automated | Full       |

d. *Iowa state industries*

| Description of Record                                     | Type of Record | Legal Authority | Storage             | Comparison |
|---|----------------|-----------------|---------------------|------------|
| 1. Customer Lists   | C              | 22, 904         | Hard Copy Automated | Full       |
| 2. Formulas, Mixture and Special Designs                  | C              | 22, 904         | Hard Copy           | N/A        |
| 3. Unaudited Monthly Balance Sheets and Income Statements | C              | 22, 904         | Hard Copy Automated | Full       |
| 4. Cost Calculations for Sealed Bids                      | C              | 22, 904         | Hard Copy           | Full       |
| 5. Yearly Audits  | O              | 22, 904         | Hard Copy           | Full       |

**5.14(4) *Litigation files.*** These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

**5.14(5) *Personnel files.*** The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—5.15(17A,22) Other groups of records available for public inspection—policies and procedures (excluding security) meeting minutes.** This rule describes groups of records maintained by the department other than record systems as previously defined. These records are routinely available to the public. However, the department's files of these records may contain confidential information, as discussed in rule 201—5.13(17A,22). The following records are stored both as hard copy and in automated data processing systems unless otherwise noted.

1. *Rule making.* Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2. *Board meeting records.* Agendas, minutes, and materials presented to the department are available from the office of the director except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5(4), or which are otherwise confidential by law.

Board meeting records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

3. *Publications.* News releases, annual reports, project reports, department newsletters, etc., are available from the office of the director. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, and newsletters may contain information about individuals, including department staff or members of department councils or committees. This information is not retrieved by individual identifier.

4. *Statistical reports.* Periodic reports of the department for various department programs are available from the director. Statistical reports do not contain personally identifiable information.

5. *Grants.* Records on persons receiving grants for various projects or programs are available through the office of the director. These records may contain information about employees of a grantee. This information is not retrieved by individual identifier and is not stored on an automated data processing system. The information is collected under the authority of Iowa Code chapter 904.

6. *Published materials.* The department uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law. These records are hard copy only.

7. *Policy manuals.* The department employees' manual, containing the policies and procedures describing the department's regulations and practices, is available in every office of the department. Subscriptions to all or part of the employees' manual are available at the cost of production and handling. Requests for subscription information should be addressed to the director. Policy manuals do not contain information about individuals.

8. *Other records.* All other records that are not exempted from disclosure by law.

**201—5.16(17A,22) Applicability.** This chapter does not:

**5.16(1)** Require the agency to index or retrieve records which contain information about individuals by that person's name or other personal identifier.

**5.16(2)** Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.

**5.16(3)** Govern the maintenance or disclosure of, notification of, or access to, records in the possession of the agency which are governed by the regulations of another agency.

**5.16(4)** Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.

**5.16(5)** Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, rules of discovery, evidentiary privileges, and applicable regulations of the agency.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 10/31/83—published 11/23/83, effective 10/31/83]

[Filed emergency 4/27/84—published 5/23/84, effective 4/27/84]

[Filed 7/24/84, Notice 5/23/84—published 8/15/84, effective 9/19/84]

[Filed emergency 8/18/88 after Notice 3/23/88—published 9/7/88, effective 8/19/88]

[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]

[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 10  
RULE MAKING

[Prior to 3/20/91, Corrections Department[291]]

**201—10.1(17A,904) Commencement of rule making.** The department shall give notice of its intention to adopt, amend or repeal a rule by publishing the text of the proposed change, or a summary of the issues and subject matter to be considered and the time, place and manner in which interested persons may comment upon the proposal, in the Iowa Administrative Bulletin. The notification shall state either the text of the proposed rule or the subject matter of the proposed rule, a summary of changes from the existing rule, if any, and the location and telephone number where people may obtain the actual text. The notice shall also include the name and address of a person to whom interested persons may present written views and arguments, and the deadline by which these submissions may be submitted.

**201—10.2(17A) Exemption from rule making.** The department finds that policies, procedures and statements which relate only to inmates of a penal institution shall be exempted from the rule-making process as provided in Iowa Code section 17A.2(7) “k.”

Policies and procedures governing activities of incarcerated inmates are located in the departmental manual and in institutional manuals.

**201—10.3(17A) Copies of proposed rules.** A trade or occupational association, which has registered its name and address with the department of corrections, may receive, by mail, copies of proposed rules. Registration of the association’s name and address with the department is accomplished by written notification to the Director of Corrections, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. In the written notification, the association must designate the type of proposed rules and the number of copies of each rule it wishes to receive. A charge will be assessed pursuant to 201—subrule 5.3(7).

This rule does not prevent an association which has registered with the department in accordance with this rule from changing its designation of types of proposed rules or number of copies of proposed rules which the association desires to receive. If an association makes such change designation, it must do so by written notification to the director of corrections.

This rule is intended to implement Iowa Code sections 17A.4 and 22.11.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—10.4(17A) Oral presentations.** When requested by the persons or groups enumerated in Iowa Code section 17A.4(1) “b,” an opportunity for an oral presentation shall be scheduled. The request must be received at the department office within 20 days of the publication of the notice of intended action and must identify the proposed rule subject to the request by ARC number and by the specific citation to the proposed rule upon which presentations are to be made. A separate request shall be made for proposed rule(s) under each notice.

**10.4(1) Notice.** When so requested under the provisions of this rule or in the director’s discretion, the director shall schedule an opportunity for oral presentations by publishing a notice of the opportunity in the Iowa Administrative Bulletin, which shall refer to the ARC number and citation of the proposed rule, and which shall give the public not less than 20 days’ notice of the date, time and place of the meeting. Additional notice shall be mailed to all persons who have requested the opportunity for an oral presentation and to the news media when requested.

**10.4(2) Conduct of meetings.** The director or designee shall serve as the presiding officer at the meetings. At the commencement of the meeting, any person wishing to make an oral presentation shall advise the presiding officer of the person’s name, address and affiliation.

*a.* At the commencement of the meeting the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority and the reasons for the proposed rule. The presiding officer may limit individual presentations to five minutes each.

*b.* The presiding officer may open the floor to questions or general discussion to facilitate the exchange of information, but is not required to do so.

c. Persons who disrupt or obstruct the meeting either by their behavior or by the use of a camera or recording device beyond what is reasonably required to operate the camera or recording device shall be requested to cease such behavior or to cease using the camera or device. The presiding officer shall exclude any person who fails to comply with the request.

d. The presiding officer shall, when practical, receive all relevant physical and documentary evidence presented by witnesses. All such evidence becomes the property of the department.

e. A record shall be prepared consisting of the minutes or verbatim record, and all evidence submitted. The presiding officer shall then prepare a summary of the content of all comments received at the meeting. The summary, and when practical the entire record, shall be forwarded to the director for further consideration.

**201—10.5(17A) Conferences or consultation.** In addition to the required rule-making procedures, the director or designee may obtain viewpoints or advice concerning proposed rule making through informal conferences or consultation as the director or designee may deem desirable.

**201—10.6(17A,904) Adoption.** At a regularly scheduled meeting held not less than 35 days after the publication of notice, the board shall meet to consider final action on the proposed rule. Once the proposed rule has been adopted by the board in final form, it shall be made effective pursuant to the provisions of Iowa Code section 17A.5.

**201—10.7(17A) Statement of reasons.** If so requested by any interested person, pursuant to the provisions of Iowa Code section 17A.4(1) and upon adoption of any proposed rule, the director shall prepare a statement of principal reasons for and against the proposed rule, containing the reasons for overruling considerations urged against the rule.

**201—10.8(17A) Petition for rule making.** A petition for rule making shall be filed in the director's office, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or may be delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition may be either typewritten or legibly printed in ink and must substantially conform to the following form:

DEPARTMENT OF CORRECTIONS  
510 EAST 12TH STREET  
DES MOINES, IOWA 50319

|  |   |                             |
|--|---|-----------------------------|
| Petition by<br>_____<br>(Name)<br>to (Amend, Adopt, or Repeal)<br>Rules Relating to (state subject matter) | } | PETITION FOR<br>RULE MAKING |
|--|---|-----------------------------|

(Petition must state in separate numbered paragraphs)

1. Petitioner's name, address and telephone number.
2. The nature of petitioner's interest in the matter.
3. The text or substance of any requested rule adoption, amendment or repeal, including the text and citation for any current rule in effect.
4. The reasons for seeking the requested action, including any statute, rule, data, evidence or arguments which are relevant to the request. Copies of any statute, rule, evidence, etc., shall be attached to the petition.

\_\_\_\_\_  
(Petitioner's Signature)

**10.8(1) Procedure after petition is filed.** Upon filing of the petition, the director or designee shall inspect the petition to ensure substantial compliance with the recommended form. If the petition does not contain the text or substance of the proposed amendment or any reasons for the proposed amendment

or fails to include copies of any cited statute, rule or evidence, the petition may be rejected and returned to the petitioner along with the reasons for the rejection. Petitioner may then correct the reasons for the rejection and refile the petition. A petition in substantial compliance with the recommended form shall be filed and stamped.

**10.8(2) Department action.** Within 60 days of the filing of a petition, the director shall grant the petition and commence rule making, or deny the petition and notify the petitioner in writing of the grounds for the denial.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 17A.3, 17A.4, 17A.6, 17A.7 and 904.108.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

[Filed 11/18/83, Notice 9/28/83—published 12/7/83, effective 1/11/84]

[Filed 4/4/85, Notice 10/24/84—published 4/25/85, effective 5/29/85]

[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]

[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.



CHAPTER 11  
DECLARATORY RULINGS  
[Prior to 3/20/91, Corrections Department[291]]

**201—11.1(17A) General.** Any interested person may solicit oral or written advice from the director concerning the application or interpretation of any statute or administrative rule dealing with the department of corrections. However, unless the request is made pursuant to Iowa Code section 17A.9, petition for declaratory ruling, any such advice is not binding upon the department. Petitioners for a declaratory ruling must have a real and direct interest in a specific fact situation which may affect their legal rights, duties or responsibilities under statutes or regulations administered by the department.

**201—11.2(17A) Petition for declaratory rulings.** A petition for a declaratory ruling shall be filed in the director’s office, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition shall be typewritten and must substantially conform to the following:

DEPARTMENT OF CORRECTIONS  
510 EAST 12TH STREET  
DES MOINES, IOWA 50319

Petition by \_\_\_\_\_ (Name) \_\_\_\_\_  
For a Declaratory Ruling on  
(state statute, rule citation to be ruled on)



PETITION FOR  
DECLARATORY RULING

(Petition must state in separately numbered paragraphs)

1. Petitioner’s name, address and telephone number.
2. A clear, concise and complete statement of all relevant facts on which the ruling is requested.
3. A clear and concise statement of the controversy or uncertainty.
4. Reference to the statutory authority or rules in question, along with attached copies.
5. The reasons for prompting the petition and a full disclosure of petitioner’s interest.
6. Whether petitioner is currently a party to a contested case, rule making or judicial proceeding involving the controversy or uncertainty.
7. The names and addresses, when known, of other persons who may be affected by the declaratory ruling.

\_\_\_\_\_  
(Petitioner’s Signature)

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—11.3(17A) Procedure after petition is filed.**

**11.3(1) Initial review.** Upon filing of the petition, the director shall inspect the petition for substantial compliance with the recommended form, and may, in the director’s discretion, reject a petition which fails to contain one or more of the required statements. The director may request that the petitioner provide additional facts or provide greater specificity and detail in the questions posed. A request shall be made within 5 days of the filing of the petition. If the requested information is not provided within 30 days of the receipt of the request, the petitioner will be deemed to have withdrawn the petition.

**11.3(2) Declaratory ruling.** Within 30 days of the receipt of the petition or additional information, whichever is later, the director shall issue a declaratory ruling or decline to rule. Declination to rule may be based upon one or more of the following grounds:

- a. The issue in question is currently involved in a rule making, contested case or judicial proceeding.

*b.* The petition does not contain sufficient facts to demonstrate that the petitioner will be aggrieved or adversely affected by failure to issue a declaratory ruling.

*c.* The petitioner presents issues or facts which are unclear, overbroad or otherwise inappropriate as a basis upon which to issue a declaratory ruling.

*d.* The petition indicates the petitioner seeks to obtain approval to engage in activities so borderline as to be of dubious legality, although perhaps marginally proper.

*e.* The issue in question has been rendered moot by a change in circumstances, fact or law.

*f.* The issue in question depends upon peculiar facts which cannot be predicted or accurately described in advance.

*g.* Other good and sufficient reasons, which shall be detailed in writing.

**11.3(3)** *Effect of declaratory ruling.* A declaratory ruling is binding upon both the department and the petitioner on the questions of law dealt with in the ruling.

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

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

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[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

TITLE II  
INSTITUTIONS  
CHAPTER 20  
INSTITUTIONS ADMINISTRATION  
[Prior to 10/1/83, Social Services[770] Ch 16]  
[Prior to 3/20/91, Corrections Department[291]]

**201—20.1(904) Application of rules.** The rules in this chapter apply to all adult correctional institutions unless otherwise stated. The institutions covered by these rules are the Iowa state penitentiary, Fort Madison, the Anamosa state penitentiary, Anamosa, the Iowa correctional institution for women, Mitchellville, the Iowa medical and classification center, Oakdale, the Newton correctional facility, Newton, the Mt. Pleasant correctional facility, Mt. Pleasant, the Clarinda correctional facility, Clarinda, the north central correctional facility, Rockwell City, and the Fort Dodge correctional facility, Fort Dodge.

**201—20.2(904) Title II definitions.**

“*Class I Disciplinary Report*” means the same as a major report and is defined in department policy IO-RD-03.

“*Class II Disciplinary Report*” means the same as a minor report and is defined in department policy IO-RD-02.

“*Contraband*” means weapons; alcohol; drugs; money; obscene materials; or materials advocating disruption of or injury to incarcerated individuals, employees, programs, or physical facilities. Contraband shall also include anything which is illegal to possess under federal or state law; anything which is against institutional regulations; drugs or alcohol or materials which are used in the production or use of drugs or alcohol or weapons, explosives, or potential weapons and explosives; and altered authorized property. The term also includes possession or use of any prohibited communication device.

“*Department*” means the Iowa department of corrections.

“*Furlough*” means any temporary release from custody as granted in accordance with Iowa Code section 904.108(2).

“*Furlough residence*” means any private dwelling, apartment, house, trailer court, hotel, motel or community dwelling place.

“*Immediate family*” means an incarcerated individual’s spouse, mother, father, sister, brother, child, grandparent, established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the incarcerated individual were raised as cohabiting siblings.

For the purpose of visitation, all the above will be included as immediate family provided a positive relationship exists. Immediate family members may be subject to criminal background investigation.

“*Law enforcement checks*” means prescheduled, in person, check-ins at designated law enforcement agencies such as police departments, sheriff’s offices and highway patrol offices.

“*Medical practitioner*” means medical doctor, osteopathic physician or physician assistant employed by the department.

“*Obscene material*” means the same as that described in 20.6(5).

“*Performance evaluation*” means evaluation of work and program participation as well as other areas of behavior.

“*Plan of payment*” means the method by which the incarcerated individual is to make restitution. The plan may include legal financial obligations. The plan is to reflect the incarcerated individual’s present circumstances, such as income, physical and mental health, education, employment and family circumstances.

“*Plan of restitution*” means a plan stating the amount of restitution as set by the court.

“*Responsible person*” means an individual on the incarcerated individual’s visiting list of legal age and, in the judgment of the staff, is a person of accountability, is able to think and act rationally, and is willing to facilitate the incarcerated individual’s successful completion of furloughs within the furlough rules and facilitate the return of the incarcerated individual to the institution. A responsible person shall further mean an individual not now under indictment, sentence or conviction of an indictable public

offense. Ex-felons will not be permitted to act as responsible persons for furlough until the demonstration of two years' successful adjustment in the community after release from any supervision.

This rule is intended to implement Iowa Code section 904.108(1) "k."  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.3(904) Visits to incarcerated individuals.** Visiting is a privilege which allows incarcerated individuals to maintain and strengthen relationships with family members and friends. Though visits are encouraged, institutions' space, schedules, personnel constraints, treatment considerations, or other safety and security issues of the institutions and their operations may result in limiting the number and length of visits. Visitation is additionally governed by the provisions of department of corrections policy OP-MTV-04.

**20.3(1) Definitions.**

"*Application*" means a written application identifying the visitor and the visitor's relationship to the incarcerated individual.

"*Background investigation*" means the process by which central visiting authority staff verify the accuracy of a visitor's application for any reason.

"*Central visiting authority*" or "*CVA*" means the department office that conducts the visitor application approval process.

"*Extended family*" means the incarcerated individual's aunts, uncles, nieces, nephews, cousins, great-grandparents, great-grandchildren, and in-laws.

"*Group*" means a family unit (e.g., aunt, uncle and minor nieces and nephews) residing at the same address.

"*Immediate family*" means an incarcerated individual's spouse, mother, father, sister, brother, child, grandparent, grandchild (when minors become adults, they will be required to complete the formal visiting application process), established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the incarcerated individual were raised as cohabiting siblings.

"*Incarcerated individual*" means a person who has been committed to the custody of the department of corrections or to a judicial district department of correctional services.

"*Personal search*" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process.

"*Visiting list*" means the screened list of approved visitors with authorized visiting privileges at all department of corrections institutions.

**20.3(2) Schedule.** Each department of corrections institution will structure a visiting schedule allowing visitation for a minimum of four days per week. Each institution's visiting room will be open a minimum of four hours on each authorized day of visiting. The warden will designate the time for visiting on certain days/holidays and advise the incarcerated individuals. The incarcerated individual is responsible for informing the visitor of the days and hours for visitation.

**20.3(3) Authorized visitors.**

*a.* The central visiting authority will establish an approved visiting list for each incarcerated individual. This visiting list remains valid when the incarcerated individual is transferred to another institution.

*b.* To meet facility design limitations and security considerations, the visiting list shall be limited to the following individuals:

(1) Immediate family members.

(2) A total of six other individuals or groups who are the incarcerated individual's friends or extended family members.

(3) Minor children under the immediate supervision of their parent or legal guardian. The minor children of an incarcerated individual shall also be allowed to visit under the immediate supervision of any adult on the incarcerated individual's approved visiting list.

c. Limitation. An individual on the approved visiting list of one incarcerated individual shall not be on the approved visiting list of another incarcerated individual, regardless of the location(s) of the incarcerated individuals. An exception may only be granted pursuant to 20.3(5) "b."

**20.3(4) Nonauthorized visitors.**

a. The following persons shall not be authorized to visit:

(1) Individuals whose behavior represents a control problem or is counterproductive to stable behavior of an incarcerated individual. This determination may be reflected in the background investigation report which shows that the individual has a record of carrying concealed weapons, use of a controlled substance, previous violation of institutional rules, or similar behavior.

(2) Individuals under criminal indictment.

(3) Individuals on probation, work release, or parole.

(4) Individuals found to be involved with or convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.

(5) Individuals who intentionally give false information on the visitor's application form.

(6) Individuals convicted of a felony.

(7) Individuals who may compromise the order and security of the institution.

b. A person working in any institution as a volunteer shall not be on an incarcerated individual's visiting list except with the permission of the warden or designee.

c. Neither a victim of a sex offense, whether registered or not, nor the victim's family members will be approved for the visiting list of the perpetrator in the victim's case until department staff consult with the victim and restorative justice administrator of the department. Visitation requests from victims shall be considered only when the incarcerated individual has successfully completed all recommended treatment programs of the department or board of parole. If the victim's or victim's family member's visitation request is denied, the victim or victim's family member may file an appeal pursuant to 20.3(6) "d."

d. A sex offender whose victim was a minor shall not be permitted to have any children on the incarcerated individual's visiting list until the incarcerated individual has completed the sex offender treatment program. After the incarcerated individual's completion of the treatment program, a minor victim of the incarcerated individual may be added to the incarcerated individual's visiting list only with the approval of the institutional treatment team and the victim and restorative justice administrator of the department. Other children may be added to the incarcerated individual's visiting list after the incarcerated individual's completion of the treatment program and approval of the institutional treatment team.

e. An application from a victim of a crime other than a sex offense who seeks to be added to the visiting list of the perpetrator in the victim's case shall be reviewed with the victim and restorative justice administrator of the department prior to any approval or denial.

**20.3(5) Exceptions.** The following exceptions may be implemented by the central visiting authority upon the approval of the warden or designee.

a. The incarcerated individual's spouse, child, mother or father who is currently under department supervision or on probation, work release, or parole may be approved to visit the incarcerated individual by the warden or designee after consultation with the supervising parole/probation officer. The warden or designee may authorize either contact or noncontact visiting.

b. The warden or designee may grant an exception to the limitation in 20.3(3) "c" when the person is an immediate family member of more than one incarcerated individual and seeks to be added to the visiting lists of only those incarcerated individuals.

c. A former or current department employee or volunteer who is a member of an incarcerated individual's immediate family may be approved to visit the incarcerated individual by the warden or designee.

d. A former department employee or volunteer who is not an immediate family member of an incarcerated individual may be allowed to visit six months after leaving employment or ceasing volunteer service if the former employee or volunteer passes the normal background investigation, there are no

security issues arising from the person's prior employment or volunteer service, and the CVA receives approval from the warden or designee.

*e.* An incarcerated individual who is an immediate family member discharged from prison without correctional supervision must wait six months before contact visits may be arranged. Noncontact visiting may be authorized only for the spouse, child, mother or father of an incarcerated individual.

**20.3(6) Application process.**

*a.* Visitor application forms shall be provided to incarcerated individuals at each institution. Incarcerated individuals are responsible for mailing visitor application forms to prospective visitors, who may then apply to be added to the incarcerated individual's visiting list. The completed visitor application form must be sent for processing to the central visiting authority at the following address: Mt. Pleasant Correctional Facility, Attn: Central Records, 1200 E. Washington, Mt. Pleasant, Iowa 52641.

*b.* All adults, including the incarcerated individual's own children if they are 18 years of age or older, must complete the visitor application process in order to be considered for inclusion on an incarcerated individual's visiting list.

*c.* Written notification. Written notification of denial of a visitor application will be given to both the incarcerated individual and the applicant within 30 days from the CVA's receipt of the application. Notification of approval of a visitor application will be given only to the incarcerated individual. The incarcerated individual is responsible for notifying the approved visitor.

*d.* Appeals. When an application is denied, the applicant and the incarcerated individual shall be apprised of the reasons for denial.

(1) Applicants may appeal to the warden or designee in writing. An appeal by an applicant who is the victim of a sex offense, or who is the victim's family member, and is seeking to visit the perpetrator of the crime shall be reviewed in consultation with the department sex offender treatment director or the institution's treatment director for the moderate intensity family violence prevention program.

(2) The decision of the warden or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

**20.3(7) Removal from visiting list.** If an incarcerated individual wishes to have a visitor removed from the incarcerated individual's visiting list, the incarcerated individual shall complete the Removal of Visitor form contained in department policy OP-MTV-04 and send it to the central visiting authority. Upon receipt of the removal request, the central visiting authority shall respond to the request within seven business days and send a copy of the removal form to the incarcerated individual. Once a visitor has been removed from a visiting list, six months must elapse before reapplication by the removed visitor.

**20.3(8) Searches.** Approved visitors shall be subject to search. In accordance with 20.3(14), the search may include a pat down, search by an electronic detection device, or visual search.

**20.3(9) Identification.** All visitors shall present proper identification upon entrance to the institution. Photo identification is preferred, but any identification presented shall identify personal characteristics, such as color of hair and eyes, height, weight, and birth date.

*a.* Signature cards may be required from visitors.

*b.* All visitors may be required to be photographed for future identification purposes only.

**20.3(10) Special visitors.**

*a. Law enforcement.* Division of criminal investigation agents, Federal Bureau of Investigation agents, and law enforcement officials shall present proof of identity upon entrance to the institution.

*b. Attorneys.* Attorneys must complete an initial visitor application form to visit an incarcerated individual; however, this initial application shall apply to multiple visiting lists. After initial approval is established, attorneys must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional incarcerated individuals. Background checks are not required, and attorneys shall not be counted as a friend on an incarcerated individual's visiting list as set forth in 20.3(3) "b."

Attorneys shall present proof of identity upon entrance to the institution. The incarcerated individual must express a desire to visit with an attorney before the attorney will be admitted. Attorney visits shall

be during normal visiting hours unless a special visit has been requested by the incarcerated individual and approved by the warden or designee prior to the visit.

An attorney testing positive by an electronic detection device may be required to visit without direct contact.

*c. Ministers.* Ministers must complete an initial visitor application form to visit an incarcerated individual; however, this initial application shall apply to multiple visiting lists. After initial approval is established, ministers must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional incarcerated individuals. Background checks are required. Ministers shall not be counted as a friend on an incarcerated individual's visiting list as set forth in 20.3(3) "b."

Ministers shall present proof of identity upon entrance to the institution. The incarcerated individual must express a desire to visit with a minister before the minister will be admitted. Minister visits shall be during normal visiting hours unless a special visit has been requested by the incarcerated individual and approved by the warden or designee prior to the visit.

A minister testing positive by an electronic detection device may be required to visit without direct contact.

**20.3(11) Termination of visiting privileges.** Individuals may have visiting privileges modified or terminated when:

*a.* The incarcerated individual or visitor engages in behavior that may in any way be disruptive to the order and control of the institution.

*b.* The visitor or incarcerated individual fails to follow the established rules and procedures of the institution.

*c.* The visitor and incarcerated individual directly exchange or attempt to exchange any object or article. This restriction does not apply to purchases from the canteen or visiting room vending machines that are consumed during the visit.

*d.* The visitor tests positive for drugs or explosives as determined by an authorized electronic detection device calibrated and operated for testing for the presence of drugs or other contraband.

*e.* The visit or future visiting is detrimental to the health or welfare of the incarcerated individual or visitor.

*f.* The visitor does not supervise the visitor's children to prevent them from interfering with or disrupting other visits.

Incarcerated individuals may request reconsideration of denied visitors six months after resolution of the reason for denial or when approved by the warden or designee or institutional deputy director.

**20.3(12) Noncontact visiting.** The warden or designee may allow noncontact visits when the order or security of the institution may be threatened or when disciplinary rules or procedures have been violated. Noncontact visiting hours will be provided on a scheduled basis. The hours and days will be posted by the warden or designee, and notice will be posted at least one week prior to any change. Visitors on the noncontact list at the time of a schedule change will be notified of the schedule change by regular mail sent to the last-known address.

**20.3(13) Clothing.** Visitors shall be properly attired prior to entering a correctional setting. All visitors shall wear shoes. Visitors wearing miniskirts, shorts (that are above the knee), muscle shirts, see-through clothing or halter tops will not be allowed to visit. Visitors wearing clothing with slogans, pictures, or words intended to deprecate race, sex, or cultural values will not be allowed entry. Visitors may be required to remove for the duration of the visit outerwear such as, but not limited to, coats, hats, gloves, or sunglasses. A medical need for sunglasses must be verified by prescription.

**20.3(14) Security procedures.** Visitors may be requested to submit to a personal search (pat down) or an electronic search for weapons or contraband. "Personal search" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process. If the initial electronic test confirms the presence of a controlled substance, the visitor will be given a second confirmation test. When the electronic detection device alarm is activated, the visitor shall produce the item that set off the alarm or a personal search may be made to find the item. If the visitor refuses to submit to a search, access to visiting shall be denied and entrance shall be denied. All searches shall be conducted in a courteous manner to respect the visitor's privacy. Minors are subject to personal and electronic searches. When

a visitor accompanied by a minor refuses to leave the minor with a staff person and does not want the minor present during the search, the visit will be denied. When a minor is searched, the supervising adult shall be present in the room at all times.

*a.* The warden or designee will maintain records of all searches which produce positive results, including the name of each person subjected to a search, the names of the persons conducting and in attendance at the search, and the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record. Testing records will be maintained by the institution for one year and then expunged. Records of positive tests will be maintained for five years and then expunged. All testing records are confidential and will be released only upon the order of a court of proper jurisdiction.

*b.* When a visitor tests positive by an electronic search device, the visitor may appeal to the warden or designee in writing. The decision of the warden or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

*c.* Staff may request that local law enforcement search visitors if search procedures or an electronic testing device shows that there is a clear, reliable reason to believe a particular visitor is attempting to smuggle contraband into the facility. If the search reveals drugs or illegal contraband, the item shall be confiscated and preserved by local law enforcement. Visitors found in possession of contraband shall be referred by local law enforcement to the county attorney for prosecution.

**20.3(15) Money orders, cashier's checks, and electronic funds transfers.** Money orders and cashier's checks for deposit in the incarcerated individual's account must be made payable to the Iowa Department of Corrections Incarcerated Individual Fiduciary Account (IDOC IIFA) and sent to: Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501, and must include the incarcerated individual's name and ID number and the sender's name and complete address. Funds will also be accepted via electronic funds transfers from authorized vendors. Personal checks and cash will not be accepted. An incarcerated individual's suspected abuse of requests for money from the public may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

**20.3(16) Limits.** Each institution, according to its facilities and conditions, shall limit the number of visitors an incarcerated individual may have at any one time and the length of visits.

**20.3(17) Segregation status.** Incarcerated individuals who are assigned to special units such as disciplinary detention or administrative segregation status may have visits modified in regard to place, time, and visitor, depending on the staff and space available.

**20.3(18) Abuse of visiting privileges.** Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

**20.3(19) Special visits.** The warden or designee may permit special visits not otherwise provided for in this rule. These may include, but are not limited to, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and other visits for similar reasons. All these visits shall be at the sole discretion of the warden or designee. When ruling on such visits, the warden or designee shall consider appropriate factors including the uniqueness of the circumstances involved for both the incarcerated individual and the visitor; security, order, and administrative needs of the institution; and available alternatives to a special visit. The decision of the warden or designee in these cases constitutes final agency action.

**20.3(20) Temporary modifications.** Visiting procedures may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space and personnel restrictions, natural disaster, or other emergency.

This rule is intended to implement Iowa Code section 904.512.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.4(904) Mail.** Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Incarcerated individuals have the responsibility in the use of

correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for use of the mail by an incarcerated individual. Mail is additionally governed by the provisions of department of corrections policy OP-MTV-01.

**20.4(1) Nonconfidential.**

a. In an effort to maintain proper security measures, mail may be monitored and read on a random basis.

b. All nonconfidential mail shall be inspected for contraband.

**20.4(2) Confidential.**

a. Confidential mail, as defined in this rule, will not be read or censored.

b. Confidential mail will be delivered unopened and then, in the presence of the incarcerated individual, will be opened and inspected for contraband and to ensure that the contents are from the return addressee.

Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.

c. Confidential letters may be written to: (the sender's name and address must be appropriately identified on the envelope)

(1) Officers of federal, state, or municipal courts (judges, judges' law clerks, prosecuting attorneys, court administrators).

(2) Federal agencies chief administrative officer, elected or appointed officials.

(3) State agencies chief administrative officer, elected or appointed officials.

(4) Clerk of court.

(5) The sentencing state department of corrections chief executive officer, deputy directors.

(6) Sentencing state board of parole.

(7) Attorney.

(8) The office of ombudsman.

(9) Any additional exception by law or policy.

(10) Civil rights commission.

d. Envelopes containing confidential correspondence shall be marked as "confidential" by the sender.

**20.4(3) General.**

a. Pursuant to Iowa Code chapter 2C, mail received from the ombudsman office shall be delivered unopened.

b. When sending confidential mail, incarcerated individuals may be requested to seal the envelope in the presence of staff after the envelope and letters have been inspected for contraband.

c. All letters mailed by incarcerated individuals will be left unsealed for inspection of the contents only. Envelopes shall contain letters to the addressee only.

d. All other nonconfidential correspondence and packages, both incoming and outgoing, shall be opened for inspection to remove items of contraband.

To facilitate institutional inspection of first-class mail, writers should avoid enclosures other than the written correspondence. Traditional items such as snapshots of appropriately clothed individuals and clippings from published material may be permitted. Each institution shall have guidelines for the amount and type allowed.

e. With the exception of weekends and holidays, incoming and outgoing mail will not be retained for more than 24 hours prior to delivery unless unusual circumstances exist such as staff shortage, suspected correspondence violations, disturbance, or similar constraints.

f. Persons under the age of 18 must provide written permission to the warden from parents or guardian before correspondence with incarcerated individuals will be allowed.

g. Incarcerated individuals under correctional supervision or detention will not be allowed to correspond with other incarcerated individuals unless the individuals are immediate family and approved by the authority of the institution or both authorities in the case of correspondence between facilities.

"Immediate family" means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents,

stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the incarcerated individual.

*h.* Incarcerated individuals will be denied mail privileges with persons that might present a risk to the order and security of the institution.

*i.* All outgoing mail must be sent directly to the individual that the correspondence is written to, and all incoming mail must be sent directly from the individual that wrote the correspondence.

*j.* No limit will be placed on the number of letters mailed for incarcerated individuals able to pay the mailing costs. Incarcerated individuals who are unable to pay mailing costs for legal mail will receive limited assistance which may be recoverable.

*k.* Stamped, return-addressed envelopes will be sold through canteen services for all outgoing letters and will be purchased by the incarcerated individual.

*l.* Special equipment may be used to review envelopes for items in the envelopes other than the letter. When the contents of the correspondence is inappropriate or contraband items which are not illegal to possess under the law are found in the mail, the mail will be rejected and the incarcerated individual shall be notified with the option to return to sender or destroy.

*m.* When mail is rejected due to inappropriate contents of the correspondence or contraband is found, provided the correspondence is not retained for investigation or prosecution, the incarcerated individual to whom the mail was addressed will have the option of paying the postage to return the mail to the sender or having the mail destroyed by institutional staff. The incarcerated individual must choose one of the two options within three days of the rejection notice. This rule is in reference to the return of opened mail per United States Postal Service, Office of Classification and Rates Administration, Ruling #206.

The sender of rejected correspondence may protest the decision in writing to the warden.

*n.* All outgoing parcel post items will be packed and sealed by the mail room and postage charged to the incarcerated individual.

*o.* Letters will not be delivered which are written in a foreign language or code unless the foreign language is the only language of the incarcerated individual (exceptions may be made by the warden).

*p.* The sender's name shall be signed in full at the end of the letter. The sender's name and address shall appear in the upper left-hand corner of the envelope.

*q.* The incarcerated individual's name, ID number, box number or street address, city, state, and zip code shall also appear on the envelope of incoming mail.

*r.* All outgoing mail shall contain a return address including the incarcerated individual's name and ID number as well as the name of the institution, address, and zip code.

*s.* Reasonable size restrictions of envelopes may be imposed.

*t.* Each institution shall have written procedures for disposition (safekeeping and preservation) of contraband.

*u.* Only first-class letters and packages will be forwarded after an incarcerated individual's transfer or release.

*v.* An individual may deposit funds in an incarcerated individual's account by money order, cashier's check, or electronic funds transfer. Personal checks and cash will not be accepted. Only money orders and cashier's checks will be accepted for deposit into an incarcerated individual's account by mail. Money orders and cashier's checks must be made payable to the Iowa Department of Corrections Incarcerated Individual Fiduciary Account (IDOC IIFA) and sent to: Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501, and must include the incarcerated individual's name and ID number and the sender's name and complete address. Funds will also be accepted via electronic funds transfers from authorized vendors. An incarcerated individual's suspected abuse of requests for money from the public may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

*w.* Misuse of mails will result in institution discipline and be reported to the United States Postal Inspector or other state or federal agencies for action.

*x.* O-mail. "O-mail" is electronic mail that can be sent to and from incarcerated individuals and the public.

- (1) The incarcerated individual's family and friends shall be responsible for registering on the corrlinks Internet site to enroll in the O-mail system: [www.corrlinks.com](http://www.corrlinks.com).
- (2) Each O-mail message is limited to two pages, and attachments are not allowed.
- (3) There is a cost for sending an O-mail message, which shall be the responsibility of the sender.
- (4) Incoming and outgoing O-mail shall meet the same standards as referenced in this rule for incarcerated individuals' mail.
- (5) Staff may review the contents of O-mail messages.

[ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.5(904) Money orders, cashier's checks, and electronic funds transfers for incarcerated individuals.** An individual may deposit funds in an incarcerated individual's account by money order, cashier's check, or electronic funds transfer. Personal checks and cash will not be accepted. Only money orders and cashier's checks will be accepted for deposit into an incarcerated individual's account by mail. Money orders and cashier's checks must be made payable to the Iowa Department of Corrections Incarcerated Individual Fiduciary Account (IDOC IIFA) and sent to: Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501, and must include the incarcerated individual's name and ID number and the sender's name and complete address. Funds will also be accepted via electronic funds transfers from authorized vendors. An incarcerated individual's suspected abuse of requests for money from the public may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.6(904) Publications.**

**20.6(1)** The institution shall allow incarcerated individuals access to publications when doing so is consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation.

**20.6(2)** Publications include any periodical, newspaper, book, pamphlet, magazine, newsletter, or similar material published by any individual, organization, company, or corporation, and made available for a commercial purpose. All publications shall be unused and sent directly from an approved publisher or bookstore which does mail order business. Any exceptions must be authorized by the warden. No publication will be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, will be controlled for safety and security reasons.

**20.6(3)** All publications not on the approved list shall be reviewed by a publication review committee for approval, denial, or control of the publication.

*a.* The committee shall be appointed by the director or designee, department of corrections, and shall include a person with broad exposure to various publications and two representatives of correctional operations.

*b.* The committee shall fairly review all types of publications to be received by incarcerated individuals in accordance with these rules.

**20.6(4)** The following procedures shall be used when a publication not on the approved list is reviewed:

*a.* The committee shall approve, deny, or control publications within 30 working days of receipt of the publication.

*b.* When a publication is denied or controlled, the committee shall send the incarcerated individual a written notice stating the publication involved, the reason for denial or control, and the incarcerated individual's available appeal process.

*c.* The incarcerated individual shall have five days from receipt of the notice of denial or control to notify the designated institution staff to destroy the publication, to specify where to send the publication at the incarcerated individual's expense, or to notify the institution that the decision is being appealed.

*d.* A list of approved publications shall be maintained.

**20.6(5)** A publication may be denied when the publication presents a danger to the security or order of an institution or is inconsistent with rehabilitation goals. Authorized reasons for denying a publication are that the publication:

- a.* Is likely to be disruptive or produce violence.
- b.* Contains material which portrays or simulates a minor (any person 17 years of age or younger) engaged in or simulating any act that is sexual in nature.
- c.* Contains hard-core pornography depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value as prohibited by Iowa Code section 728.4.
- d.* Contains information relating to escapes or formulating escape plans.
- e.* Contains information relating to provoking a riot or disturbance.
- f.* Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.
- g.* Contains materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks, including a prison's internal and external communications and automated information systems.
- h.* Contains information concerning criminal activities.
- i.* Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited in these rules.
- j.* May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

**20.6(6)** Portrayal or simulation of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, bestiality, sadomasochism, excretory functions, lewd exhibition of genitals, or other sexually explicit materials will be denied to incarcerated individuals when the material is inconsistent with rehabilitation goals.

**20.6(7)** Publications which contain material portraying or simulating fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse or male erection and are not approved or denied by the review committee will be controlled for the security and order of the institution and to assist in enabling its control from those incarcerated individuals denied access by 20.6(6) above. Institutional procedures shall be established for the incarcerated individual to reserve time in a designated controlled area and obtain the controlled publication for reading during specified times. The controlled publication will be secured until the incarcerated individual makes arrangements for further review of the controlled publication. An incarcerated individual may have secured no more than ten publications at any given time, none of which are over three months old from publication date or receipt, and any that are in excess of the ten limit or over three months old must be sent out of the institution at the incarcerated individual's expense, destroyed, or taken with the incarcerated individual upon release.

**20.6(8)** An incarcerated individual may appeal the committee's decision or the denial of a publication because the publication is inconsistent with rehabilitation goals within ten days of receipt of the decision by filing a written appeal and sending it to Office of Inspector General, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. The inspector general's decision shall be final.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—20.7(904) Interviews and statements.**

**20.7(1)** When incarcerated individuals are selected to be interviewed and photographed within the institution, either individually or as part of a group, identifiable interviews or pictures shall have the written consent of the incarcerated individual involved as well as prior consent of the warden or designee.

**20.7(2)** The warden is responsible for all communications with mass media.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.8(904) Guests of institution.** Persons wishing to visit the institution shall give prior notice of their intended visit and receive approval for the visit. The prior notice and approval may be waived by the warden or designee for emergencies.

**20.8(1)** Any guest must agree to comply with the policy and procedures of the institution when signing in at the control center.

**20.8(2)** Persons under 18 years of age may only visit with prior approval of the warden or designee and shall be accompanied by a responsible adult. An adult shall be in charge of no more than four children. Persons under 18 years of age shall not be allowed to make institutional tours of maximum security prisons.

**20.8(3)** Guests shall be escorted by a staff member. Any exception shall have prior approval of the warden or designee.

**20.8(4)** Guests shall be allowed personal contact with an incarcerated individual only when it serves the best interests of the incarcerated individual as determined by the warden or designee.

**20.8(5)** All contacts with incarcerated individuals shall be absent of any encouragement, support, or suggestion of activity which would bring disorder to the institution.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.9(904) Donations.** Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the warden. The warden shall evaluate the donation in terms of the nature of the contribution to the institution program. The warden is responsible for accepting the donation and reporting the gift to the institutional deputy director on a monthly basis.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.10(904) Incarceration fees.** The director may charge incarcerated individuals an incarceration fee, pursuant to Iowa Code section 904.108.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.11(904,910) Restitution.**

**20.11(1)** Every incarcerated individual required by a court order to pay restitution shall have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

**20.11(2)** The restitution plan of payment shall consider the present circumstances of an incarcerated individual's physical/mental health and other legal financial obligations.

**20.11(3)** The deputy director of institutions shall ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

**20.11(4)** Each incarcerated individual shall be given a Predeprivation Notice: Notice of Intent to Deduct Restitution From All Account Credits and Notice of Opportunity to Respond during initial reception following admission to the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW).

**20.11(5)** Initial complaints by incarcerated individuals regarding restitution plans of payment or modifications may be addressed via the grievance procedure for incarcerated individuals.

**20.11(6)** The staff shall explain the restitution plan of payment to the incarcerated individual. Each incarcerated individual shall receive a copy of the restitution plan of payment.

**20.11(7)** Restitution payments shall be deducted from all credits to an incarcerated individual's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an incarcerated individual's account from an outside source:

*a.* An amount, assessed by the warden or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If the medical procedures are not performed or carried out, the money shall be returned to the sender at the incarcerated individual's expense.

*b.* An amount, assessed by the warden or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OVI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. An account transfer from one institution to another.

e. Refunds from outside vendors or institution commissaries.

f. Property tort claims.

g. Any other exception approved by the warden or designee.

**20.11(8)** Restitution deductions shall be forwarded to the clerk of court in the county of commitment on a quarterly basis.

**20.11(9)** When the department of corrections has knowledge of other income or assets the district court clerk of the sentencing county shall be so notified.

**20.11(10)** A percent greater than that established in the restitution plan of payment may be deducted from a credit to an incarcerated individual's account by authorization of either the incarcerated individual or the warden or designee or by court order.

**20.11(11)** The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—20.12(904) Furloughs.**

**20.12(1)** Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden. Reasons for denial or cancellation shall be given to the incarcerated individual.

**20.12(2)** Emergency family furlough shall be considered in the event of a death or imminent death in the immediate family.

**20.12(3)** Emergency medical furlough is for those incarcerated individuals whose medical condition has deteriorated to the point of incapacitation or to a comatose state.

**20.12(4)** Both emergency family furloughs and emergency medical furloughs shall have approval of the warden and the institutional deputy director.

**20.12(5)** Furloughs are additionally governed by the provisions of the department's furlough policy IS-RL-04.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.13(904) Board of parole interviews.** Each institution provides space for the conduct of interviews between the Iowa board of parole and institutional incarcerated individuals. When these meetings are held in correctional institutions, attendance is subject to security and safety regulations as stated herein. Any exception to these rules must have prior approval of the director of the department of corrections or designee.

**20.13(1)** Persons desiring to attend a board of parole interview who are not on an incarcerated individual's visiting list shall notify the warden of the respective institution of their intent to attend. A visitor's application will be sent to the person, and the completed application must be received back by the institution at least 15 days prior to the scheduled date of the parole interview in order that a background investigation with law enforcement officials may be completed prior to attendance at the parole interview. Following a successful background investigation, authorization to attend parole interviews will be continuous subject to these rules and any subsequent background investigations conducted at the discretion of the warden .

**20.13(2)** Due to security considerations, those persons excluded from applying for visitation privileges pursuant to subparagraphs 20.3(4) "a" (1) to (7), inclusive, are also excluded from attending parole board interviews as listed below:

a. Individuals who have been discharged from a correctional institution within the last 18 months.

b. Individuals whose behavior represents a control problem or is counterproductive to the rehabilitation of the incarcerated individual. This may be reflected in the background investigation

report which shows the individual's having a record of carrying concealed weapons, irresponsible or illegal use of a controlled substance, previous violation of institutional rules, or similar behavior.

- c. Individuals on probation, work release or parole.
- d. Individuals who have been convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- e. Individuals who intentionally give false information.
- f. Ex-felons.
- g. When the interview is held inside the institution proper, no children under the age of 18 are allowed.

**20.13(3)** Due to security considerations the following rules shall apply:

- a. Written notification of approval or denial will be given to the requester.
  - (1) When approved, the requester shall be informed on the notification:
    - 1. That the attendee may be subject to a search (paragraph 20.13(3) "f") when a staff member has an articulable reason to believe that the attendee is concealing contraband;
    - 2. That the search may include a pat down, a strip search, or a visual body cavity probe search; and
    - 3. That the requester need not submit to a strip search although refusal may result in the forfeiture of attendance.
  - (2) When denied, the applicant shall be apprised of the reasons for denial.
- b. All requesters shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight and birth date.
  - (1) Signature cards may be required from requesters.
  - (2) All requesters may be required to be photographed for future identification purposes only.
- c. Individuals may be required to leave the institution when:
  - (1) The incarcerated individual or attendee engages in behavior that may in any way be disruptive to order and control of the institution.
  - (2) The attendee fails to follow the established rules and procedures of the institution.
  - (3) The attendee and incarcerated individual directly exchange any object or article.
  - (4) The attendee talks or communicates with an incarcerated individual.
  - (5) The effect of alcohol or narcotic drugs is detected on the attendee before or during the interview.
  - (6) There is detriment to the health of the incarcerated individual or attendee.
  - (7) The attendee does not manage children.
- d. Minors outside the immediate family shall have written permission from their parent or guardian and be accompanied by an adult. All children shall have adult supervision. Exceptions shall have prior approval of the warden or designee.
- e. Attendees shall be properly attired as would be expected in a public meeting place. Adults and teenagers shall wear shoes and may not wear miniskirts, shorts, muscle shirts, see-through clothing, halter tops, clothing with obscene or lewd slogans, pictures or words, and similar apparel. Attendees may be required to remove, for the duration of the interview, outerwear such as, but not limited to, coats, hats, gloves, and sunglasses. A medical need for sunglasses must be verified by prescription.
- f. Attendees may be requested to submit to a personal search (pat down) or review by an electronic device for weapons or contraband. When the electronic device alarm is activated, the attendee shall produce the item or a personal search may be made to find the item that set off the alarm. Attendees may be requested to submit to a strip search when there is an articulable reason to believe the person is concealing a weapon or contraband. Each institution shall designate the level of authority required to request a search through institutional policy. This person shall authorize the search in writing. The designation required pursuant to subrule 20.3(8) for visitation will suffice for this subrule as well. Entrance may be denied when the attendee is not willing to submit to a search. The request for a search shall be conducted in an inconspicuous manner. The attendee may verbally request a review by the warden or designee at the time of request for a search.

(1) Strip search means having a person remove or arrange some or all of their clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person or a physical probe of any body cavity. Personal search means a pat down search on top of the attendee's clothing.

(2) The search will be to the degree deemed appropriate or necessary. A strip search will be conducted only when the following conditions exist:

1. The search is conducted in a place where it cannot be observed by persons not conducting the search.

2. The search is conducted by a person of the same sex as the visitor, unless conducted by a medical practitioner or licensed registered nurse. A second correctional employee of the same sex as the attendee shall also be present during the search. In addition, the attendee may request a third person of the same sex as the attendee to be present during the search.

3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ear, or nose shall be performed only by a medical practitioner. In the absence of a medical practitioner, a licensed registered nurse will conduct the search and report the findings to the on-call medical practitioner.

4. It will be permissible and not considered a body cavity search to request that a female attendee remove a sanitary napkin or tampon.

(3) An attendee accompanied by a minor child has the option of not having the child present during a strip search or pat down. The child will be attended by a staff person. When attendee refuses to leave the child with a staff person and does not want the child present during the search, attendance will be denied. At all times when a minor child is searched, the supervising adult may be present in the room.

(4) When an attendee is arrested, the attendee may be searched for weapons which may inflict harm on the arresting officer.

(5) Records shall be kept of all strip searches and shall include the name of the person subjected to the search, the names of the persons conducting and in attendance at the search, the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record.

(6) Attendees found in possession of contraband shall be referred to the county attorney for prosecution.

**20.13(4)** The space provided for the parole interviews shall have a posted maximum capacity set by the fire marshal. The number of individuals in the room shall not exceed the maximum capacity. Individuals will be admitted on a first-come, first-serve basis.

**20.13(5)** Cameras and recording devices are permitted with the following exceptions:

a. Media equipment is subject to search prior to admittance and at any time said equipment is inside the institution. Search shall be conducted in the presence of the photographer.

b. Should the attendees be required to pass through areas of the institution where for reasons of security or right to privacy media equipment is disallowed, the use of such equipment is prohibited in those areas.

**20.13(6)** Interviews may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restriction, natural disaster, or other extreme emergency.

**20.13(7)** Refer to Iowa Administrative Code, Parole Board[205] for rules governing conduct at the hearings as required by the Iowa board of parole.

**20.13(8)** Rules that apply to registered victims are found in subrule 20.15(7).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—20.14(80A) Transportation for incarcerated individuals.**

**20.14(1)** Companies under contract to county or state agencies to transport Iowa incarcerated individuals must meet the requirements of this rule to qualify for exemption under Iowa Code section 80A.2.

**20.14(2)** To comply with the exemption in Iowa Code section 80A.2, the following requirements shall apply:

*a.* Companies contracting with any jurisdiction/agency within the state of Iowa shall provide, upon request, training and compliance with policy standards governing weapons, security, transportation, and management procedures for incarcerated individuals essential to accomplishing safe and secure movement of incarcerated individuals.

*b.* Companies contracting to provide transportation for incarcerated individuals with a jurisdiction/agency within the state of Iowa shall provide proof of insurance coverage including, but not limited to, comprehensive general liability, automobile liability, workers' compensation insurance, all inclusive policies, general liability, and errors or omissions.

*c.* Companies contracting with any jurisdiction/agency within the state of Iowa shall provide the names, dates of birth, and social security numbers of all transportation personnel for criminal history checks.

*d.* All transporting personnel shall possess appropriate and valid driver's licenses as required by the regulatory agencies.

*e.* All transporting vehicles shall be licensed under the appropriate Interstate Commerce Commission (ICC) regulations and the state where the vehicle is registered.

*f.* All transmitting/receiving radios and communication equipment shall comply with Federal Communications Commission (FCC) regulations.

*g.* This exemption applies only to transportation companies for incarcerated individuals. This exemption does not provide exemption for any other part of this statute.

This rule is intended to implement Iowa Code section 80A.2.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

## **201—20.15(910A) Victim notification.**

### **20.15(1) Definitions.**

*"Notification"* means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

*"Registered"* means having provided the appropriate office, agency, or department with the victim's written request for notification and current mailing address and telephone number.

*"Victim"* means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

*"Violent crime"* means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

**20.15(2)** A victim of a violent crime may become registered with the department of corrections which entitles the victim to be notified when the incarcerated individual is to be released in any of the following situations:

*a. Work release.* Approximate date of release and whether the incarcerated individual is expected to return to the community where the victim resides will be provided.

*b. Furlough.* Date of leave, date of return and whether the incarcerated individual is expected to return to the community where the victim resides will be provided.

*c. Escape.* Date of escape will be provided.

*d. Expiration of sentence.* Date of discharge from an institution will be provided.

*e. Recommendations for parole.* The institution has submitted a recommendation for parole.

*f. Parole.* Approximate date of release and whether the incarcerated individual is expected to return to the community where the victim resides.

**20.15(3)** A victim will become registered upon official request by the county attorney to the Director, or designee, Iowa Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319.

**20.15(4)** Assistance for registering may be obtained through the county attorney or by contacting the department of corrections, director of victim programs, at (515)725-5701.

**20.15(5)** All information with regard to a registered victim will be kept confidential.

**20.15(6)** A registered victim is responsible for notifying the department of corrections of address or telephone changes.

**20.15(7)** Registered victims of the Iowa board of parole may attend hearings in accordance with the following rules:

*a.* Registered victims by the parole board have the right to appear at the parole/work release hearing of the incarcerated individual(s) either personally or by counsel.

*b.* The parole board notifies victims of any scheduled parole/work release hearings where the board will interview the incarcerated individual not less than 20 days prior to the hearing.

*c.* The parole board notification will request any victim(s) planning to attend a hearing to notify the warden of the intention to attend prior to the hearing.

*d.* A victim may only be denied attendance when, in the opinion of the warden or designee, the victim(s) presents a threat to the security and order of the institution.

*e.* If a victim is denied attendance at a hearing, the parole board shall be notified immediately.

*f.* The security director or designee should consider separation of the victim(s) and family/friends in attendance at the same hearing. If there are any signs of conflict between the victim(s) and family/friends of incarcerated individuals, the victim(s) shall be escorted out of the institution to avoid an unsupervised contact situation on institution grounds.

This rule is intended to implement Iowa Code section 910A.9.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.16** Reserved.

**201—20.17(904) Institutional community placement.**

**20.17(1)** *Home care program.* This program allows for selected incarcerated individuals to be released from institutional confinement for a set period of time for the purpose of caring for the incarcerated individual's immediate family. Release may be to a community correction residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

*a. Eligibility criteria.*

(1) The incarcerated individual must be the natural parent or legal guardian of the child/children.

(2) The incarcerated individual must show cause that this program can provide more suitable care than the present living situation of the child/children.

(3) The child/children must be minor(s).

(4) The incarcerated individual must have been the primary caretaker of the child/children prior to incarceration.

(5) Investigating staff must be able to confirm that the incarcerated individual had satisfactorily served this care prior to incarceration.

(6) The proposed living arrangements shall provide a suitable environment for the incarcerated individual and dependents.

(7) The physical structure of the residence shall provide for adequate space, meet sanitary, health and safety requirements, and be in good repair. A functional telephone must be maintained in the residence at all times.

(8) It will be verified that the incarcerated individual, including spouse or immediate family member living at the same residence, can and will provide adequate support towards the child, children, or other dependent. Eligibility requirements for assistance through the department of human services programs (FIP, food stamps, etc.) will be verified prior to final approval.

(9) It will be verified that the incarcerated individual or immediate family living at the residence can provide adequate transportation or that public transportation is available.

(10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the incarcerated individual and dependents.

(11) Dependent care for an adult member of the incarcerated individual's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

*b. Requirements.*

(1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the incarcerated individual. Where such dependents are not yet in school, child care may be considered as full-time employment.

(2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from same shall be reported to staff in advance.

**20.17(2) Work program—eligibility criteria.** This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house, or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

*a.* The incarcerated individual must show a substantial need and interest for participation in the program.

*b.* The incarcerated individual must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.

*c.* Suitable employment and verification must be obtained by staff prior to consideration.

**20.17(3) Educational program—eligibility criteria.** This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

*a.* The incarcerated individual must show a substantial need and interest for participation in the program.

*b.* The incarcerated individual must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

**20.17(4) General requirements for all three programs.**

*a.* Participation in any of these programs at any level is a privilege, not a right, of which participating incarcerated individuals are subject to and held accountable for all provisions of this policy as well as the specific program plan.

*b.* Institutional progress and recommended program participation must reflect an average or above rating.

*c.* Incarcerated individuals must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IS-RL-04 and rule 201—20.12(904).

*d.* If applicable, community corrections residential/halfway house rules and regulations will apply as well as institutional rules including all program plan rules.

*e.* Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

*f.* The incarcerated individual may be required to submit to periodic or regular U.A. Testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

*g.* All activity will be monitored by community corrections staff and institutional staff as agreed.

*h.* All employment and educational earnings, less payroll deductions including education grants and expenses, shall be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

*i.* Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the incarcerated individual is meeting requirements of the program plan.

*j.* Special needs. In situations where incarcerated individuals or the family have special needs, a case planning system shall be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

*k.* Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

*l.* Temporary absence. Incarcerated individuals may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, employment, etc., as indicated on the plan.

**20.17(5) Application procedures.**

*a.* Applications must be made to the present institutional classification committee (utilizing Form 1).

*b.* The application must contain all pertinent information and resources for the requested program.

*c.* The classification committee shall review each case considering all standards and criteria.

*d.* The classification committee's recommendation must be approved by the warden.

*e.* If approved by the warden, the recommendation and all pertinent information shall be forwarded to the institutional deputy director for final approval.

*f.* If the recommendation is approved by the institutional deputy director, the incarcerated individual must agree to abide by all rules established in the program plan including institutional rules and community corrections rules as well as all local, state, and federal laws.

*g.* Each level of review has the authority to deny the application or to make changes in the program plan including level of placement, i.e., institutional, residential/halfway house, home, as well as electronic monitoring devices.

*h.* Incarcerated individuals placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

**20.17(6) Violations.**

*a.* Violation of any rule set forth in the program plan including any additional rules set forth by any authority listed in this policy may constitute the revocation of participation in either program at any level.

*b.* Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

**20.17(7) Program activity.** This rule does not create any liberty interest in the incarcerated individual's continued participation in any of the programs at any level listed under this rule, and the department of corrections or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

**20.17(8) Waiver of liberty interests.** As a condition for an incarcerated individual to participate in any of the programs at any level listed under this rule, the incarcerated individual must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an incarcerated individual's

acceptance into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—20.18(904) Violator/shock probation programs.** Rescinded ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter.

**201—20.19** Reserved.

**201—20.20(904) Incarcerated individuals' telephone commissions.**

**20.20(1) Definitions.**

“*Corrections board*” means the department of corrections board.

“*Deputy director of institutions*” means the person responsible for operation of institution services.

“*Director*” means the chief executive officer of the department of corrections.

“*Financial manager of administration*” means the person responsible for budgeting and planning.

“*Warden*” means the chief executive officer of the institution or correctional facility.

**20.20(2) Deposit of funds.** The department of corrections shall deposit and account for all telephone commissions in a clearing account within the central office. The financial manager of administration will determine commissions generated by each institution, based on a report from the vendor, for deposit in the institution's telephone rebate fund for incarcerated individuals.

**20.20(3) Request for funds.** Each warden will determine recurring needs and special projects and submit a written proposal to the deputy director of institutions for all expenditures and encumbrances.

**20.20(4) Review and approval of expenditures.** The deputy director of operations and the financial manager of administration will review the proposals for a quarterly presentation by the director to the corrections board for approval. The director will notify the chairpersons and ranking members of the justice system's appropriations subcommittee of the proposals prior to the corrections board approval. All expenditures and encumbrances shall require prior approval from the corrections board and the deputy director of operations. Institutions shall not be allowed to encumber or expend funds without approval. Revenues generated by telephone commissions at each institution shall be used to determine the availability of funds for each project.

**20.20(5) Permitted expenditures.** The director shall advance to the corrections board for approval only projects that benefit incarcerated individuals. Expenditures may include, but are not limited to, projects that provide educational, vocational or recreational services or projects, or work or treatment programs for incarcerated individuals. Expenditures may also be used to initiate new programs, services, or projects. Institutions shall give spending priority to programs, services, and projects that promote the health and welfare of incarcerated individuals.

This rule is intended to implement Iowa Code section 904.508A.  
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<sup>◇</sup> Two or more ARCs

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 38  
SEX OFFENDER MANAGEMENT AND TREATMENT

**201—38.1(692A,903B) Application of rules.** The following rules apply to sex offender electronic monitoring and hormonal intervention therapy.  
[ARC 8496B, IAB 1/27/10, effective 3/3/10]

**201—38.2(692A,903B) Electronic monitoring.** It is the intent of the Iowa department of corrections that the electronic monitoring system (EMS) shall be used to enhance public safety. Appropriate levels of EMS should be used to verify the location and restrict the movement of sex offenders based upon a validated risk assessment, the sex offender's criminal history, progress in treatment and supervision, and other relevant factors. EMS is additionally governed by the provisions of department of corrections policy OP-SOP-06.

**38.2(1) Definitions.**

“*Client*” means a person who is required to register with the Iowa sex offender registry.

“*Electronic monitoring system*” or “*EMS*” is a term used collectively for technology that determines the location of clients who have restricted movement while being supervised in their respective community.

**38.2(2) Selection of clients for EMS.** All clients on supervision for a current sex offense who are required to be registered as a sex offender under Iowa Code chapter 692A shall be placed on EMS immediately after assignment to supervision. This level may be changed based on risk assessment.

**38.2(3) Risk assessment instrument.** Risk assessments used shall be validated and approved by the department of corrections with collaborative input from the judicial districts and other affected stakeholders. The risk assessment should be completed within 30 days prior to the incarcerated individual's release from custody or upon the incarcerated individual's/client's placement on probation, parole, or work release.

**38.2(4) Notification of victims.** The supervising judicial district department of correctional services shall notify a registered victim regarding a sex offender who is convicted of a sex offense against a minor and who is under the supervision of a judicial district department of correctional services of the following:

*a.* The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used.

*b.* The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change.

NOTE: Notification includes the initial notification to victims of the date that a client has been placed on an electronic monitoring device, notification as to the date an electronic monitoring device was changed with greater or less monitoring capabilities (GPS to radio frequency or radio frequency to GPS), and notification as to the date the client was removed from an EMS.

**38.2(5) Additional rules.** The department of public safety's rules regarding the Iowa sex offender registry are published in 661—Chapter 83.

[ARC 8496B, IAB 1/27/10, effective 3/3/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—38.3(692A) Sex offender risk assessment.** Rescinded IAB 1/27/10, effective 3/3/10.

**201—38.4(903B) Hormonal intervention therapy.**

**38.4(1) Affected clients.** All clients convicted of a “serious sex offense” in which the victim was a child who, at the time the offense was committed, was 12 years of age or younger; or clients convicted of a second or subsequent offense may be required to undergo hormonal intervention therapy as ordered by the court or board of parole in accordance with the provisions of Iowa Code section 903B.10.

**38.4(2) Agency responsibility.** The department of corrections, judicial districts' departments of correctional services, and the board of parole responsibilities are defined in accordance with the provisions of Iowa Code section 903B.10.

**38.4(3) Assessment of affected clients.**

*a. Psychosexual assessment.* A psychosexual assessment shall be conducted on all “affected” clients, as a part of the presentence investigation (PSI) prior to sentencing or upon entry into judicial district department of correctional services supervision or institutional placement if a referral for hormonal intervention therapy is being made.

- (1) The psychosexual assessment shall be conducted by or under the direction of:
  - A licensed psychologist; or
  - A person specifically trained and experienced in the professional administration, scoring and interpretation of psychological tests (graduate level coursework in testing and assessment); or
  - A staff member who meets the experience and educational requirements of the Iowa department of administrative services or Iowa community-based corrections psychologist classification.
- (2) The psychosexual assessment shall include:
  - Tests of emotional and mental stability.
  - I.Q. to measure capability.
  - Measure of denial of deviant sexual characteristics.
  - Plethysmography (optional).
- (3) The assessment shall follow the statewide standardized format and shall include a determination as to the need and effectiveness of hormonal intervention therapy as well as treatment recommendations.

*b. Medical assessment.* If hormonal intervention therapy is recommended as an appropriate treatment component, the client shall receive a medical assessment to determine biological factors as related to hormonal intervention therapy.

**38.4(4) *Pharmaceuticals and distribution.*** The director of corrections may contract the purchase and distribution process to reduce pharmaceutical costs and ensure effective distribution and management of all pharmaceuticals related to the hormonal therapy program.

**38.4(5) *Educational/treatment programming.***

*a.* Hormonal intervention therapy is to be utilized in conjunction with a sex offender treatment program (SOTP). The client should be involved in concurrent cognitive-behavioral treatment. In all cases where the treatment plan includes hormonal therapy, the plan shall also include monitoring and counseling.

*b.* All institutional or community-based corrections SOTPs shall meet the current Iowa board for the treatment of sexual abusers (IBTSA) standards .

**38.4(6) *Application of hormonal therapy.***

*a. Utilization of hormonal therapy.*

(1) Therapy shall utilize medroxyprogesterone acetate (MPA) or other approved pharmaceutical agents.

(2) Therapy shall be initiated as soon as reasonably possible after the client is sentenced.

1. If the client is incarcerated within a local jurisdiction (jail, residential facility), the judicial district department of correctional services shall coordinate initiation of treatment prior to the release of the client from custody.

2. If the client is incarcerated within the department of corrections, initiation of treatment shall be determined by department of corrections medical staff.

(3) Requests for hormonal therapy by the client when the aforementioned criteria are not met shall be reviewed for consideration by the agency of jurisdiction.

(4) At any time during the course of supervision, the agency of jurisdiction may conduct a reassessment to determine if hormonal therapy should be considered or reconsidered as part of the treatment plan.

*b. Monitoring/termination of hormonal therapy.*

(1) Monitoring. The agency of jurisdiction shall continue to monitor the client’s therapy throughout the client’s confinement or supervision. The agency of jurisdiction may adjust medication, initiate other medication, or continue prescribed therapy with medical approval.

(2) Termination. Hormonal therapy may be discontinued only by the medical authority, with consent of the supervising officer. Termination requires a reassessment conclusion that the therapy has been determined ineffective or is no longer necessary.

**38.4(7) Client fees.** Clients are required to pay a reasonable fee for the costs related to hormonal therapy. Client fees shall be based on the client's ability to pay as determined by the statewide client fee policy.

**38.4(8) Maintenance/transfer of records.** Client file information shall be available and shared upon request between responsible agencies including court of jurisdiction.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code chapters 692A and 903B.

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.



TITLE III  
COMMUNITY-BASED CORRECTIONS  
CHAPTER 40  
COMMUNITY-BASED CORRECTIONS ADMINISTRATION  
[Prior to 3/20/91, Corrections Department[291]]

**201—40.1(905) Title III definitions.**

*“Accreditation”* shall mean certifying that a judicial district department of correctional services is in compliance with applicable state and federal laws and with applicable portions of the Iowa Administrative Code, which compliance is determined by the department of corrections reviewing the bylaws, policies, procedures and practices of the judicial district department of correctional services.

*“Board of directors”* shall mean the same as district board as defined in Iowa Code section 905.3.

*“Community service”* shall mean unpaid public service as a condition of probation established pursuant to Iowa Code chapter 907 or in lieu of restitution as authorized in Iowa Code chapter 910.

*“Conditions of probation”* shall mean the same as defined in Iowa Code section 907.6.

*“Contraband”* shall mean weapons, alcohol, drugs, money, obscene materials, or material advocating disruption of or injury to clients, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, or materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

*“Curfew hours”* means those hours between 12 midnight and 6 a.m.

*“Deferred judgment, deferred sentence or suspended sentence”* shall mean the same as defined in Iowa Code section 907.3.

*“Deputy director”* shall mean the deputy director for community-based corrections (CBC) of the department of corrections.

*“District department”* shall mean the judicial district department of correctional services as defined in Iowa Code section 905.2.

*“District director”* shall mean the director of a judicial district department of correctional services.

*“Executive committee”* shall mean the same as defined in Iowa Code section 905.3(2).

*“Immediate family”* means spouse, child, parent, sibling, natural grandparent, stepparent, legal guardian, or an individual with whom the offender lived and who was responsible for the offender while the offender was a minor for a period of at least one year.

*“Medical practitioner”* means medical doctor, osteopathic physician, physician assistant or nurse practitioner.

*“Ongoing site visits”* shall mean any visit by the deputy director, designee or representatives of the office of the state auditor which shall be to assure continuing compliance with the Code of Iowa and the Iowa Administrative Code, and which may be conducted at any time during the two-year interim following the most recent team review.

*“Parole”* means the same as defined in Iowa Code section 906.1.

*“Parole agreement”* shall mean the same as defined in Iowa Code section 906.11.

*“Parole plan”* means a document listing place of employment, residence and the supervising parole officer.

*“Presentence investigations”* shall mean the same as defined in Iowa Code sections 901.2 and 901.3.

*“Pretrial release”* shall mean the same as defined in Iowa Code section 811.2.

*“Probation”* shall mean the same as defined in Iowa Code chapter 907.

*“Probation agreement”* shall mean the same as defined in Iowa Code section 907.6.

*“Probation service”* shall mean the same as defined in Iowa Code section 907.2.

*“Rehabilitative objectives or purposes”* means activities designed to further the reintegration of the offender into the community as a productive, law-abiding citizen. Activities deemed to serve rehabilitative objectives shall include, but not be limited to, family visits, seeking employment, supervised recreational activities, shopping trips, counseling/consultation sessions, educational programs and activities, vocational training and religious activities.

“*Residential services*” shall mean housing facilities providing 24-hour supervision operated pursuant to Iowa Code section 905.7(1).

“*Restitution plan of payment and plan of restitution*” shall mean the same as defined in Iowa Code chapter 910.

“*Supervision*” shall mean supervision during the probationary period as defined in Iowa Code section 907.8.

“*Team review*” shall mean a biennial review of overall program, policies and procedures for compliance with the Code of Iowa and the Iowa Administrative Code by one or more persons designated by the deputy director.

“*Technical violation*” means a noncriminal violation of the conditions of parole.

This rule is intended to implement Iowa Code section 905.7.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

### **201—40.2(905) Accreditation.**

**40.2(1)** The deputy director of the department of corrections shall be the accrediting authority. The decisions of the deputy director shall be final except as provided in Iowa Code chapters 17A and 905.

**40.2(2)** The deputy director shall conduct or assign staff the responsibility to conduct the biennial team review for accreditation purposes.

**40.2(3)** The deputy director shall make or assign staff to make ongoing site reviews during the two-year interim following the most recent team review.

**40.2(4)** The biennial team review shall include a complete review of the following:

- a. District department structure as provided in Iowa Code chapter 905.
- b. Bylaws, policies and procedures of the board and the district department.
- c. Programs mandated by the Code of Iowa and any special programs approved by the department of corrections. Programs shall comply with program-specific standards developed and approved by the department of corrections with collaborative input from the judicial districts and other affected stakeholders, i.e., domestic abuse, sex offender treatment, and intensive supervision program.
- d. Business practices of the district department including the use of acceptable accounting procedures and the receipt and expenditure of funds. Any reports of the office of the state auditor and recommendations contained in those reports, as well as evidence of compliance with those recommendations.
- e. Any regular or special evaluations of the services provided by the district department.

The biennial review shall be conducted as provided in the “accreditation standards for community-based corrections” and any program-specific standards which shall be open for public inspection at the offices of the department of corrections. A proposed draft of these standards will be made available to the districts 180 days prior to the biennial review. The accreditation and program-specific final standards, and any changes in the standards, shall be made available to the district departments at least 90 days before the biennial review.

**40.2(5)** The results of any biennial team review will be reported to the deputy director who shall review the results and when a district is in adequate compliance with the Code of Iowa, the Iowa Administrative Code and the accreditation standards, the deputy director shall issue a certificate of accreditation for the following two years. When a district is not in adequate compliance as provided in the accreditation standards, the deputy director will notify the chairperson of the district board and the district director of the specific deficiencies and allowable time frames for correcting the deficiencies. At the end of the period of time for bringing the deficiencies into compliance, the deputy director shall award a certificate of accreditation or shall notify the district board and proceed as provided in Iowa Code section 905.9.

**40.2(6)** The ongoing site review shall include periodic assessments of the district departments and its programs as set out in 40.2(4) and shall be designed to provide evidence of continuing compliance. If at any time during the two-year period, following the most recent team reviews, the deputy director, through information gathered in ongoing site reviews, concludes that the district department is no longer

in adequate compliance may conduct or order an interim team review. If in the team review the evidence indicates serious noncompliance, the deputy director may proceed as provided in 40.2(5).

This rule is intended to implement Iowa Code sections 905.7 and 905.9.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—40.3(904) Investigations.** The deputy director of the department of corrections may investigate charges of abuse, neglect, or mismanagement on the part of a judicial district department of correctional services and its employees. The deputy director may request the director of the department to exercise authority pursuant to Iowa Code sections 904.402 to 904.405.

This rule is intended to implement Iowa Code sections 904.402 to 904.405.

**201—40.4(905) District board of directors.**

**40.4(1)** The board of directors shall adopt bylaws as prescribed in Iowa Code section 905.4(1).

**40.4(2)** The board of directors shall establish minimum qualifications for the position of the district director which shall include, but not be limited to, those set out in Iowa Code section 905.6.

**40.4(3)** The board of directors shall select the district director of the overall community-based corrections program, who shall serve at the board's pleasure and the board shall set the director's salary consistent with Iowa Code section 905.4(2).

**40.4(4)** The board of directors shall set policies and ensure procedures are developed governing the expenditures of funds which are in compliance with the requirements of the department of corrections and the Code of Iowa.

**40.4(5)** The board of directors shall set policies and ensure procedures are developed governing the personnel employed by the judicial district department of correctional services.

**40.4(6)** The board of directors shall establish policies and ensure procedures are developed governing formal communications between the board and the staff.

**40.4(7)** The board of directors shall establish policies and ensure procedures are developed governing the training of staff.

**40.4(8)** The board of directors shall approve a table of organization reflecting current staffing of the judicial district department of correctional services.

**40.4(9)** The board of directors shall annually approve the budget and action plan of the judicial district department of correctional services which shall include the projected expenditures by program and identify the following source of revenue: (a) state purchase of services contract, (b) federal and local grants or contracts, (c) residential client fees, (d) county support, (e) interest, (f) other miscellaneous revenues.

**40.4(10)** One or more project advisory committees shall be established in accordance with Iowa Code chapter 905. The functions of the advisory committee(s) shall include, but need not be limited to, participation in and review of the district department's planning and program activities.

**40.4(11)** The judicial district board of directors shall decide whether to allow employees of the judicial district department of correctional services to carry a firearm while in performance of official duties. If the board allows employees to carry firearms, the judicial district board shall establish policies and ensure that procedures are developed governing the authorization of probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D to carry a firearm while in performance of their duties. Policy shall specify when the possession of a weapon is appropriate and who may approve authorization to carry a weapon.

**40.4(12)** Through their approval, the director, Iowa department of corrections, and the Iowa corrections board shall ensure that the director of the district department of correctional services, of districts authorized to carry firearms, has written standards and procedures which regulate the safe conveying and use of firearms. The standards shall include, but not be limited to, the following:

*a.* Probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D must have successfully completed the Iowa law enforcement academy curriculum prior to receiving authorization to carry a firearm. Probation/parole officers authorized to carry firearms prior to February 9, 2005, will be exempt from this paragraph.

*b.* An officer will not be given permission to carry a weapon unless the officer has successfully completed the requirements of Iowa Code chapter 724.

(1) In addition, the officer must show proficiency in the actual firing of a firearm as required for qualification on a qualified training course firing range.

(2) Officers holding valid permits to carry firearms shall requalify annually.

*c.* Weapons shall not be exhibited or used except in a perilous, life-threatening situation. Drawing, pointing, or discharging a weapon for effect or warning is prohibited.

*d.* The judicial district director shall maintain a list of all officers granted permission to carry a weapon. The list shall include the officer's name, permit number, dates of permit, place and dates of training, and caliber of weapon.

*e.* Permission granting an officer the right to carry a judicial district-purchased weapon shall be in writing.

*f.* Any officer who discharges a weapon shall submit a written report of the incident through the department of corrections critical incident reporting policy. The judicial district director shall file a report of the incident, the investigation, and the results of the investigation with the deputy director of CBCs within five days of the occurrence.

*g.* No officer shall be required to carry a firearm; however, refusal may affect job assignments.

*h.* Firearms shall be secured under lock and key when not in use in a location inaccessible to nonauthorized personnel.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—40.5(905) District director.**

**40.5(1)** The department shall have procedures governing the personnel employed by the judicial district, and a system of fiscal accountability which ensures compliance with the requirements of the department of corrections and the Code of Iowa.

**40.5(2)** The director shall provide electronic access to the Code of Iowa and supplements thereof, the Iowa Administrative Code, and applicable federal regulations and shall prepare and maintain current a department of correctional services policies and procedures manual which shall include, but not be limited to, the following:

*a.* The written bylaws of the board of directors of the department of correctional services,

*b.* All departmental policies and procedures,

*c.* Written standard operating procedures governing the staff in the provision of services to clients,

*d.* A table of organization reflecting all positions employed within the department of correctional services,

*e.* Job descriptions of all positions employed within the department of correctional services,

*f.* A current pay plan.

**40.5(3)** The department shall ensure that an employee manual is readily accessible to all employees and shall include information which provides necessary guidance for the performance of the duties outlined in the employee's job description, personnel policies and procedures, and employee rights and responsibilities.

*a.* The district department shall have written policies and procedures which ensure that the district complies with the Iowa division of labor services' "Right to Know" rules, 875—Chapter 140.

*b.* The district department shall enter and maintain information required by the department of corrections statewide database application called the Iowa corrections offender network (ICON). That information will include all details necessary for the department of corrections to generate accurate and timely periodic statistical reports of district department, pretrial release, presentence investigations, field services workloads, residential facility occupancy, and specially funded treatment/monitoring programs. The district department shall devise and implement local policies and procedures to provide adequate training and support of data entry personnel and other end users, regularly audit data entry accuracy and timeliness and correct inaccurate or incomplete information discovered during that auditing process.

**40.5(4)** Written procedures shall exist concerning the security, maintenance, accessibility and destruction of case records.

**40.5(5)** The director shall ensure that there are written procedures governing the handling and dissemination of client file information, including access by the client, and the confidentiality of client records which comply with applicable state and federal laws.

**40.5(6)** The director shall maintain current documentation of inspection reports for all buildings under the director's purview which shall include when applicable, fire, building and health reports.

**40.5(7)** All reports required by the department of corrections shall be prepared and submitted on time in accordance with Iowa Code section 905.7.

**40.5(8)** The district department shall establish fiscal procedures in accordance with guidelines established by the department of corrections to ensure that funds generated from programs financed with state moneys or moneys collected by the use of state allocations be identified and expended to offset program costs as described and approved in the state purchase of service contract. All funds received by the district department and their source shall be reported to the department of corrections. All fund balances for the current fiscal year shall be reported by the district departments to the department of corrections quarterly on specific due dates. Funds so generated shall be expended during the fiscal year in which they are collected. However, such funds not expended during the fiscal year will be utilized by the judicial district department of correctional services to reduce budget requests for the subsequent fiscal year. All funds shall be applied as budgeted or be utilized as discretionary program funds with the approval of the department of corrections before applying other funds to an expenditure.

**40.5(9)** The district director shall administer the community-based corrections personnel classification system established by the district departments and the department of corrections and shall adhere to all salary ranges, policies, and procedures established for the purpose of implementing and maintaining the community-based corrections personnel classification manual.

The district director shall administer the collective bargaining contract and adhere to all policies and procedures established by the department of corrections and department of administrative services for contract administration.

Employee positions utilized by the district department shall be approved by the district board and the department of corrections through the purchase of service agreement. Any changes in the number and classification of positions authorized in the purchase of service agreement shall be approved by the district board and the department of corrections.

**40.5(10)** The district director shall administer preemployment testing to determine the suitability of applicants for corrections positions in district departments of correctional services in compliance with the Code of Iowa. Applicants, pursuant to the Code of Iowa, must satisfactorily complete mental fitness testing as approved by the department of corrections prior to hire. In addition, a background investigation and criminal records check will be completed on all hires.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—40.6 Infectious disease standard.** Rescinded. IAB 3/20/91.

These rules are intended to implement Iowa Code chapters 905 and 907 and sections 908.11 and 910.5.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

[Filed 11/18/83, Notice 9/28/83—published 12/7/83, effective 1/11/84]

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[Filed 12/21/87, Notice 7/1/87—published 1/13/88, effective 2/17/88]<sup>1</sup>

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[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]<sup>2</sup>

[Filed 3/26/93, Notice 11/11/92—published 4/14/93, effective 5/20/93]

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[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>3</sup>

- <sup>1</sup> Effective date of subrule 40.4(11) delayed 70 days by the Administrative Rules Review Committee at their February 11, 1988, meeting.
- <sup>2</sup> Subrules 40.4(11) and 40.4(12) published as Notice of Intended Action, IAB 10/17/90.
- <sup>3</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 41  
PRECONVICTION SERVICE  
[Prior to 3/20/91, see Corrections Department[291]]

**201—41.1(811,905) Pretrial services.**

**41.1(1)** The district department shall designate the staff responsible for providing pretrial interviews and release with services programs.

**41.1(2)** The district department shall establish a system of communications with law enforcement and the judiciary regarding the availability of pretrial services throughout the entire districts.

**41.1(3)** The district department shall have policies and procedures assuring daily staff contact with all jails in the district for the purpose of determining the presence of persons eligible for a pretrial interview and shall have policy assuring that all eligible persons are provided an interview without unnecessary delay.

**41.1(4)** The district department shall have written policies establishing criteria for screening pretrial release candidates which require consideration of those items contained in Iowa Code section 811.2.

**41.1(5)** The district department shall have written policies and procedures which ensure that a case record is maintained on each active case under supervised release.

**41.1(6)** The district department shall have written policies and procedures which establish criteria for reporting violations of conditions of release to the court.

**41.1(7)** The district department shall have written policies and procedures governing the supervision of persons released to assure that adequate supervision is provided.

**41.1(8)** The district department shall have written policies and procedures governing the notification of the agent or agencies responsible for correctional clients who receive pretrial interviews.

**41.1(9)** The district department shall have written policies which establish a grievance procedure for all clients under supervision.

**201—41.2(901,905) Presentence investigation.**

**41.2(1)** The district department shall be responsible for conducting all presentence investigations ordered by the court.

**41.2(2)** The district department shall have written policies and procedures which ensure that all information required by the Code of Iowa is included in the presentence investigation report.

**41.2(3)** The district department shall have written policies and procedures which ensure that the presentence investigation report includes an identification of client needs, protective factors and the results of a validated risk assessment as approved by the department of corrections with collaborative input from the judicial districts and other affected stakeholders.

**41.2(4)** The district department shall have written policies and procedures which ensure the timely transmittal of the presentence report to the appropriate court official.

**41.2(5)** The district department shall have written policies and procedures which ensure the confidentiality of the presentence report in accordance with the Code of Iowa and state regulations, insofar as department handling of the report is concerned.

**41.2(6)** The district department shall have written policies and procedures concerning the content of presentence investigations ordered by the judiciary when the offense is an aggravated misdemeanor or higher.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code chapters 901 and 905.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.



CHAPTER 42  
PROBATION SERVICES  
[Prior to 3/20/91, Corrections Department[291]]

**201—42.1(907,908,910) Probation.**

**42.1(1)** The district department shall have written policies and procedures which ensure the delivery of probation services throughout the district.

**42.1(2)** The district department shall have written policies and procedures which ensure that an electronic case record is maintained on each client under supervision.

**42.1(3)** The district department shall have uniform written policies and procedures governing the classification and supervision of probationers.

**42.1(4)** The district department shall have uniform written policies and procedures which ensure the use of the statewide case management system so that client risk, criminogenic needs and protective factors are identified using the approved uniform and validated risk/needs assessment instruments and are addressed in an effort to lower risk and reduce victimization. The system should be designed to focus the majority of resources on moderate- and high-risk clients and shall include the following elements: ongoing risk and need assessment, responsivity, case planning, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

**42.1(5)** The district department shall have written policies and procedures which establish grievance procedures for all clients under supervision and details a method which ensures that all clients are notified of the procedure.

**42.1(6)** The district department shall have written policies and procedures for reporting violations of probation and recommending revocation of probation to the court.

**42.1(7)** The district department shall have written policies and procedures for requesting a discharge from probation and shall require a recommendation for discharge when it is clear that the client has met court obligations, is no longer a threat to the community or cannot benefit substantially from further supervision.

**42.1(8)** The district department shall have written policies and procedures to assist staff to determine under what circumstances an arrest may be made or a client should be taken into custody.

**42.1(9)** The district department shall have written policies and procedures governing the searching of probationers or the searching and seizure of their property which meet the requirements of the court.

**42.1(10)** The district department shall have written policies and procedures governing the preparation, submission, review and modification of the restitution plan of payment in accordance with Iowa Code chapter 910.

**42.1(11)** The district department shall have written policies and procedures governing the preparation, submission, review and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

**42.1(12)** The district department shall establish conditions of probation which meet the approval of the chief judge of the judicial district, which apply to each person under probation supervision, and shall have written procedures for assuring that each client receives those conditions in writing which include written documentation of receipt by the probationer.

**42.1(13)** The district department shall have written policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, in accordance with Iowa Code section 905.14. Payments shall be made directly to the supervising judicial district department.

**42.1(14)** The district department shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with Iowa Code section 905.14.

**42.1(15)** The district department shall have written policies and procedures governing the collection and retention of supervision enrollment fees for persons transferring to another judicial district. Fees will be collected and retained by the supervising judicial district department.

**42.1(16)** The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions.

**42.1(17)** The district department shall have written policies and procedures to prevent the transmission of contagious infectious disease in compliance with Iowa Code section 905.15.

This rule is intended to implement Iowa Code chapters 905 and 907 and sections 908.11 and 910.5. [ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 43  
RESIDENTIAL FACILITIES  
[Prior to 3/20/91, Corrections Department[291]]

**201—43.1(905,907,908,910) Residential facilities.**

**43.1(1)** The facility shall admit residents in accordance with the correctional continuum, court order, release order from board of parole, or purchase of service agreement contract with the department of corrections, federal correctional agencies or a county board of supervisors.

**43.1(2)** At the time of intake, the facility staff shall discuss with each resident program goals, services available, rules governing conduct in the facility, disciplinary procedures, client fiscal management and residents' rights, communication privileges and all federal Prison Rape Elimination Act (PREA) orientation and education standards and shall obtain written documentation from the resident that these matters were discussed.

**43.1(3)** The district department shall have written policies and procedures governing when and how a resident's property is inventoried and recorded, and the same shall be utilized for all residents.

**43.1(4)** The district department shall have written policies and procedures which ensure a case record is maintained on each resident of the facility.

**43.1(5)** The district department shall have written policies which establish facility rules, possible sanctions, appeal procedures and PREA standards that comply with all federal standards for all residents.

**43.1(6)** The district department shall have written policies which establish a grievance procedure for residents which applies to activities other than disciplinary action.

**43.1(7)** The district department shall have written policies and procedures establishing criteria governing the use of and reporting of the use of physical force by facility staff which conform to appropriate statutes or regulations.

**43.1(8)** The district department shall have written policies and procedures for searching residents and their property and for seizure of resident property or contraband.

**43.1(9)** The district department shall have a written policy which ensures that at least one staff member is readily available to residents 24 hours a day. Facility staff shall know the whereabouts of all residents.

**43.1(10)** The district department staff shall ensure the provision and maintenance of a safe environment for the residents, including compliance with fire, building, health, and safety regulations or standards applicable in the local jurisdiction.

**43.1(11) Infectious disease.**

*a.* In compliance with Iowa Code section 905.15, the district department shall have written policies and procedures to prevent the transmission of contagious infectious disease, including notification to facility personnel if any person committed to the facility is found to have a contagious infectious disease.

*b.* The district department shall refer for a medical examination any resident suspected of having a communicable disease, which safeguards both residents and employees. Employees who contract a communicable disease, except common colds, should not be permitted to work in a facility until the danger of contagion is ended. For purposes of this rule, communicable disease shall mean any disease which is transmittable from one person to another and is either temporarily or permanently debilitating.

**43.1(12)** The district department shall have written policies and procedures which govern the medical care of residents in case of emergencies, sudden illnesses, or accidents.

**43.1(13)** The district department shall have written policies and procedures governing the method of handling prescription and nonprescription drugs.

**43.1(14)** The district department shall have written policies and procedures which ensure that all residents have access to three meals a day during the week and two meals on weekend days and that meals provided at the facility meet recognized minimum daily nutritional requirements.

**43.1(15)** The district department shall have written policies which ensure that if food service is provided, all facilities including kitchen equipment and food handlers comply with applicable health and safety laws and regulations as evidenced by a certificate of rating from the Iowa department of agriculture and land stewardship or local restaurant inspection unit.

**43.1(16)** The district department shall have written policies and procedures that are consistent with risk reduction for recommending removal and revocation of resident status at the facility.

**43.1(17)** The district department shall have written policies and procedures for discharge from the facility and which require a recommendation for discharge when it is clear that the resident has met the requirements of the court, is no longer believed to be a threat to the community, or cannot benefit substantially from further supervision.

**43.1(18)** The district department shall have written policies and procedures which ensure the use of the statewide case management system so that client risk, criminogenic needs and protective factors are identified using the approved uniform and validated risk/needs assessment instruments and are addressed in an effort to lower risk and reduce victimization. The system should be designed to focus the majority of resources on moderate- and high-risk clients and shall include the following elements: ongoing risk and need assessment, responsivity, case planning, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

This rule is intended to implement Iowa Code section 907.3 and chapters 905, 908 and 910.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

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CHAPTER 44  
WORK RELEASE

[Prior to 10/1/83, Social Services[770] Ch 24]  
[Prior to 3/20/91, Corrections Department[291]]

**201—44.1(904) Administration.**

**44.1(1) *Supervision.*** Persons committed to the director of the department of corrections and approved for work release by the board of parole shall be supervised and housed by the judicial district departments of correctional services in accordance with the purchase of service agreement between the district departments and the department of corrections.

**44.1(2) *Facility requirements.***

*a.* The facility staff shall ensure the provision and maintenance of a safe environment for the residents. Each facility shall comply with fire, building, health and safety regulations or standards applicable in the local jurisdiction.

*b.* The district department shall have written policy which ensures that at least one staff member is readily available to residents 24 hours a day in each work release facility.

*c.* The district departments shall have written policies which establish facility rules, possible sanctions and appeal procedures for all residents.

*d.* The district departments shall have written policies and procedures for searching work release residents and their property and for seizure of resident property or contraband.

*e.* The district departments shall have written policies and procedures which conform to appropriate statutes and regulations governing and reporting the use of physical force by work release facility staff.

*f.* The district departments shall have written policies and procedures for the control of a work release resident's property.

*g.* District department staff shall not purchase, directly or indirectly, property or services belonging to or being sold by any person under supervision except as specifically allowed under department of corrections policy.

*h.* The district departments shall have written policies which establish a grievance procedure for work release residents for activities other than disciplinary action.

*i.* The district departments shall have written policies and procedures which establish compliance with all federal PREA standards.

**44.1(3) *Admission.***

*a.* The district departments shall admit residents in accordance with the purchase of service agreement with the department of corrections or federal correctional agencies.

*b.* At the time of intake, the facility staff shall discuss with each resident program goals, services available, rules governing conduct in the facility, disciplinary procedures, client fiscal management and residents' responsibilities, rights, communication privileges, and all federal PREA orientation and education standards and shall obtain written documentation from the resident that these matters were discussed.

**44.1(4) *Earned time.*** Earned time shall be awarded in accordance with department of corrections policy.

**44.1(5) *Records.***

*a.* The district department shall maintain records for state work release clients as required by the department of corrections.

*b.* The district departments shall maintain a case record for each client under supervision which shall include, when applicable, the following: (1) Identification data, (2) institutional information packet, (3) case plan, (4) restitution plan, (5) work release plans, (6) generic notes, (7) disciplinary reports, (8) hold orders, (9) transfer reports, (10) parole progress reports, (11) signed release of information forms, and (12) discharge reports.

Written procedures shall exist at the facility concerning the security, maintenance, accessibility, closure and destruction of said case records.

c. The district department shall have uniform written policies and procedures which ensure the use of the statewide case management system so that client risk, criminogenic needs and protective factors are identified using the approved uniform and validated risk/needs assessment instruments and are addressed in an effort to lower risk and reduce victimization. The system should be designed to focus the majority of resources on moderate- and high-risk clients and shall include the following elements: ongoing risk and need assessment, responsivity, case planning, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

[ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—44.2(904) Provision of services.**

**44.2(1) Contingency plan.** The district department shall have contingency plans that will ensure proper continuation of the program in the event of an emergency.

**44.2(2) Food service.**

a. The district department shall have policies and procedures which ensure that all work release residents have access to three meals a day during the week and two meals on weekend days and that meals provided at the work release facility meet recognized minimum daily nutritional requirements.

b. The district department shall have written policies which ensure that if food service is provided, all facilities including kitchen equipment and food handlers comply with applicable health and safety laws and regulations as evidenced by a certificate of rating from the Iowa department of agriculture and land stewardship or local restaurant inspection unit.

**44.2(3) Medical service.**

a. The district department shall refer for a medical examination any work release resident suspected of having a communicable disease, which safeguards both residents and employees. Employees who contract a communicable disease, except common colds, should not be permitted to work in a facility until the danger of contagion is ended. For purposes of this rule, communicable disease shall mean any disease which is transmittable from one person to another and is either temporarily or permanently debilitating.

b. The district department shall have written policies and procedures which govern the medical care of work release residents in case of emergencies, sudden illnesses, accidents, or death.

c. The district department shall have written policies and procedures governing the method of handling prescription and nonprescription drugs.

d. In compliance with Iowa Code section 905.15, the district department shall have written policies and procedures to prevent the transmission of contagious infectious disease. Notification to facility personnel is required if any person committed to the facility is found to have a contagious infectious disease.

**44.2(4) Visitation.** The district department shall have written policies and procedures which provide for visitation, but visiting privileges may be limited to the extent necessary for security and management reasons.

**44.2(5) Transportation.** District department staff may provide transportation for residents in order to facilitate program objectives or to transport residents for security purposes.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—44.3(910) Restitution.**

**44.3(1) Restitution plan of payment.** The district departments shall have a policy and procedure for restitution. The restitution policy and procedure shall be administered in accordance with local judicial procedure and the Code of Iowa.

**44.3(2) Compliance.**

a. The work releasee shall submit payments in a timely manner to the clerk of court or district department.

b. If payments are made to the clerk of the district court, the work releasee shall provide the district department proof of payments.

c. The district department shall provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—44.4(904) Resident finances.**

**44.4(1)** Residents shall surrender earnings to the facility in accordance with Iowa Code section 904.905.

**44.4(2)** The district departments of correctional services shall provide for proper accounting for the receipt and disbursement of resident earnings, in accordance with fiscal requirements established in 201—subrule 40.5(8).

**201—44.5(904) Furloughs.** The district departments shall administer furlough programs for work release clients in accordance with the department of corrections work release manual.

**201—44.6(904) Violations.**

**44.6(1) *Preplacement violations.*** When disciplinary problems occur with residents who have been approved for work release but not yet placed, designated staff shall determine whether or not the situation is serious enough to warrant further review by the board of parole. Designated staff herein shall mean authorized persons from the judicial district department of correctional services, the deputy director of community-based corrections, or the sending institution.

**44.6(2) *Postplacement violation.*** Work release violations may be classified as technical, minor, or major in accordance with state policy depending on the seriousness and frequency. Such classification shall determine the sanction or range of sanctions to correspond with the violation(s).

**44.6(3) *Request for temporary custody.*** Requests for temporary custody in a county jail or municipal holding facility may be issued by an authorized staff person of the district department of correctional services, in those cases where the resident is considered dangerous, likely to flee or in serious violation of the work release program. The requests shall be consistent with department of corrections policy.

**44.6(4) *Out of place/escape.*** Residents who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes shall be reported to designated authorities in accordance with department of corrections work release policy and critical incident policy.

**44.6(5) *Reimbursement for transportation.*** Transportation costs incurred due to a work releasee escaping or absconding shall be assessed against the work releasee. The amount of reimbursement shall be the actual cost incurred by the department of corrections or the judicial district department and shall be credited to the support of correctional services account from which the billing occurred. Actual cost shall mean the following:

1. Actual salary, to include overtime, of all personnel required to return the work releasee.
2. Actual personal expenses of personnel involved.
3. Ground mileage at the rate paid to state employees.
4. Actual cost of any common carrier fare for personnel and the work releasee. Air fare shall be booked at regular coach.

**44.6(6) *Transfer hearings.*** The district department shall petition the state department of corrections for a transfer review on residents guilty of serious work release violations. Designated state staff shall determine whether or not the resident is to be transferred to a secure institution.

**44.6(7) *Special transfers.*** Transfers from one facility to another or from a facility to a designated Iowa classification center may be allowed in special circumstances with the approval of the department of corrections.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—44.7(904) Discharge.** Under no circumstances shall work release supervision extend beyond the expiration of a work releasee's sentence.

**201—44.8(904) Federal contracts for work release.** In order to qualify nonfederal work release clients for employment in the performance of federal contracts, under presidential Executive Order 11755, each judicial district department of corrections shall ascertain:

**44.8(1)** That the rate of pay and other conditions of employment shall be at a similar rate and mode to others employed in like duties;

**44.8(2)** That employment of the work release client will not result in the displacement of other persons already employed; will not be utilized where a surplus of labor exists; will not harm existing contracts; and

**44.8(3)** Representatives of affected unions will have been consulted.

**201—44.9(904,910) Home work release.** Pursuant to Iowa Code section 904.901, home work release provides the opportunity in exceptional circumstances for qualified clients of correctional institutions to return to their homes.

**44.9(1) Administration.**

*a. Supervision.* Persons committed to the director of the department of corrections and approved for home work release by the board of parole shall be supervised by the judicial district departments of correctional services in accordance with contractual provisions between the district departments and the department of corrections.

*b. Housing requirements.* The physical structure shall provide for adequate space, meet basic sanitary requirements and be in good repair. A functional telephone will be available to the client in the residence at all times. The residence shall not be occupied by persons outside the nuclear family except in rare instances where financial considerations are a factor and prior approval has been granted by the board of parole or the deputy director.

*c. Admission.*

(1) The district departments shall assume supervision of home work releasees in accordance with a contract with the department of corrections or federal correctional agencies.

(2) At the time of supervision, the staff shall discuss with each home work releasee program goals, services available, rules governing conduct, disciplinary procedures, the home work releasee's fiscal management, responsibilities, rights and communication privileges and shall obtain written documentation from the home work releasee that these matters were discussed.

*d. Travel.* Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

*e. Earned time.* Earned time shall be awarded in accordance with department of corrections policy.

*f. Records.*

(1) The district department shall maintain records for state home work release clients as required by the department of corrections.

(2) The district department shall maintain a case record for each home work releasee under supervision which shall include, when applicable, the following:

1. Identification date,
2. Institutional information packet,
3. Case plan,
4. Restitution plan,
5. Work release plans,
6. Generic notes,
7. Disciplinary reports,
8. Hold orders,
9. Transfer reports,
10. Parole progress reports,
11. Signed release of information forms, and
12. Discharge reports.

The district department shall have written procedures concerning the security, maintenance, accessibility, closure and destruction of said case records.

(3) The district departments shall have written policies and procedures which ensure that an individual case plan is maintained on each work release resident which includes a uniform, validated assessment of client risk, needs and protective factors, and resources utilized to meet those needs.

**44.9(2) Restitution.**

*a. Restitution plan of payment.* There shall be a restitution plan of payment developed on those home work releasees who have been court ordered to pay restitution unless the court ordered restitution plan of payment has been completed. Factors which must be considered in developing the restitution plan of payment are present income, employment, physical and mental health, education, financial situation and family circumstances.

The district department shall have written policies and procedures governing the development and modification of the restitution plan of payment. Final approval of the restitution plan of payment shall be by the district director.

The approved restitution plan of payment shall be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection if collections are performed by the district department.

*b. Compliance.*

(1) The home work releasee shall submit payments in a timely manner to the clerk of court or the district department.

(2) If payments are made to the clerk of the district court, the home work releasee shall provide the district department proof of payments.

(3) The district department will provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.

**44.9(3) Home work releasee finances.** The home work releasee shall assume total financial responsibility, including medical expenses, for releasee care and the care of the releasee's minor dependent children. Neither the department of corrections nor the district department shall incur any expense on the part of the home work releasee or dependents.

**44.9(4) Violations.**

*a. Preplacement violations.* When disciplinary problems occur with clients who have been approved for home work release but not yet placed, designated staff shall determine whether or not the situation is serious enough to warrant further review by the board of parole. Designated staff herein shall mean authorized persons from the judicial district department of correctional services, the community services division or the sending institution.

*b. Postplacement violation.* Work release violations may be classified as technical, minor, or major in accordance with state policy depending on the seriousness and frequency. Such classification shall determine the sanction or range of sanctions to correspond with the violation(s).

*c. Requests for temporary custody.* Requests for temporary custody in a county jail or municipal holding facility may be issued by an authorized staff person of the district department of correctional services, in those cases where the home work releasee is considered dangerous, likely to flee or in serious violation of the work release program and shall be consistent with department of corrections policy.

*d. Out of place/escape.* Home work releasees who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes shall be reported to designated authorities in accordance with department of corrections work release policy.

*e. Reimbursement for transportation.* Transportation costs incurred due to a home work releasee escaping or absconding shall be assessed against the home work releasee. The amount of reimbursement shall be the actual cost incurred by the department of corrections or the judicial district department and shall be credited to the support of correctional services account from which the billing occurred. Actual cost shall mean the following:

- (1) Actual salary, to include overtime, of all personnel required to return the work releasee.
- (2) Actual personal expenses of personnel involved.
- (3) Ground mileage at the rate paid to state employees.

(4) Actual cost of any common carrier fare for personnel and the home work releasee. Air fare shall be booked at regular coach.

*f. Transfer hearings.* The district department shall petition the department of corrections for a transfer hearing on home work releasees found guilty of serious work release violations. The hearing officer shall determine whether or not the home work releasee is to be transferred to the designated security institution.

*g. Special transfers.* Transfers to another residential facility or to an institution may be allowed in special circumstances with the approval of the department of corrections.

**44.9(5) Discharge.** Under no circumstances shall home work release supervision extend beyond the expiration of a home work releasee's sentence.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 904.901 to 904.909.

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

## CHAPTER 45

## PAROLE

[Prior to 10/1/83, Social Services[770] Ch 26]  
[Prior to 3/20/91, Corrections Department[291]]

**201—45.1(906) Administration.**

**45.1(1) *Supervision.*** Persons committed to the director of the department of corrections and granted parole by the Iowa board of parole shall be supervised by the judicial district departments of correctional services. The district departments shall impose conditions of parole as contained in rule 201—45.2(906).

**45.1(2) *Effective date/parole agreement.***

*a.* Parole is effective only upon the acceptance of the terms of parole as evidenced by the signing of the standard parole agreement form by the parolee before a district department employee. The parole agreement shall be issued only upon the written order of the board of parole and shall not be issued prior to the establishment of an approved parole plan. The parolee may not be released on parole prior to the execution of the parole agreement. The parole agreement shall contain the conditions of parole pursuant to rule 201—45.2(906) and shall contain the parolee's reporting instructions.

*b.* The district department shall have written uniform policies and procedures which ensure the use of the statewide case management system so that client risk, criminogenic needs and protective factors are identified using the approved uniform and validated risk/needs assessment instruments and are addressed in an effort to lower risk and reduce victimization. The system should be designed to focus the majority of resources on moderate- and high-risk clients and shall include the following elements: ongoing risk and need assessment, responsivity, case planning, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

*c.* The district department shall have written policies and procedures to ensure the delivery of parole services which are consistent with statewide policy and expectations.

**45.1(3) *Earned and honor time.*** Earned and honor time shall be awarded in accordance with department of corrections policy.

**45.1(4) *Furlough.*** Parolees may be granted a community placement furlough to their prospective parole area upon request by the assigned supervising parole officer pursuant to 201—subparagraph 20.12(5) "b"(2). The district departments shall have written policy and procedures on furloughs.

**45.1(5) *Parole release funds.*** Clients approved for parole will receive clothing or a clothing allowance, money and transportation in accordance with the provisions of Iowa Code section 906.9.

**45.1(6) *Medical services.*** The district department shall have written policies and procedures which govern the medical care of parolees in case of emergencies, sudden illnesses, accidents, or death.

**45.1(7) *Pharmaceuticals.*** Except in an emergency pursuant to Iowa Code section 613.17, the district department personnel shall not administer or dispense any prescription drugs, including antabuse, to parolees.

**45.1(8) *Grievance procedure.*** The district department shall have a written grievance procedure for all parolees which shall include the method by which all parolees are notified of the procedure.

[ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—45.2(906) Conditions of parole.**

**45.2(1) *Standard conditions.*** The district department shall have all persons on parole sign conditions of parole that are consistent with the standard conditions as established and approved by the board of parole. Standard conditions are applicable to all parolees.

*a. Restrictions on movement.* The parolee shall report immediately to the supervising officer in the judicial district designated in the parole instructions. The parolee will reside at the place designated in the parole instructions and shall not change residence unless prior approval is received from the supervising judicial district director or director's designee. The parolee will obey any curfew restrictions placed upon the parolee by the supervising officer. The parolee shall not leave the county of residence unless prior permission to travel is received from the parolee's supervising judicial district director or director's designee.

*b. Supervision conduct.* The parolee shall maintain contact with the supervising officer as directed and shall not lie to, mislead, or misinform the parolee's supervising officer either by statement or omission of information. The parolee shall use the parolee's true name in all dealings. The parolee shall follow all conditions that can and may be placed on parole by the board of parole and any additional conditions that can be added by the supervising officer at any time during the parolee's supervision.

*c. Restrictions on association.* The parolee shall not associate with any person having a criminal record, any person currently under supervision or any person known or suspected to be engaged in criminal activity, unless approved by the parolee's supervising judicial district director or director's designee. The parolee shall treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse. The parolee shall have no direct or indirect contact or communication with any victim or the family of any victim of the parolee's offense(s), unless contact or communication with any victim or the family of any victim is authorized by the parolee's supervising judicial district director or director's designee.

*d. Treatment, rehabilitation and other programming.* The parolee shall participate in and cooperate with any treatment, rehabilitation, or monitoring programs, including any electronic monitoring, required by the supervising officer in the district in which the parolee is being supervised. The parolee shall seek mental health services as appropriate. The parolee shall submit a DNA sample if requested by the parolee's supervising officer or other law enforcement official. If needed, the parolee shall continue to work toward attaining a GED or complete the requirements for a high school diploma. The parolee shall schedule and keep all appointments necessary for the successful completion of programs and services in which the parolee is participating and for the successful completion of the parolee's parole supervision. The parolee shall sign any release or waiver requested by the parolee's parole officer to authorize the parole officer to receive and access any information relating to any treatment program or otherwise as requested by the parole officer.

*e. Substance abuse.* The parolee shall not use, purchase, or possess alcoholic beverages and shall submit to alcohol tests and drug tests when directed by the parolee's supervising officer. The parolee shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. The parolee will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. The parolee shall not use, purchase, possess or transfer any drugs unless they are prescribed by a physician.

*f. Legal conduct.* The parolee shall obey all laws and ordinances. The parolee shall notify a parole officer within 24 hours if the parolee is arrested or receives a citation or if the parolee has any contact with law enforcement. The parolee shall not own, possess, use or transport firearms, dangerous weapons, or imitations thereof, unless approved by the parolee's supervising officer. The parolee will submit the parolee's person, property, place of residence, vehicle, and personal effects to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any parole officer. The parolee waives extradition to the state of Iowa from any jurisdiction in or outside the United States (including Indian reservation or Indian trust land) and also agrees that the parolee will not contest any effort by any jurisdiction to return the parolee to the state of Iowa.

*g. Economic.* The parolee shall pay restitution, court costs, and attorney fees as directed by the court. The parolee shall pay any fees associated with programs and services ordered by the supervising judicial district director or director's designee during the course of the parolee's supervision. The parolee will comply with all the terms of the parolee's restitution plan. The parolee will pay to the supervising district department of correctional services an enrollment fee to offset the cost of the parolee's supervision as provided in the Iowa Code. The parolee will pay this fee upon such terms as the supervising officer directs. The parolee understands that the parolee may not be discharged from parole until all fees are paid. The parolee shall secure and maintain employment as directed by the supervising officer. The parolee shall notify the supervising officer within 24 hours if the parolee's employment is terminated. The parolee shall seek employment if the parolee is unemployed and shall report the parolee's efforts to find employment as directed by the parolee's supervising officer.

*h. Driving.* The parolee shall not operate a motor vehicle upon the public roads and highways unless the parolee has a current, valid driver's license and insurance. If the parolee's driving privileges

were suspended, revoked or barred, and now have been reinstated by the department of transportation, the parolee must receive approval from the parolee's supervising judicial district director or director's designee prior to getting a driver's license.

**45.2(2) *Special conditions.*** Special conditions may be imposed at any time and shall only be imposed in accordance with the needs of the case as determined by the judicial district department of corrections, the department of corrections or the Iowa board of parole. Special conditions shall be handled in the following manner.

*a. Deletions.* When a condition is being deleted, the deletion shall be clearly noted on all copies of the parole agreement. Both the parolee and district department staff shall sign the notation of deletion including the date of the deletion and shall upload the updated agreement into the appropriate Iowa corrections offender network (ICON) module(s). The district director or designee and the board of parole shall be notified of those deletions required by local policy and board of parole administrative rules.

*b. Additions.* Additional conditions may be imposed. When a condition(s) is added, the additional condition(s) shall be clearly indicated on all copies of the parole agreement and shall be signed and dated by the parolee and the supervising agent, and the updated agreement shall be uploaded into the appropriate ICON module(s).

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

### **201—45.3(910) Restitution.**

**45.3(1) *Restitution plan of payment.*** There shall be a restitution plan of payment developed on those parolees who have been court ordered to pay restitution unless the court-ordered restitution plan of payment has been completed. Factors which must be considered in developing the restitution plan of payment are:

- a.* Present income/employment
- b.* Physical/mental health
- c.* Education
- d.* Financial situation
- e.* Family circumstances

The district department shall have written policies and procedures governing the development and modification of the restitution plan of payment. Final approval of the restitution plan of payment shall be by the district director.

The approved restitution plan of payment shall be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection, if collections are performed by the district department.

#### **45.3(2) *Compliance.***

- a.* The parolee shall submit payments in a timely manner to the clerk of court or district department.
- b.* If payments are made to the clerk of the district court, the parolee shall provide the district department proof of payments.
- c.* The district department will provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.

### **201—45.4(908) Violations.**

**45.4(1) *Offenses.*** The district department may at any time report violations of the conditions of parole to the board of parole.

Within five business days of receipt of knowledge of the commission of required reportable violations as designated by the board of parole, the supervising officer shall make written report to the board of parole of the violations.

**45.4(2) *Detention.*** A parole officer, with supervisory approval, may arrest a parolee when there is probable cause to believe the parolee has violated conditions of parole which may result in parole revocation. The arresting agent may request temporary detention of the parolee in a local detention facility. In such cases, all actions of the agent shall be in accordance with Iowa Code sections 908.1 and 908.2.

**45.4(3) *Absconding from supervision.*** Upon receipt of information that a parolee has absconded from supervision, a preliminary parole violation information shall immediately be filed with a judge, an associate judge, or a magistrate and a warrant for arrest requested.

[ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—45.5(906) Voluntary return to institution.** A parolee may return to an Iowa department of corrections institution for a period not to exceed 90 days for treatment or further training, provided a voluntary return agreement is approved and signed by the district department and the warden of said institution and by the parolee prior to the return. A parolee's voluntary return to the institution will also require a hearing with the parole board administrative law judge.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—45.6(906) Discharge from parole.** The parole officer shall make application for discharge to the district director following the parolee's satisfactory adjustment under supervision and upon the parole officer's determination that the parolee is able and willing to perform in a law-abiding fashion without further supervision. Discharge from parole may be granted prior to expiration of sentence, except for persons convicted for violation of Iowa Code section 709.3, 709.4 or 709.8, on or with a child. Such persons shall not be discharged until expiration of maximum sentence. Discharge granted by the district director shall terminate the person's sentence.

**45.6(1) Recommendation.** The recommendation for discharge from parole as submitted by the supervising officer shall include, but not be limited to, the following:

- a. Parolee's adjustment to parole supervision.
- b. Public offenses committed by the parolee while under supervision.
- c. Violation of any parole conditions set by the board of parole.
- d. Abuse of alcohol or drugs while on parole.
- e. Restitution accomplished by the parolee.
- f. The reasons why the discharge is appropriate, based on the consideration of the parolee's level of risk.

**45.6(2)** Upon discharge, the parole officer shall give the discharged parolee the standard information to be completed and submitted if the ex-parolee seeks restoration of citizenship rights. If the ex-parolee seeks restoration within 60 days of discharge, the parole agent shall recommend for or against the restoration. The standard information shall be forwarded to the board of parole by the person seeking the restoration.

Under no circumstances shall parole supervision extend beyond the expiration of a parolee's sentence. (Iowa Code section 906.15)

**45.6(3)** After 60 days an ex-parolee may request restoration of citizenship by contacting the governor's office to request Executive Clemency forms.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—45.7(905) Supervision enrollment fees.**

**45.7(1)** The district department shall have written policies and procedures governing the preparation, submission, review, modification, collection, and retention of supervision enrollment fees, in accordance with Iowa Code section 905.14(3). Payments shall be made directly to the supervising judicial district department.

**45.7(2)** The district department shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with Iowa Code section 905.14(3).

**45.7(3)** The district department shall have written policies and procedures governing the collection and retention of supervision enrollment fees for persons transferring to another judicial district. Fees will be collected by the supervising judicial district department.

**45.7(4)** The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions.

**201—45.8(905) Infectious disease.** In compliance with Iowa Code section 905.15, the district department shall have a written policy and procedure to prevent the transmission of contagious infectious disease.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 255.29, 905.14, 906.9 to 906.11, 906.15, 906.16, 908.1, 908.2, 908.8 and 910.5.

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.



CHAPTER 47  
OWI PROGRAMS

[Prior to 3/20/91, Corrections Department[291]]

**201—47.1(904) OWI facilities.**

**47.1(1)** Clients convicted of an offense under Iowa Code chapter 321J, sentenced to the custody of the director of corrections, and assigned to a continuum of programming, including treatment providers, residential facilities and institutions, for the supervision and treatment of clients shall be subject to the provisions of these rules and policies developed by the department of corrections.

**47.1(2)** The district department shall select appropriate facilities and treatment providers subject to the approval of the department of corrections, for the risk management and programming of clients defined in this chapter.

**47.1(3)** Any facility operated by a district department directly or through a contract shall comply with the provisions of 201—Chapters 40 and 43 and policies developed by the department of corrections to include all federal PREA standards.

**47.1(4)** All facilities and programs operated pursuant to this chapter shall be reviewed for approval by the department of corrections initially and biennially thereafter. A district department which fails to maintain compliance with this chapter shall be subject to the provisions of Iowa Code section 905.9.

**47.1(5)** Any program operated pursuant to this chapter shall comply with licensure standards for correctional facilities set forth in 641—Chapter 156 of the department of public health's rules.

**47.1(6)** The district director is responsible for all programs and clients that are subject to these rules and will develop consistent policies and procedures. Any change in the custody status of clients shall be approved by the department of corrections in consultation with a district department official.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—47.2(904) Movement of clients.**

**47.2(1)** The judicial district departments of correctional services and the department of corrections shall utilize standardized placement criteria founded on the presumption that assignment will be made to the least restrictive and most cost-effective component of the continuum for the purposes of risk management, substance abuse treatment, education, and employment. The continuum is defined as consisting of three basic components, namely (1) incarceration until released by the board of parole or expiration of sentence, (2) short-term incarceration for approximately 60 days with subsequent transfer to a community corrections OWI residential program with differential levels of treatment and intervention, and (3) direct placement to a community corrections OWI residential program with differential levels of treatment and intervention. The criteria established to determine continuum assignment consists of the client's previous criminal record, present charges and attitude toward treatment.

**47.2(2)** When there is insufficient bed space in the community-based correctional program to accommodate the client, the court may order the client to be released on personal recognizance or bond, released to the supervision of the judicial district department of correctional services, or held in jail.

**47.2(3)** Priority for placement in the treatment program shall be based on the date of sentence unless an exception is made by the department of corrections or district department for special circumstances.

**47.2(4)** When the client is sentenced to the director of the department of corrections and ordered to the supervision of the judicial district and space is not available in a community program, or supervision concerns arise, the district director or designee may request temporary placement at the Iowa medical and classification center (IMCC)/Iowa correctional institution for women (ICIW) for classification and assignment. Final approval is granted by the deputy director of community-based corrections or designee until space is available in the community program.

**47.2(5)** If medical conditions prohibit program participation and community resources, including University Hospitals, are not available to sufficiently meet client needs, the client may be assigned with the approval of the deputy director of community-based corrections or designee to the Iowa medical and classification center (IMCC)/Iowa correctional institution for women (ICIW) for treatment until the client's health status permits placement into a community-based correctional program.

**47.2(6)** The transfer of clients placed with the department of corrections to community facilities may be delayed by the department of corrections for security or medical reasons. Clients with active detainers or clients refusing to participate in the program may be transferred to an institution.

**47.2(7)** Clients placed with the department of corrections shall typically transfer out of custody to their assigned facility unless an exception is required by the department of corrections.

**47.2(8)** The district department shall comply with established policies and develop procedures for the temporary confinement of clients who present a threat to the safety or security of the public, facility staff, or residents.

**47.2(9)** Clients housed in community facilities may be transferred to the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW) on the recommendation of the district director or designee and with the approval of the deputy director of institutions or designee for reclassification and assignment to an institution. Transfer recommendations may be made for security, disciplinary, treatment, medical, or legal reasons.

**47.2(10)** The district department shall maintain a current contingency plan to ensure the continuation of programs or custody of clients in the event of an emergency such as fire, tornado, chemical spill, or work stoppage.

**47.2(11)** Clients who have been housed in a community facility for substance abuse treatment, subsequently granted parole or work release, and said parole or work release is revoked, may be returned to the OWI Continuum, if eligible, or returned to the designated classification center for reclassification and placement in an institution.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—47.3(904) Fiscal.**

**47.3(1)** The district department shall submit an annual budget on the forms required by the department of corrections which includes a budget for all subcontractors participating in the program.

**47.3(2)** The district department shall maintain accounting records required by the department of corrections which account for revenues and expenditures of daily fees, interest, insurance reimbursement, and any other miscellaneous funds collected separately from appropriated funds.

**47.3(3)** The district department shall not enter into a subcontract for custody or treatment of clients without the written approval of the deputy director of community-based corrections.

*a.* Subcontractors shall be paid only for services provided on a reimbursement basis.

*b.* The district department shall not pay for substance abuse treatment otherwise available and funded from other sources.

*c.* The district department and any subcontractor shall, whenever possible, offset the cost of providing substance abuse treatment with third-party reimbursements.

*d.* The district department shall include, in any contract for housing or treatment, provisions to protect the district department and the department of corrections from liability arising from the actions of any subcontractor.

**47.3(4)** The district department shall maintain a schedule of daily fees to be assessed to clients.

**47.3(5)** Clients may not be denied services due to an inability to pay the daily fee.

**47.3(6)** The district department shall comply with established policies and develop procedures which require that all clients surrender their earnings to facility staff for the purpose of financial management and savings. Those policies and procedures shall provide for the proper accounting and disbursement of all client funds including, but not limited to, deduction of a daily fee where appropriate.

**47.3(7)** Upon request by the district director or designee, the county shall provide temporary confinement of clients allegedly violating the conditions of the assignment to a treatment program. The department of corrections shall negotiate a reimbursement rate with each county for the temporary confinement of clients.

**47.3(8)** A county holding clients ordered to jail due to insufficient space in a community-based corrections program will be reimbursed by the department of corrections.

**47.3(9)** If a client escapes or participates in an act of absconding from the facility to which the client is assigned, the client shall reimburse the department of corrections for the cost of transportation. [ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—47.4(904) Program structure.**

**47.4(1)** The district department shall provide 24-hour housing and supervision of clients either directly or through a contract with other agencies or individuals.

**47.4(2)** Each client shall sign a supervision agreement approved by the department of corrections. Failure to sign said agreement or abide by the requirements therein shall constitute reason to recommend returning the client to an institution.

**47.4(3)** The district department shall ensure that all clients are involved in an appropriate continuum of programming which has been approved by the department of corrections.

**47.4(4)** Reserved.

**47.4(5)** The district department shall ensure, to the extent possible, that all capable clients are employed a minimum of 30 hours per week.

**47.4(6)** The district department shall comply with established policies and procedures to allow clients to leave the facility for treatment, employment, and food service when those activities are not provided at the facility. In all other circumstances, clients may only leave the facility without supervision in accordance with department of corrections furlough procedures.

**47.4(7)** The district department, or subcontractor, shall utilize the department of corrections policies and procedures concerning client discipline.

**47.4(8)** Each district department shall have policies and procedures for a restitution plan of payment for each client entering the program. Said policies and procedures shall comply with the Code of Iowa and local judicial procedure. Restitution payments shall be an integral part of each client's financial management.

**47.4(9)** The district department shall comply with established policies and develop procedures to ensure that the clients who are identified as needing continuing care receive follow-up treatment according to their identified needs. The client will receive correctional supervision following release from the facility unless the client's sentence has legally expired.

**47.4(10)** The district department shall have written policies and procedures which govern the medical care of OWI clients in case of emergencies, sudden illnesses, accidents, or death.

**47.4(11)** The district department shall comply with established policies and develop procedures to ensure that a report of violations and a transfer classification decision are completed timely on all clients who fail to satisfactorily complete the program and who are being recommended for placement at the Iowa medical and classification center/Iowa correctional institution for women.

**47.4(12)** The district department shall comply with established policies and develop procedures and criteria for recommending parole from the facility which shall include the completion of a department of corrections-approved continuum of programming.

**47.4(13)** Each client shall be awarded earned time in accordance with department of corrections policies and procedures. The district director or designee may recommend the loss of earned time pursuant to the same policy.

**47.4(14)** The district department shall comply with established policies and develop procedures which provide for visitation of clients. However, visiting privileges may be limited to the extent necessary for treatment, security, or management reasons.

**47.4(15)** Reserved.

**47.4(16)** The district department shall maintain and make available to the department of corrections requested data for the purpose of evaluating the facility and program.

**47.4(17)** The district department shall comply with established policies and develop procedures for addressing an escape when a client is absent from the facility without authorization or there is probable cause to believe the client is taking flight or involved in criminal activity.

[ARC 9097B, IAB 9/22/10, effective 10/27/10; ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code section 904.513.

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[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

TITLE IV  
JAIL INSPECTION STANDARDSCHAPTER 50  
JAIL FACILITIES

[Prior to 10/1/83, Social Services[770] Ch 15]  
[Prior to 3/20/91, Corrections Department[291]]

**201—50.1(356,356A) Definitions.** The following are defined terms:

*“Activity area”* means such area, distinct from the living unit, where prisoners may congregate for programming. This area is to be under constant staff observation.

*“Alternative jail facility”* means a facility designated pursuant to Iowa Code chapter 356A, and which is used as a halfway-house-type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by the state jail inspector utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 43 and other acceptable operational standards.

*“Average daily population”* means the average number of prisoners housed daily during any given time period.

*“Barrier free”* means no walls or other obstructions impeding contact by staff within their assigned area of operation.

*“Capacity”* means the number of prisoner occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage and fixture requirements of the standards.

*“Cell”* means prisoner occupancy bedroom space with toilet and lavatory facilities.

*“Cellblock”* means a group of cells with an associated dayroom.

*“Classification”* means a system of obtaining pertinent information concerning prisoners with which to make a decision on assignment of appropriate housing, security level, and activities.

*“Continuous visual observation”* means uninterrupted visual contact unaided by closed circuit television (CCTV).

*“Dayroom”* means a common space shared by prisoners residing in a cell or group of cells, to which prisoners are admitted for activities such as dining, bathing, or passive recreation and which are situated immediately adjacent to prisoner sleeping areas.

*“Detention area”* means that portion of the facility used to confine prisoners.

*“Direct supervision jail”* means a style of jail construction designed to facilitate direct contact between officers and prisoners. The officer is stationed inside the housing unit. Evaluation and classification of prisoners are ongoing and continuous functions of a direct supervision jail and are based on close contact with prisoners.

*“Disability”* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

*“DOC”* means the Iowa department of corrections.

*“Dormitory”* means an open area for two or more prisoners with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

*“Emergency situation”* means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

*“Evaluation”* means an ongoing process whereby judgments are made concerning a prisoner based upon the behavior of that prisoner.

*“Existing facility”* means any place in use as a jail or for which bids have been let for construction prior to September 12, 2001.

*“Holding cell”* means a secure room or cell where prisoners may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

*“Holdover”* means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

*“Housing unit”* means a detention area. This area may be a single occupancy cell, multiple occupancy cell, cellblock, or dormitory.

*“Inspection unit”* means the state jail inspection unit.

*“Jail”* means any place administered by the county sheriff and designed to hold prisoners for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

*“Jail administrator”* means the sheriff, sheriff’s designee, or the executive head of any agency operating a jail. The jail administrator shall be responsible for the operation of the facility according to these rules.

*“Jailer”* means any person who is involved in the booking or supervision of prisoners, who has direct contact with prisoners or who has control over the movement or release of prisoners within the jail. Jailers shall meet the requirements of rules 201—50.10(356,356A) and 50.11(356,356A), Iowa Administrative Code.

*“Jail inspector”* means the department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

*“Jail supervisor”* means any person who is responsible for the routine operation of a jail during assigned duty hours. While this person does not have to be on the premises at all times, the person must be readily available for consultation.

*“Juvenile”* means any person under the age of 18 years.

*“Living unit”* means an area within a housing unit and that contains individual sleeping compartments, dayrooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

*“Lock down”* means whenever prisoners are required to be in their individual cells or locked in same.

*“Mail”* means anything that is sent to or by prisoners through the United States Postal Service.

*“Major remodeling”* means construction that changes the architectural design of an existing jail and that increases or decreases capacity.

*“Medical practitioner”* means a licensed physician, licensed osteopathic physician or physician’s assistant or medical resources such as a hospital or clinic.

*“Mental illness”* means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

*“Minister”* means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

*“Monitoring”* means having a reasonable degree of knowledge or awareness of what activities a prisoner is engaged in during incarceration.

*“Multiple occupancy cell”* means a cell designed for more than one prisoner and accessible to a dayroom.

*“Nonsecure hold”* means a nonsecure area within a law enforcement facility and which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

*“Person performing jail duties”* means all persons directly involved in the provision of services to prisoners or the operation of a jail except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with prisoners or routine access to areas occupied by prisoners.

*“Physical jeopardy”* means, due to the prisoner’s physical or mental condition, the prisoner is in peril of serious physical harm.

*“Pod”* means a grouping of two or more housing units, usually found in large facilities, which will aid in the control of prisoners.

*“Prisoner”* means any individual confined in a jail.

*“Residential facilities”* means the facilities governed by 201—Chapter 43.

*“Roving supervising officer”* means an officer who provides direct supervision of prisoners by continuously moving through the housing unit, cells, and activity area of the unit.

“*Segregation cell*” means a single occupancy cell equipped with tamper-resistant bunks, a toilet, and a wash basin which are of the type recommended for maximum security housing.

“*Unencumbered space*” is floor space that is not encumbered by furnishings or fixtures. Unencumbered space is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

“*Waiver/variance*” means a waiver of a specific standard granted by the Iowa department of corrections in accordance with 201—Chapter 7.

“*Weapons*” means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

[ARC 9578B, IAB 6/29/11, effective 8/3/11; ]

### **201—50.2(356,356A) General provisions.**

**50.2(1) *Applicability.*** These rules apply to all facilities regulated by Iowa Code chapters 356 and 356A except temporary holding facilities which are covered by 201—Chapter 51.

**50.2(2) *Capacity.*** Established capacities as determined by these rules shall not be exceeded except in the event of an emergency and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient prisoners to bring the number of persons confined into compliance with the rated capacity.

**50.2(3) *Right to inspect and visit.*** The chief jail inspector or authorized representatives shall visit and inspect jails and may do so on an unannounced basis. Jail personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a jail or to the prisoners confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

**50.2(4) *Other standards.*** Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided such standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No jail shall be operated without substantially meeting these rules, absent the granting of a waiver/variance.

**50.2(5) *Equal opportunity.*** Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

**50.2(6) *Nondiscriminatory treatment.*** Each jail administrator shall ensure that staff and prisoners are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs, and activities.

**201—50.3(356,356A) Inspection and compliance.** The chief jail inspector or authorized representatives shall visit and inspect each jail within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the sheriff and the governing body responsible for the facility.

**50.3(1) *Notice of noncompliance with minimum standards.*** Whenever the determination is made that a jail or other holding facility is not in compliance with established minimum state jail standards, the chief administrator of the affected governmental facility will be notified by letter posted or personal delivery of the need to bring the facility into compliance. The jail inspection unit shall issue a notice of noncompliance to the responsible jail administrator and the governing body of each instance in which the jail fails to comply with the minimum standards established under these rules. The letter shall contain a listing of the statute(s) and rule(s) with which the facility is not in compliance and a description of the deficiencies and shall specifically identify each minimum standard with which the jail has failed to comply.

**50.3(2) Enforcement of minimum standards; remedial orders.** Upon receipt of a notice of noncompliance pursuant to subrule 50.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which will bring the facility into compliance within a reasonable time. If the responsible officials receiving a notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the jail in question or any portion thereof closed, that further confinement of prisoners or classifications of prisoners in the noncomplying jail or any portion thereof be prohibited, or that all or any number of prisoners then confined be transferred to and maintained in another jail or detention facility, or any combination of remedies.

An order for closure shall contain the following:

- a. Statute(s) and rule(s) violated.
- b. A brief description of the deficiencies.
- c. The effective date of the order.
- d. An explanation of remedies required before reopening.

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12 concerning contested cases. The matter shall then proceed in accordance with 201—Chapter 12. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof. In the event immediate closure is required, emergency action shall proceed pursuant to 201—12.24(17A).

**50.3(3) Precedent.** Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—50.4(356,356A) Physical plant—general.**

**50.4(1) Building to meet existing codes.** All facilities are required to be structurally sound and to meet existing building code and health code requirements.

**50.4(2) Professional inspections.**

a. The state jail inspector may require for good reason that an agency operating a jail cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise which may be of assistance to the state jail inspector in making an informed decision relative to the jail operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector, or specific conditions limiting its operation may be imposed in lieu of closing.

An order of closure shall contain the following:

- (1) Statute(s) and rule(s) violated.
- (2) A brief description of the deficiencies.
- (3) The effective date of the order.
- (4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 50.3(1) and 50.3(2). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12 concerning contested cases. The matter shall then proceed in accordance with 201—Chapter 12.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

**50.4(3) Heating and ventilation.** All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for prisoners and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85° Fahrenheit.

**50.4(4) Cells.** Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and washbasin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures.

**50.4(5) Lighting.** Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Hallways, entrances and exits shall be sufficiently lit to observe a person entering or exiting. Light controls shall be out of the control of prisoners. Housing areas may be variably illuminated to allow sleep, but continuous observation of prisoners must be possible. All exits shall be equipped with independent emergency lighting sources.

**50.4(6) Screens.** If windows are opened for ventilation, screens shall be installed and maintained in good repair.

**50.4(7) Electrical.** Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

**50.4(8) Storage.**

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for the operation of the jail.

b. Adequate storage space for prisoners' personal clothing and property shall be provided. Space provided shall be secure, and the prisoner's name or identification number shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized prisoner access. Janitorial supplies and equipment shall not be stored in prisoner living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to prisoners and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

**50.4(9) Mirrors.** Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

**50.4(10) Firearms lockers.** A place inaccessible to prisoners shall be provided where officers entering the security area can store firearms.

**50.4(11) Noise level.** Prisoner noise inside the jail shall be controlled to ensure an orderly and secure jail operation. Jail policy shall include a rule pertaining to noise level. Prisoners must be advised of the rule.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—50.5(356,356A) Physical requirements for existing facilities.** This rule shall apply to all jails in existence prior to June 30, 1984. In cases where an existing jail undergoes major remodeling after September 12, 2001, rules 201—50.6(356,356A) and 201—50.7(356,356A) shall apply to the area being upgraded.

**50.5(1)** Each single occupancy cell for prisoners in normal status shall have a minimum floor area of 40 square feet provided that the prisoner is not required to spend more than 16 hours during any 24-hour period in the cell.

**50.5(2)** Each single occupancy cell must provide 50 square feet of floor space for prisoners held more than 16 hours during any 24-hour period.

**50.5(3)** Multiple occupancy cells shall provide 40 square feet of floor space for the first prisoner and an additional 20 square feet for each additional prisoner provided that no prisoner is required to spend more than 16 hours in the cell during any 24-hour period.

**50.5(4)** Prisoners held in multiple occupancy cells for more than 16 hours during any 24-hour period shall have a minimum of 50 square feet of floor space for the first prisoner and 30 additional square feet of floor space for each additional prisoner.

**50.5(5)** Except in emergency situations, no multiple occupancy cell shall house more prisoners than the rated capacity.

**50.5(6)** Dormitory units shall have a minimum of 60 square feet of floor space per prisoner.

**50.5(7)** Each single occupancy cell, multiple occupancy cell and dormitory unit shall provide the following:

- a. A minimum of 7 feet from floor to ceiling height.
- b. A bunk of adequate size for normal-sized adults.
- c. Access to a functional toilet.
- d. Access to a lavatory that furnishes both hot and cold water; mixing valves may be used.
- e. Sufficient tables and seats to accommodate the rated capacity of the unit. The tables and seats may be located in the cells or in an adjacent dayroom.
- f. A functionally operating shower which furnishes both hot and cold water; mixing valves may be used. This shower may be either in the housing unit itself or in an adjacent area.

**50.5(8)** Each dayroom shall have a minimum floor area of 30 square feet. There shall be an additional 15 square feet for each prisoner beyond one.

**201—50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984.** This rule shall apply to jails which are of new construction and to all major remodeling after June 30, 1984. For jails which are of new construction and for all major remodeling after September 12, 2001, rule 201—50.7(356,356A) shall apply. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

**50.6(1)** New housing units may be single occupancy cells, multiple occupancy cells or dormitory units. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 70 square feet of floor space for the first prisoner and an additional 50 square feet of floor space for each additional prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

**50.6(2)** All housing units shall provide:

- a. No less than 7 feet of space between the floor and ceiling.
- b. A bunk of adequate size for normal-sized adults for each prisoner.
- c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.
- d. A dayroom which provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one. (Dormitories excluded.)
- e. A functionally operating shower which produces both hot and cold water.
- f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.
- g. A functional toilet for each group of nine prisoners or portion thereof.

**50.6(3)** Each maximum security cell shall have a security-type toilet/lavatory combination fixture which provides adequate hot and cold running water. These cells may rely on common toilet facilities

located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

**50.6(4)** Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

**50.6(5)** The facility shall be designed to admit natural lighting and to give access to outside viewing by prisoners where practical.

**50.6(6)** The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

**50.6(7)** Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

**50.6(8)** All hinged doors serving as required exits shall swing with exit traffic.

**201—50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001.** This rule shall apply to jails which are of new construction and all major remodeling or reconstruction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

**50.7(1)** New housing units may be single occupancy cells, multiple occupancy cells or dormitory units. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

**50.7(2)** All housing units shall provide:

- a. No less than 7 feet of space between the floor and ceiling.
- b. A bunk of adequate size for normal-sized adults for each prisoner.
- c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.
- d. A dayroom which provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one. (Dormitories excluded.)
- e. A functionally operating shower which produces both hot and cold water for each group of 12 prisoners.
- f. A lavatory that furnishes both hot and cold water for each group of 9 prisoners or portion thereof.
- g. A functional toilet for each group of 9 prisoners or portion thereof.

**50.7(3)** Each maximum security cell shall have a security-type toilet/lavatory-combination fixture which provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

**50.7(4)** Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

**50.7(5)** Exercise areas shall be 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time in accordance with 50.18(1) "c."

**50.7(6)** The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

**50.7(7)** The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

**50.7(8)** Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

**50.7(9)** All hinged doors serving as required exits shall swing with exit traffic.

**201—50.8(356,356A) Physical requirements for new and remodeled facilities—after December 28, 2005.** This rule shall apply to all jails which are of new construction and to all major remodeling or reconstruction after December 28, 2005.

**50.8(1)** Cells and dormitory units.

*a.* Single occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds 10 hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

*b.* Multiple occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each prisoner. When confinement exceeds 10 hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each occupant.

*c.* Dormitory units shall provide a minimum of 60 square feet of floor space for each prisoner, exclusive of lavatories, showers, and toilets.

**50.8(2)** All housing units shall provide:

*a.* No less than 7 feet of space between the floor and ceiling.

*b.* A bunk of adequate size for normal-sized adults for each prisoner and at least 12 inches off the floor.

*c.* Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

*d.* A dayroom, which provides a minimum floor area of 35 square feet of space per prisoner (exclusive of lavatories, showers and toilets) for the maximum number of prisoners who use the dayroom at one time. No dayroom shall encompass less than 100 square feet of space, exclusive of lavatories, showers and toilets. Dayrooms shall provide sufficient seating and writing surfaces. (Dormitories excluded.)

*e.* A functionally operating shower which produces both hot and cold water for each group of 12 prisoners.

*f.* A lavatory that furnishes both hot and cold water for each group of 9 prisoners or portion thereof.

*g.* A functional toilet/stool for each group of 9 prisoners or portion thereof. Urinals may be substituted for up to one-third of the toilets in housing units for male prisoners.

**50.8(3)** Each maximum-security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water.

**50.8(4)** Holding cells/special-needs cells.

*a.* Holding cells shall provide a minimum of 20 square feet per prisoner with a maximum capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time not to exceed 24 hours, except in cases of emergency, while the persons are awaiting booking, processing, transfer, court appearance or discharge. Prisoners will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

*b.* Special-needs cells. A jail may contain one or more single occupancy cells, designated as special-needs cells, in which to temporarily contain violent persons. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

**50.8(5) Exercise areas.**

*a.* This paragraph shall apply to all jails constructed on or before July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall provide opportunity for adequate exercise in accordance with 50.18(1)“c.” Exercise areas shall not be the same as dayrooms.

*b.* This paragraph shall apply to all jails which are of new construction and to all major remodeling or reconstruction after July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall have a minimum ceiling height of 18 feet. Exercise areas shall provide opportunity for adequate exercise in accordance with 50.18(1)“c.” Exercise areas shall not be the same as dayrooms.

**50.8(6)** The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

**50.8(7)** The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

**50.8(8)** Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

**50.8(9)** All hinged doors serving as required exits shall swing with exit traffic.

**201—50.9(356,356A) Fire safety and emergency evacuation.**

**50.9(1)** *Approval of building plans.* All new construction or major remodeling plans shall be approved by the state fire marshal prior to commencement of construction.

**50.9(2)** *Compliance with fire marshal rules.* No jail shall be occupied by a prisoner unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the jail complies with the fire safety standards for jails included in administrative rules promulgated by the state fire marshal. Jails may be inspected by the fire marshal, or by personnel of local fire departments deemed by the fire marshal qualified to conduct inspections, on a schedule determined by the fire marshal. The state jail inspection unit of the department of corrections, a jail administrator, or the chief executive of an agency that administers a jail may request that the state fire marshal inspect a jail for compliance with fire safety standards. If the state fire marshal finds that a jail is not in substantial compliance with fire safety standards based on such an inspection, the state fire marshal may require the jail administrator to submit to the fire marshal a plan of correction of violations of these standards. The director of the Iowa department of corrections may initiate proceedings to close the jail if the jail does not comply with the plan of correction.

**50.9(3)** *Evacuation plan.* The administrator of each jail shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced prisoners. All personnel employed in the facility shall be thoroughly familiar with this plan and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all staff on at least an annual basis and a record thereof shall be maintained according to subrule 50.22(10), Iowa Administrative Code.

**50.9(4) Release of prisoners.**

*a.* There shall be a reasonable expectation of the prompt removal of prisoners in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

*b.* There shall be at least one full set of jail keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

**50.9(5)** *Fire extinguishers.* All jails shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule.

Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

**50.9(6) *Emergency lighting.*** All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure no area will be left in darkness.

**50.9(7) *Required exits.*** Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each prisoner to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

**50.9(8) *Fire alarms.*** A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained. These alarms shall be ceiling-mounted if possible and shall be located and protected from prisoner access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 50.22(10), Iowa Administrative Code.

**50.9(9) *Heating appliances.*** Heating appliances and water heaters shall not be located along the path of required exits.

**50.9(10) *Hinged doors.*** All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

**50.9(11) *Mattresses.*** Only fire-resistant mattresses of a type that will not sustain a flame and certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in jails. Mattresses that are ripped, excessively cracked or which contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

**50.9(12) *Sprinkler heads.*** If installed, sprinkler heads accessible to prisoners not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

## **201—50.10(356,356A) Minimum standards for jail personnel.**

**50.10(1) *Requirements for employment.*** No person shall be recruited, selected or appointed to serve as a jail administrator or jailer unless the person:

- a. Is 18 years of age or older.
- b. Is able to read and write in English.
- c. Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files.
- d. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.
- e. Has the ability to perform the essential elements of the position as defined in department job specifications.
- f. Is an appropriate candidate for employment as demonstrated by qualified psychological screening.
- g. Rescinded IAB 11/23/05, effective 12/28/05.

**50.10(2) *Minimum standard for retention.*** No employee shall be retained who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules.

**50.10(3) *Conflict of interest.*** No person working in a jail shall transact any business with any prisoner nor shall any person working in a jail arrange through another party any business transaction with a prisoner. The jail shall have a written code of ethics that the jail provides to all employees. At a minimum, the code shall:

- a. Prohibit staff from using their official positions to secure privileges for themselves or others.
- b. Prohibit staff from engaging in activities that constitute a conflict of interest.

**201—50.11(356,356A) Training for jail personnel.**

**50.11(1) Initial orientation.** Except in an emergency situation, all persons performing jail duties and dispatchers subject to performing jail duties within the confines of the jail shall meet the following requirements, and the provision of this information and training shall be documented:

- a. The individual shall be fully knowledgeable of the administrative rules referring to jail standards.
- b. The individual shall be fully knowledgeable of jail rules, written policies and procedures as adopted by the jail administrator.
- c. The individual shall have been given specific orientation with respect to a prisoner's rights during confinement and procedures adopted to ensure those rights.
- d. If the individual is to have access to a firearm at any time, the individual shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device, and chemical control agents prior to use in connection with the individual's duties at the jail.
- e. The jail administrator shall record by log sheet the signature(s) of all jailers and jail supervisors attesting that they have full knowledge of the administrative rules referring to jail standards and the written policies and procedures governing the jail's operation.
- f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.
- g. All staff who administer medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

**50.11(2) Training documented.** All jailers and jail administrators shall meet and document the completion of all training requirements as specified by the Iowa law enforcement academy training standards as found in 501—9.1(80B) and 501—9.2(80B), Iowa Administrative Code. The jail administrator shall record by log sheet the signature(s) of all persons attending the training.

**50.11(3) First aid.** At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

This rule is intended to implement Iowa Code section 80B.11A.

**201—50.12(356,356A) Standard operating procedures manual.** Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each jail shall establish and the jail administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 50.2(5), 50.2(6), 50.4(11), 50.9(3), 50.9(4), 50.10(1), 50.10(2), 50.10(3), 50.11(1) and rules 50.13(356,356A) to 50.22(356,356A) as noted. The following standards do not require written policy: 50.13(2)“c”(3), 50.15(4), 50.16(4), and 50.16(8).

**201—50.13(356,356A) Admission/classification and security.**

**50.13(1) Admission and classification.**

- a. No person shall be confined or released from confinement without appropriate process or order of court.
- b. With the exception of incidental contact under staff supervision, the following classes of prisoners shall be kept separate by architectural design barring conversational and visual contact from each other:
  - (1) Juveniles and adults (pursuant to Iowa Code section 356.3).
  - (2) Females from males (exception—alternative jail facilities) (pursuant to Iowa Code section 356.4).
- c. The following shall be kept separate whenever possible:
  - (1) Felons from misdemeanants.

- (2) Pretrial prisoners from sentenced prisoners.
- (3) Witnesses from prisoners charged with crimes.
- d. The following shall be kept physically separated:
  - (1) Prisoners of whom violence is reasonably anticipated.
  - (2) Prisoners who are a health risk to others.
  - (3) Prisoners of whom sexually deviant behavior is reasonably anticipated.
  - (4) Prisoners likely to be exploited or victimized by others.
- e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of prisoners shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the prisoner) to determine if the prisoner is suicidal. The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

- (1) Does the prisoner show signs of depression?
- (2) Does the prisoner appear overly anxious, afraid, or angry?
- (3) Does the prisoner appear unusually embarrassed or ashamed?
- (4) Is the prisoner acting or talking in a strange manner?
- (5) Does the prisoner appear to be under the influence of alcohol or drugs?
- (6) Does the prisoner have any scars or marks which indicate a previous suicide attempt?

In all cases, the following questions will be asked of the prisoner:

Have you ever tried to hurt yourself?

Have you ever attempted to kill yourself?

Are you thinking about hurting yourself?

g. Housing for prisoners with disabilities shall be designed for their use, or reasonable accommodations shall be provided for the prisoners' safety and security.

h. Jail personnel shall ask each prisoner within 24 hours of the prisoner's incarceration if the prisoner is a military veteran. If so, jail personnel shall advise the prisoner that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the prisoner with contact information for the county commission of veteran affairs and provide the prisoner the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

**50.13(2) Security and control.** The jail administrator shall develop and implement written policies and procedures for the jail which provide for the control of prisoners and for the safety of the public and the jail staff. The policy and procedures shall include:

a. *Supervision of prisoners.*

(1) Twenty-four-hour supervision of all prisoners shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the jail, a staff person shall be in a position to hear prisoners in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency including, but not limited to, fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observation of individual prisoners shall be made and documented. Prisoners considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observation, shall be checked personally at least every 30 minutes until the condition is alleviated. A CCTV-audio monitoring system may supplement but shall not replace personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the jail administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency (does not apply to alternative jail facilities). Advance notice may be provided at the time of orientation.

(5) When females are housed in the jail, at least one female staff member shall be on duty in the jail at all times, in accordance with Iowa Code section 356.5(6) (does not apply to alternative jail facilities).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juvenile shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

*b. Weapons.* Except in an emergency situation, no weapons shall be allowed in an area occupied by prisoners.

*c. Searches.*

(1) All prisoners and property entering or leaving the jail shall be thoroughly searched; searches of persons charged with a simple misdemeanor shall follow provisions of Iowa Code section 804.30. The prisoner's name or identification number shall be affixed to the property or storage space. Receipts shall be made for property taken from prisoners at the time of admission and returned to prisoners at the time of release.

(2) All persons entering a jail may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Prisoner rules shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.

(5) Random, unannounced, and irregular searches of areas accessible to prisoners shall be conducted for contraband and weapons.

*d. Key control.* Jail keys shall be stored in a secure area when not in use. There shall be at least one full set of jail keys, separate from those in use, stored in a safe place accessible only to designated jail personnel for use in the event of an emergency. The jail administrator will identify those persons who may have access to keys.

*e. Facility security.*

(1) All areas of the jail shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of prisoners by jail staff.

(2) All jail locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures shall be reported to the jail administrator in writing. The jail administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The jail administrator shall develop written policy and procedures for the movement and transportation of prisoners outside the secure area of the jail. The policy shall require procedures that will ensure the safety of the jail staff and the public and prevent prisoner escape. The policy shall provide procedures for movement of prisoners for medical treatment and to and from the courts and other facilities. The classification and security risk of the prisoner to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The jail administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to: bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plans shall be made available to all applicable personnel and reviewed by jail staff at least annually and updated as needed.

*f. Restraint devices.* The jail administrator shall have a written policy on restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes jail security. There shall be defined circumstances under which supervisory approval is needed prior to application of restraints. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, prisoners shall be either clothed or covered in a manner that maximizes

prisoner privacy. Four/five-point restraints shall be used only when other types of restraints have proven ineffective. If prisoners are restrained in a four/five-point position, the following minimum procedures shall be followed:

- (1) Observation by staff shall be continuous. (A CCTV system may be used.)
- (2) Personal visual (non-CCTV) observation of the prisoner and the restraint device application shall be made at least every 15 minutes.
- (3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight.
- (4) All decisions and actions shall be documented.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

## **201—50.14(356,356A) Cleanliness and hygiene.**

### **50.14(1) Housekeeping.**

*a.* The jail shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

(1) Unless cleaning is done by staff, necessary cleaning equipment shall be provided to prisoners. Cleaning equipment shall be removed from the cell and dayroom areas when cleaning is completed.

(2) The jail shall be maintained in a pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Prisoners and staff shall not be directly exposed to the chemicals being used.

*b.* The jail shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

**50.14(2) Clothing, bedding, and hygiene items.** Prisoners held in excess of 24 hours shall be provided sanitary bedding and linens sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule 50.21(5). A standard issue shall include:

- a.* Toilet articles necessary for daily personal hygiene.
- b.* Institutional clothing may be issued.
- c.* If, upon admission to a jail with an average daily population exceeding ten persons, it is determined that the prisoner will be held longer than 24 hours, facility-provided clothing shall be issued.
- d.* The laundry means and schedule shall be adequate to meet the daily needs of the prisoners. Prisoners shall receive clean linens and clothing no less than weekly.

### **50.14(3) Personal hygiene.**

*a.* For sanitation and health reasons, prisoners shall be required to keep themselves clean at all times.

*b.* Unless medically exempted, all prisoners to be held over 24 hours shall be required to shower or bathe.

*c.* Prisoners may be required to shave or cut their hair only for sanitation.

*d.* Jail personnel shall establish procedures for prisoner hair care.

*e.* The sharing of instruments which are subject to blood contamination, such as nonelectric razors and toothbrushes, is prohibited. Electric razors properly sterilized under medically approved conditions may be shared.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—50.15(356,356A) Medical services.** The jail administrator shall establish a written policy and procedure to ensure that prisoners have the opportunity to receive necessary medical attention for the prisoners' objectively serious medical and dental needs which are known to the jail staff. A serious medical need is one that has been diagnosed by a physician as requiring treatment or is one that is so obvious that even a lay person would easily recognize the necessity for a physician's attention. The plan shall include a procedure for emergency care. Responsibility for the costs of medical services and products remains that of the prisoner. However, no prisoner will be denied necessary medical services,

dental service, medicine or prostheses because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the prisoner, as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

**50.15(1) *Medical resources.*** Each jail shall have a designated licensed physician, licensed osteopathic physician or medical resource, such as a hospital or clinic staffed by licensed physicians or licensed osteopathic physicians, designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Medical resources shall be available on a 24-hour basis.

**50.15(2) *Trained staff.***

*a.* All staff who administer medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

*b.* At least one staff member on duty at the jail shall be currently trained in first aid (or the equivalent) and CPR.

**50.15(3) *Prisoner involvement.*** No prisoner shall be involved in any phase of delivery of medical services.

**50.15(4) *First-aid kits.*** A first-aid kit approved by qualified medical personnel shall be available to staff (no policy required).

**50.15(5) *Chemical control agents.*** A prisoner affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

**50.15(6) *Screening upon admission.***

*a.* Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a jail.

*b.* Prisoners suspected of having a contagious or communicable disease shall be separated from other prisoners until examined by qualified medical personnel.

*c.* As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the jail. The intake procedure shall include screening for potential self-injury or potential suicide. Jail staff with actual knowledge that there is a substantial risk that a prisoner intends to commit suicide shall take reasonable measures to abate that risk. The jail shall have a written suicide prevention plan. Essential elements of the plan shall include annual training to recognize the potential for suicide, communication between staff, appropriate housing and intervention procedures.

*d.* During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the jail only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure, as provided in Iowa Code section 229.22. The jail shall have a written plan to provide prisoners access to services for the detection, diagnosis and treatment of mental illness. The plan shall include a mental health screening process at admission

*e.* Prisoners shall be provided with information on how they can obtain necessary medical attention, and the agency's policy and procedure shall also reflect this.

**50.15(7) *Medication procedures.***

*a.* Written policies and procedures pertaining to providing medication shall be established.

*b.* All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the jail and the amount returned or destroyed when a prisoner is released.

*c.* A written procedure for recording the taking or administering of all medications shall be established.

*d.* Prescription medication, as ordered by a licensed physician, licensed osteopathic physician or licensed dentist, shall be provided in accordance with the directions of the prescribing physician or dentist. Prisoners with medication from a personal physician, osteopathic physician or dentist may be

evaluated by a physician, osteopathic physician or dentist selected by the jail administrator to determine if the present medication is appropriate.

**50.15(8) *Medical records.*** A separate medical record shall be maintained for each prisoner receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the prisoner's file jacket but must be labeled confidential.

**50.15(9) *Medication storage.***

*a.* Prisoners' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

(4) All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

*b.* Any medications bearing an expiration date may not be administered beyond the expiration date.

*c.* Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator or designee in the presence of a witness. A record of drug destruction shall be made in each prisoner's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the jail administrator or designee and by the witness.

*d.* Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to board of pharmacy rule 657—23.15(124,155A).

*e.* Jails utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper record keeping of disposal.

## **201—50.16(356,356A) General food service requirements.**

**50.16(1) *Prisoner being held.*** If a prisoner is held over a meal period, a meal of adequate nutrition shall be provided.

**50.16(2) *Daily meals.*** The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature; hot foods shall be reasonably hot and cold foods reasonably cold.

**50.16(3) *Time of serving.*** Meals shall be served at approximately the same time every day.

**50.16(4) *Documentation.*** The facility shall document that its food service meets or exceeds nationally recommended minimum dietary allowances for basic nutrition for appropriate age groups. Dietary guidelines meeting the above requirements shall be certified by a qualified nutritionist or dietitian (no policy required).

**50.16(5) *Medical diets.*** Special diets as prescribed by a physician shall be followed and documented. The physician who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation. Unless specified by the prescribing physician, a certified dietitian shall develop the menu.

**50.16(6) *Religious requests.*** When a special diet is requested by a prisoner as part of the prisoner's religious beliefs, the facility shall meet that need, unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the prisoner's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

**50.16(7) *Punishment.*** Deviation from normal feeding procedures shall not be used as punishment.

**50.16(8) *Inspection of facilities of outside food service providers.*** If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection

by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

**201—50.17(356,356A) In-house food services.**

**50.17(1)** Food preparation areas shall be clean and sanitary in accordance with state health standards regulating institutional or food establishment operations.

**50.17(2)** All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

**50.17(3)** Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

**50.17(4)** Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

**201—50.18(356,356A) Prisoner activities.**

**50.18(1) Exercise.** Prisoners held beyond seven days and not leaving the jail pursuant to Iowa Code section 356.26 shall be offered exercise time.

*a.* A minimum of two one-hour exercise sessions shall be offered during each full calendar week. Playing board games or cards or reading is recreation and is not considered exercise. A record of exercise sessions shall be maintained according to subrule 50.22(15).

*b.* Restrictions. Exercise requirements may be restricted by disciplinary action.

*c.* Exercise areas. An exercise area outside the cell shall be available. Such area must provide opportunity for adequate exercise. Corridors and hallways must remain clear of equipment or material and must provide unimpeded access to exits.

*d.* Suspension of outdoor exercise. Outdoor exercise may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months.

**50.18(2) Religion.** All prisoners shall be afforded a reasonable opportunity to pursue their religious faith. Any infringement upon the opportunity to pursue one's faith must further some compelling interest and must be the least restrictive means of furthering that interest.

The jail administrator or designee may plan, direct and supervise all aspects of a religious program, including approval and training of both laypersons and clergy persons ministering faiths represented in the prisoner population.

**50.18(3) Reading material.** A reasonable quantity and variety of reading material shall be made available to prisoners.

*a.* Access to reading material from an outside source may be restricted to unused material sent directly from the publishing source.

*b.* Material deemed to be a threat to security or safety within the jail may be denied distribution.

*c.* Obscene material, as described in Iowa Code section 728.1, may be prohibited.

*d.* When a prisoner is denied access to a publication, the jail administrator shall inform the prisoner of that denial in writing and shall explain, in writing, the reason(s) for denial.

**50.18(4) Discrimination.** Prisoner activities, programs and services shall be available to prisoners with disabilities.

**201—50.19(356,356A) Communication.**

**50.19(1) Prisoner mail.**

*a.* Prisoners held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a prisoner from corresponding with a person who states in writing that the person does not want to correspond with the prisoner. This does not include a "prior approval" list.

*b.* A reasonable amount of postage shall be provided to indigent prisoners held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the prisoner is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the prisoner and then only to detect the presence of contraband; it may not be read except by the prisoner. Privileged correspondence is defined as incoming and outgoing mail to or from:

- (1) An attorney;
- (2) A judge;
- (3) The governor of Iowa;
- (4) The ombudsman office;
- (5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the prisoner or post office.

**50.19(2) Telephone calls upon arrest.**

a. Prisoners shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest at no charge if made within the local calling area as required by Iowa Code section 804.20.

b. Policy and procedures shall be developed to govern prisoner telephone calls. The procedure shall provide for the handling of emergency calls.

c. Prisoners not in segregation status for discipline shall have reasonable access to telephones beyond the requirements of Iowa Code section 804.20.

**50.19(3) Attorneys and ministers.** Attorneys and ministers shall be permitted to visit prisoners upon the request of the prisoner at reasonable hours if security and daily routine are not unduly interrupted.

**50.19(4) General visitation.**

a. All prisoners in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Jail staff shall document the date and time of visit, name and address of each person visiting, and name of prisoner visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

**50.19(5) Detaining non-U.S. citizens.** When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in jail and shall be allowed to provide consular assistance. When a jail administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—50.20(356,356A) Access to the courts.** Prisoners who do not have an attorney shall have access to the legal materials the jail decides to provide, in order to facilitate the preparation of legal documents that directly or collaterally attack the prisoner's sentence or that challenge the conditions of the prisoner's confinement.

**201—50.21(356,356A) Discipline and grievance procedures.**

**50.21(1)** No prisoner shall be allowed to have authority or disciplinary control over another prisoner.

**50.21(2)** The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

**50.21(3)** The following information shall be made available to all prisoners and explained to any prisoner unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

- b. What services are available to them.
- c. A prisoner grievance procedure which includes at least one level of appeal. A jail may limit the use of the grievance process in order to make sure that it is not abused.

**50.21(4)** Prisoners who have allegedly violated jail rules shall be provided information pertaining to the handling of disciplinary hearings consistent with the due process rights of the accused. This information shall include the following:

- a. Notice of charges and hearing.
- b. A description of the hearing process. The jail policy and procedures manual shall contain the following:
  - (1) Written guidelines for resolving minor prisoner infractions which include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation. The prisoner may waive the hearing.
  - (2) A procedure to refer violations of criminal law to the appropriate criminal justice agency.
  - (3) A policy which requires staff members to prepare a disciplinary report and forward it to a designated staff person. Disciplinary reports shall include the following information:
    - 1. Specific rule(s) violated;
    - 2. A statement of the charge;
    - 3. Any unusual prisoner behavior;
    - 4. Any staff witnesses;
    - 5. An explanation of the event that includes who was involved, what transpired, and the time and location of the occurrence;
    - 6. Any physical evidence and its disposition;
    - 7. Any immediate action taken, including the use of force.
  - (4) A policy that requires an impartial investigation to begin within 24 hours of the time the violation is reported and be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.
  - (5) A policy and procedure that provides for prehearing detention of prisoners who are charged with a rule violation. The facility administrator or designee shall review the prisoner's prehearing status within 72 hours.
  - (6) A policy that prisoners charged with a rule violation receive a written statement of the charge(s), including a description of the incident and specific rule(s) violated. The prisoner shall be given the information at least 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours with the written consent of the prisoner.
  - (7) A policy and procedure that allows the prisoner to be present at the hearing, unless the prisoner waives that right in writing or is a threat to the security and safety of the facility. Prisoners may be excluded during testimony. Any prisoner's absence shall be documented.
  - (8) A policy that provides for the disciplinary hearing to be conducted no later than seven days, excluding weekends and holidays, following the report of the alleged rule violation.
  - (9) A policy that provides for postponement or continuance of the disciplinary hearing for a reasonable period and for good cause. Reasons for postponement or continuance shall be documented.
  - (10) A policy and procedure that provides for an impartial person or panel of persons to conduct the disciplinary hearing. A record of the proceedings shall be made and maintained for at least two years.
  - (11) A policy and procedure that allows prisoners an opportunity to make a statement and present documentary evidence at the hearing and to call witnesses on their behalf unless calling witnesses creates a threat to the security or safety of the facility. The reasons for denying such a request shall be documented.
  - (12) A policy and procedure that allows a staff member or agency representative to assist prisoners at disciplinary hearings. A representative shall be appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence on the prisoner's own behalf.
  - (13) A policy that disciplinary committee decisions are based solely on information obtained in the hearing process.

(14) A policy and procedure to ensure that a written report is made of the decision and the supporting reasons and that a copy is given to the prisoner. The hearing record and documents shall be kept in the prisoner's file.

(15) A policy that requires the jail administrator or designee to review all disciplinary hearings and dispositions to ensure conformity with the jail policy and procedures.

c. An explanation of the appeal process. The jail policy and procedure manual shall contain a policy and procedure to advise the prisoner that the prisoner may appeal the decision to the jail administrator or designee within 24 hours. The administrator or designee shall affirm or reverse the decision of the disciplinary committee as soon as possible but within 15 days, excluding weekends and holidays.

**50.21(5)** Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any prisoner who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or to aid in escape.

**201—50.22(356,356A) Records.** The following records shall be maintained by the jail administrator for two years unless a different period is specified:

**50.22(1)** *Jail calendar.* This record shall contain information as required by Iowa Code section 356.6.

**50.22(2)** *Visitor registration.* This record shall contain the name and address of the person visiting; name of prisoner visited; and the date, time and duration of the visit.

**50.22(3)** *Jail inspection records.* Jail inspection records shall contain the following and be maintained for a minimum period of two years:

a. Fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the jail.

**50.22(4)** *Medical history intake form.* Notation of injury upon admission shall be included.

**50.22(5)** *Records of medical care.*

**50.22(6)** *Injury reports.* Copies of all reports of investigations relating to injuries within the facility shall be maintained by the jail administrator in a separate injury file or referenced in the prisoner file by log for a period of five years.

**50.22(7)** *Disciplinary records.*

**50.22(8)** *Property receipts.* Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

**50.22(9)** *Menu records.* This record shall include letters of documentation issued by a qualified dietitian.

**50.22(10)** *Fire and disaster evacuation plan and record(s) of required fire drills.*

**50.22(11)** *Records of staff training.*

**50.22(12)** *Disposition of medication.* A record shall be kept of the disposition of prescribed medication not taken by a prisoner.

**50.22(13)** *Supervisory checks.* A record shall be made to document all required supervisory checks of prisoners.

**50.22(14)** *Incident reports.* Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, escapes, fires, prisoner abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

d. The state jail inspection unit of the department of corrections shall be notified within 24 hours of any death, attempted suicide, fire, escape, injury to staff or prisoners from assaults, or use of force and prisoner self-injuries. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

**50.22(15)** *Exercise documentation.* A record shall be kept relative to date, time and length of exercise periods offered to specific prisoners, cell blocks, tiers, or any other type of cell grouping or housing unit.

**201—50.23(356,356A) Alternative jail facilities.** Rescinded **ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter.

**201—50.24(356,356A) Nonsecure holds for juveniles.**

**50.24(1) Standards for nonsecure hold areas.** The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

- a. The juvenile is not physically secured to any stationary object.
- b. The juvenile is under continuous visual supervision.
- c. The juvenile has access to bathroom facilities.
- d. A meal or meals shall be provided at usual meal times.

**50.24(2) Supervision of juveniles in nonsecure hold.** Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.222(2)) shall have continuous visual supervision by a qualified adult. The jail administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

- a. Be at least 18 years of age.
- b. Have received a physical prior to employment.
- c. Perform at a staff-to-prisoner ratio that will ensure a safe environment for both the juvenile(s) and the staff.
- d. Report any knowledge of child abuse to mandatory child abuse reporters.
- e. Have successfully completed a child abuse and criminal background check.

**50.24(3) Prohibited acts.** Each nonsecure site must develop a policy of posted orders which protects juveniles against neglect; exploitation; degrading punishment such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space such as a closet, locked room, or similar cubicle; and deprivation of meals.

**50.24(4) Attendant nonsecure area operating procedures.**

- a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.
- b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.
- c. All items given to the juvenile are subject to being searched.
- d. Attendant shall pat search juvenile.

**50.24(5) Care and treatment.**

a. *Medical.*

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill, or in the judgment of the arresting officer is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the jail supervising the nonsecure hold area who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars which would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the jail, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a physician shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the jail shall meet that need.

*b. Communications.*

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the jail. Determination of additional visits shall be made by attendant.

*c. Safety and sanitation.*

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing which may affect the health of the juvenile shall be exchanged for clean, jail-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

*d. Staff training requirements.*

(1) Attendants shall be knowledgeable of jail policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

*e. Juvenile supervision.*

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.  
*f. Records.* The following records shall be maintained by the jail for a period of at least two years:

- (1) Medical history intake form.
- (2) Records of medical care.
- (3) Injury reports.
- (4) Food served.
- (5) Records of staff training.
- (6) Disposition of medication.
- (7) Individual log.
- (8) Any use of force reports.
- (9) Any suicide or suicide attempts reports.

*g. Incident reports.* Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

- (1) Any injury to juvenile or staff that requires medical attention.
- (2) Any use of force by staff.
- (3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

**50.24(6) Exemption from nonsecure hold standards.** Any requests for exemption from nonsecure hold standards shall be submitted according to the waiver and variance provisions under 201—Chapter 7, Iowa Administrative Code.

**201—50.25(356,356A) Direct supervision jails.** Direct supervision jails, in addition to the preceding rules, are subject to the following rules:

**50.25(1)** There may be contact of different classifications of prisoners in a common activity area only while the prisoners are under continuous direct supervision with the exception of:

- a.* Persons of whom violence is reasonably anticipated. (50.13(1)“d”(1))
- b.* Persons who are a health risk. (50.13(1)“d”(2))
- c.* Persons of whom sexually deviant behavior is reasonably anticipated. (50.13(1)“d”(3))
- d.* Persons under the age of 18 (Iowa Code section 356.3). Persons charged in adult court with a forcible felony are to be separated whenever possible.

**50.25(2)** There shall be separate and distinct staff persons in the jail at all times to perform the following duties:

- a.* Provide central control or lock doors into or out of the housing unit.
- b.* Provide direct supervision of prisoners in the housing unit. During hours of lockdown, prisoner checks may be done hourly and documented. Prisoners must be physically observed during these checks.
- c.* Provide emergency backup to the supervision officer as a priority of assigned duties.

**50.25(3)** Prisoners classified as maximum security may not be allowed into areas occupied by other prisoners at any time. Maximum security prisoners may be required to exercise or perform other activities in a group with other maximum security prisoners only. Facility staff must weigh the potential for violence prior to admitting any maximum security prisoner into a group.

**50.25(4)** The housing unit shall not exceed its rated capacity.

**50.25(5)** Whenever prisoners are not locked down, there shall be sufficient lighting in all areas of living units and activity areas to allow full observation by staff.

**50.25(6)** Prisoners assigned to one living unit shall not be allowed to enter a different living unit except when permitted to share activities.

**50.25(7)** Any agency utilizing a direct supervision mode of prisoner management shall ensure that, before accepting prisoners, jail staff shall receive appropriate training in the following areas:

- a.* Philosophy of direct supervision.
- b.* Techniques of effective supervision and leadership.
- c.* Decision-making techniques.
- d.* Crisis intervention techniques.

- e.* Effective communication techniques.
- f.* Classification and evaluation techniques for direct supervision jails.

The training mandated by this chapter is required in addition to the above-listed training requisites.

**50.25(8)** There shall be a classification system developed which shall include an initial classification determination and an ongoing evaluation of the classification status. This system shall include, but not be limited to, the following considerations:

- a.* Individual's criminal history.
- b.* Individual's present behavior.
- c.* Individual's present charge.
- d.* Health.
- e.* Potential for violence.
- f.* Sexual deviation.
- g.* Self-harm or suicide potential.
- h.* Mental and physical maturity relative to personnel safety.
- i.* Previous behavior in other institutional settings.
- j.* Noticeable changes in attitude.

**50.25(9)** Programming (books, television, work, treatment) shall be available to reduce prisoner idleness. Subjects referred to within the parentheses are illustrative and not inclusive.

**50.25(10)** Each officer assigned to a housing unit shall have a mechanical or electronic means on the officer's person to summon assistance in times of emergency.

**50.25(11)** Supervision checks as required by paragraph 50.13(2) "a" will continue to be required and documented. CCTV shall not be used for supervision checks. During those periods when prisoners are out of their cells and in full view of staff, supervisory checks need not be conducted. Supervisory checks will be made when prisoners are allowed in their individual cells.

**50.25(12)** All incoming prisoners must be thoroughly oriented to expectations, rules, and routines of the jail. All such orientation must be documented.

**50.25(13)** Policies and procedures shall be developed by the sheriff or designee for the operation of the jail. These policies and procedures shall reflect the rules for direct supervision jails as delineated in this chapter. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer. The sole remedy for breach of these rules is by a proceeding for compliance initiated by request from the department of corrections. The violation of any rule shall not be construed to permit any civil action to recover damages against the state of Iowa, its departments, agents or employees or any county, its agencies or employees.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36, and 356.43 and chapter 356A.

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<sup>1</sup> September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.



CHAPTER 51  
TEMPORARY HOLDING FACILITIES  
[Prior to 3/20/91, Corrections Department[291]]

**201—51.1(356,356A) Definitions.**

*“Capacity”* means the number of prisoner or detainee occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

*“Cell”* means single occupancy bedroom space with toilet and lavatory facilities.

*“Classification”* means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

*“Detainee”* means any individual confined in a temporary holding facility.

*“Detention area”* means that portion of the facility used to confine detainees.

*“DOC”* means the Iowa department of corrections.

*“Dormitory”* means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

*“Emergency situation”* means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

*“Existing facility”* means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

*“Facility”* means a temporary holding facility as defined by these rules.

*“Holding cell”* means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

*“Holdover”* means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

*“Housing unit”* means an individual detention area. This area may be a single occupancy cell, multiple occupancy cell, cellblock, or dormitory.

*“Inspection unit”* means the state jail inspection unit.

*“Jail inspector”* means the department of corrections employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

*“Juvenile”* means any person under the age of 18 years.

*“Mail”* means anything that is sent to or by a detainee through the United States Postal Service.

*“Major remodeling”* means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

*“Medical practitioner”* means licensed physician, licensed osteopathic physician or physician’s assistant or medical resources such as a hospital or clinic.

*“Mental illness”* means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

*“Minister”* means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

*“Monitoring”* means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

*“Multiple occupancy cell”* means a cell designed for no more than six detainees.

*“Nonsecure hold”* means a nonsecure area within a law enforcement facility and which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

*“Person performing temporary holding facilities duties”* means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

“*Physical jeopardy*” means, due to the detainee’s physical or mental condition, the detainee is in peril of serious physical harm.

“*Residential facilities*” means the facilities governed by 201—Chapter 43.

“*Temporary holding facility*” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

“*Temporary holding facility administrator*” means the executive head of any law enforcement agency, or the executive’s designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

“*Temporary holding facility inspector*” means the department of corrections employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

“*Temporary holding facility supervisor*” means any person who is responsible for the routine operation of the facility during the person’s assigned duty hours. This person need not be on the premises at all times, but must be readily available for consultation.

“*Unencumbered space*” means floor space that is not encumbered by furnishings or fixtures. “Unencumbered space” is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

“*Waiver/variance*” means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

“*Weapons*” means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—51.2(356,356A) General provisions.** These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

**51.2(1) Capacity.** Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

**51.2(2) Right to inspect and visit.** The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

**51.2(3) Other standards.** Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without

substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 7, Iowa Administrative Code.

**51.2(4) *Equal opportunity.*** Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

**51.2(5) *Nondiscriminatory treatment.*** Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age, absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs and activities.

**201—51.3(356,356A) Inspection and compliance.** The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility.

**51.3(1) *Notice of noncompliance with minimum standards.*** Whenever the determination is made that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility will be notified by letter posted or personal delivery of the need to bring the facility into compliance. The jail inspection unit shall issue a notice of noncompliance to the responsible facility administrator and the governing body of each instance in which the facility fails to comply with the minimum standards established under these rules. The letter shall contain a listing of the statute(s) and rule(s) with which the facility is not in compliance and a description of the deficiencies and shall specifically identify each minimum standard with which the facility has failed to comply.

**51.3(2) *Enforcement of minimum standards; remedial orders.*** Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies.

An order for closure shall contain the following:

- a. Statute(s) and rule(s) violated.
- b. A brief description of the deficiencies.
- c. The effective date of the order.
- d. An explanation of remedies required before reopening.

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12 concerning contested cases. The matter shall then proceed in accordance with 201—Chapter 12. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof. In the event immediate closure is required, emergency action shall proceed pursuant to 201—12.24(17A).

**51.3(3) *Precedent.*** Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall

not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.  
[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—51.4(356,356A) Physical plant—general.**

**51.4(1) *Building to meet existing codes.*** All facilities are required to be structurally sound and to meet existing building code and health code requirements.

**51.4(2) *Professional inspections.***

*a.* The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise which may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

*b.* Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing.

An order of closure shall contain the following:

- (1) Statute(s) and rule(s) violated.
- (2) A brief description of the deficiencies.
- (3) The effective date of the order.
- (4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 12, Contested Cases. The matter shall then proceed in accordance with 201—Chapter 12.

*c.* In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

**51.4(3) *Heating and ventilation.*** All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85° Fahrenheit.

**51.4(4) *Cells.*** Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

**51.4(5) *Lighting.*** Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

**51.4(6) *Screens.*** If windows are opened for ventilation, screens shall be installed and maintained in good repair.

**51.4(7) *Electrical facilities.*** Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

**51.4(8) *Storage.***

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

**51.4(9) Firearms lockers.** A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

**51.4(10) Noise level.** Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

**51.4(11) Mirrors.** Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—51.5(356,356A) Physical requirements for existing facilities.** This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

**51.5(1)** Each single occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

**51.5(2)** Multiple occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

**51.5(3)** Except in emergency situations, no multiple occupancy cell shall house more detainees than the designed capacity.

**51.5(4)** Each cell shall provide a minimum of 7 feet from floor to ceiling height.

**51.5(5)** All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

**51.5(6)** Reserved.

**51.5(7)** Holding cells are multiple occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

**51.5(8)** Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

**201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984.** This rule shall apply to temporary holding facilities which are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

**51.6(1)** New housing units may be dormitory units, single occupancy cells or multiple occupancy cells. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Dormitory units shall have a minimum of 35 square feet of unencumbered floor space per detainee.

**51.6(2)** All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

*b.* A bunk of adequate size for normal-sized adults for each detainee.

**51.6(3)** Each new dormitory unit or single and multiple occupancy cell shall have a security-type toilet/lavatory combination fixture which provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

**51.6(4)** The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

**51.6(5)** The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

**51.6(6)** Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

**51.6(7)** Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if the detainees are detained overnight in the holding cell.

**201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001.** This rule shall apply to temporary holding facilities which are of new or remodeled construction after September 12, 2001, the effective date of these rules. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

**51.7(1)** New housing units may be dormitory units, single occupancy cells or multiple occupancy cells. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space per detainee.

*a.* This paragraph shall apply to all temporary holding facilities that are of new or remodeled construction after December 28, 2005, and may apply to temporary holding facilities that were constructed prior to December 28, 2005.

(1) Single occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds 10 hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

(2) Multiple occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each detainee. When confinement exceeds 10 hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each detainee.

(3) Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space for each detainee.

(4) A facility may contain one or more single occupancy cells, designated as special-needs cells, in which violent persons may be temporarily contained. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

*b.* Reserved.

**51.7(2)** All new housing units shall provide:

*a.* No less than 7 feet of space between the floor and ceiling.

*b.* A bunk of adequate size for normal-sized adults for each detainee.

**51.7(3)** Each new dormitory unit or single or multiple occupancy cell shall have a security-type toilet/lavatory combination fixture which provides adequate running water for each group of nine detainees or portion thereof. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

**51.7(4)** The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

**51.7(5)** Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

**51.7(6)** Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if detained overnight in the holding cell.

**201—51.8(356,356A) Fire safety and emergency evacuation.**

**51.8(1) *Approval of building plans.*** All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal.

**51.8(2) *Compliance with fire marshal rules.*** No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the facility complies with the fire safety standards for temporary holding facilities included in administrative rules promulgated by the state fire marshal.

Temporary holding facilities may be inspected by the fire marshal, or by personnel of local fire departments deemed by the fire marshal qualified to conduct inspections, on a schedule determined by the fire marshal. The state jail inspection unit of the Iowa department of corrections, a temporary holding facility administrator, or the chief executive of an agency which administers a temporary holding facility may request the state fire marshal to inspect a temporary holding facility for compliance with fire safety standards. If the state fire marshal finds, based on such an inspection, that a temporary holding facility is not in substantial compliance with fire safety standards, the state fire marshal may require the facility administrator to submit a plan of correction of violations of these standards to the fire marshal. The director of the Iowa department of corrections may initiate proceedings to close the temporary holding facility if the facility does not comply with the plan of correction.

**51.8(3) *Evacuation plan.*** The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all facility staff on at least an annual basis, and a record thereof shall be maintained according to subrule 51.19(9), Iowa Administrative Code.

**51.8(4) *Release of detainees.***

*a.* There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

*b.* There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

**51.8(5) *Fire extinguishers.*** All temporary holding facilities shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

**51.8(6) *Emergency lighting.*** All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

**51.8(7) *Required exits.*** Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

**51.8(8) Fire alarms.** A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be located and protected from detainee access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9), Iowa Administrative Code.

**51.8(9) Heating appliances.** Heating appliances and water heaters shall not be located along the path of required exits.

**51.8(10) Hinged doors.** All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

**51.8(11) Mattresses.** Only fire-resistant mattresses of a type that will not sustain a flame and are certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in temporary holding facilities. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

**51.8(12) Sprinkler.** If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

#### **201—51.9(356,356A) Minimum standards for facility personnel.**

**51.9(1) Requirements for employment.** No person shall be recruited, selected or appointed to serve as a holding facility administrator unless the person:

- a. Is 18 years of age or older.
- b. Is able to read and write in English.
- c. Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files.
- d. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.
- e. Has the ability to perform the essential elements of the position as defined in the department job specification.
- f. Is an appropriate candidate for employment as demonstrated by qualified psychological screening.

**51.9(2) Minimum standard for retention.** No employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules shall be retained.

**51.9(3) Conflict of interest.** No person working in a facility shall transact any business with any detainee, nor shall any person working in a facility arrange through another party any business transaction with a detainee. The facility shall have a written code of ethics that shall be provided to all employees. At a minimum, the code shall:

- a. Prohibit staff from using their official positions to secure privileges for themselves or others.
- b. Prohibit staff from engaging in activities that constitute a conflict of interest.

#### **201—51.10(356,356A) Training for facility personnel.**

**51.10(1) Initial orientation.** Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

- a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.
- b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.

c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the person shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724.

e. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device and chemical control agents prior to their use in connection with the individual's duties at the facility.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

h. The holding facility administrator shall record by log sheet the signature(s) of all staff performing temporary holding facility duties, attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

**51.10(2) Training documented.** All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—9.3(80B) and 501—9.4(80B), Iowa Administrative Code. The facility administrator shall record by log sheet the signature(s) of all persons attending the training.

a. The training shall include a minimum of ten hours of training within the first year of employment. Training shall include the following or comparable course content:

(1) Introduction to Iowa criminal procedure and criminal law as applicable to the temporary holding facility setting, including laws relating to the use of force.

(2) Security procedures, including procedures regarding the proper methods of transporting detainees.

(3) Supervision of detainees, including instruction on the basic civil rights of a detainee, which would be applicable to a temporary holding facility.

(4) Recognition of symptoms of mental illness, retardation or substance abuse.

(5) Specific instruction in the prevention of suicides.

b. During each fiscal year of employment, following completion of the required ten hours of training, temporary holding facility workers and administrators shall complete, at a minimum, five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, and handling of firearms.

**51.10(3) First aid.** At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and CPR.

a. The individual shall hold an American Red Cross standard first-aid certificate or the equivalent or one of the following:

(1) Certification as an Iowa law enforcement emergency care provider from the Iowa department of public health;

(2) Certification of completion of an emergency medical technician program; or

(3) Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

b. The individual shall be certified as having successfully completed the basic life support training conducted under the program of the American Heart Association or the American Red Cross.

c. All certification or licensure required by this subrule must be maintained current according to the standards of the certifying or licensing agency.

**201—51.11(356,356A) Standard operating procedures manual.** Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(3), 51.4(7), 51.4(10), 51.8(3), 51.8(4), 51.8(5), 51.8(7), 51.8(8),

51.8(11), 51.9(1), 51.9(2), 51.9(3), 51.10(1), 51.10(2), 51.10(3) and rules 51.11(356,356A) to 51.19(356,356A) as noted. The following does not require written policy: 51.13(4).

**51.11(1) Admission/classification and security.**

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

d. The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal. The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

(1) Does the detainee show signs of depression?

(2) Does the detainee appear overly anxious, afraid, or angry?

(3) Does the detainee appear unusually embarrassed or ashamed?

(4) Is the detainee acting or talking in a strange manner?

(5) Does the detainee appear to be under the influence of alcohol or drugs?

(6) Does the detainee have any scars or marks which indicate a previous suicide attempt?

In all cases, the following questions will be asked of the detainee:

Have you ever tried to hurt yourself?

Have you ever attempted to kill yourself?

Are you thinking about hurting yourself?

g. Housing for detainees with disabilities shall be designed for the detainees' use, or reasonable accommodations shall be provided for the detainees' safety and security.

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee's incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

**51.11(2) Security and control.**

a. *Supervision of detainees.* The facility administrator shall develop and implement written policies and procedures for the facility which provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will

be available on a 24-hour basis to respond to an emergency, including, but not limited to, fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided at the time of orientation.

(5) When females are housed in the facility, at least one female staff member shall be on duty in the facility at all times, in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

*b. Weapons.* Except in an emergency situation, no weapons shall be allowed in an area occupied by detainees.

*c. Searches.*

(1) All detainees and detainees' property entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Detainee rules shall contain a clear definition of each item permitted in the facility. All other items shall be considered contraband.

(5) Random, unannounced, irregularly scheduled searches of areas accessible to detainees shall be conducted for contraband and weapons.

*d. Key control.* Facility keys must be stored in a secure area when not in use. There must be at least one full set of facility keys, separate from those in use, stored in a safe place and accessible only to designated facility personnel for use in the event of an emergency. The facility administrator will identify those persons who may have access to keys.

*e. Detainees' property.* All personal property of detainees shall be inventoried and accounted for according to the provisions of Iowa Code section 804.19.

*f. Restraint devices.* The facility administrator shall have a written policy on the restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes facility security. There shall be defined circumstances under which supervisory approval is needed prior to application. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, detainees shall be either clothed or covered in a manner that maximizes detainee privacy. Four/five-point restraints may be used only when other types of restraints have proven ineffective. If detainees are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous;

(2) Personal visual observation of the detainee and the restraint device application shall be made at least every 15 minutes;

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight; and

(4) All decisions and actions shall be documented.

*g. Facility security.*

(1) All areas of the facility shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of detainees by facility staff.

(2) All facility locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures must be reported to the facility administrator in writing. The facility administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The facility administrator shall develop written policy and procedures for the movement or transportation of detainees outside the secure area of the facility. The policy shall require procedures that will ensure the safety of the facility staff and the public and prevent detainee escape. The policy shall provide procedures for movement of detainees for medical treatment and to and from the courts and other facilities. The classification and security risk of the detainee to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to: bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—51.12(356,356A) Cleanliness and hygiene.**

**51.12(1) Housekeeping.**

*a.* The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

*b.* Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete.

*c.* The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

*d.* All clothing and linen, if provided, shall be clean and sanitary.

*e.* The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

**51.12(2) Reserved.**

**201—51.13(356,356A) Medical services.** The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for the detainee's objectively serious medical and dental needs which are known to the facility staff. A serious medical need is one that has been diagnosed by a physician as requiring treatment, or one that is so obvious that even a lay person would easily recognize the necessity for a physician's attention. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services remains that of the detainee. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the detainee, as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

**51.13(1) Medical resources.** Each facility shall have a designated licensed physician, licensed osteopathic physician or medical resource, such as a hospital or clinic staffed by licensed physicians or licensed osteopathic physicians, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical resources shall be available on a 24-hour basis.

**51.13(2) Trained staff.**

a. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

**51.13(3) *Detainee involvement.*** No detainee shall be involved in any phase of delivery of medical services.

**51.13(4) *First-aid kits.*** A first-aid kit approved by qualified medical personnel shall be available to staff.

**51.13(5) *Chemical control agents.*** Detainees affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

**51.13(6) *Screening upon admission.***

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

b. Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff, appropriate housing, and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.

e. Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

**51.13(7) *Medication procedures.***

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when the detainee is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

d. Prescription medication, as ordered by a licensed physician, licensed osteopathic physician or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician or dentist may be evaluated by a physician, osteopathic physician or dentist selected by the facility administrator to determine if the present medication is appropriate.

**51.13(8) *Medical records.*** A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

**51.13(9) *Medication storage.***

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). All medication required to be “cool” or “refrigerated” shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date may not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee’s medical record. The record shall include the name, the strength and the quantity of the drug destroyed; and the record shall be signed by the facility administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to board of pharmacy rule 657—23.15(124,155A).

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper record keeping of disposal.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

#### **201—51.14(356,356A) General food service requirements.**

**51.14(1) *Detainee being held.*** If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

**51.14(2) *Daily meals.*** The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

**51.14(3) *Time of serving.*** Meals shall be served at approximately the same time every day.

**51.14(4) *Medical diets.*** Special diets as prescribed by a physician shall be followed and documented.

**51.14(5) *Religious requests.*** When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee’s religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

**51.14(6) *Punishment.*** Deviation from normal feeding procedures shall not be used as punishment.

**51.14(7) *Inspection of facilities for outside food service providers.*** If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

#### **201—51.15(356,356A) In-house food services.**

**51.15(1)** Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating institutional or food establishment operations.

**51.15(2)** All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

**51.15(3)** Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

**51.15(4)** Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

#### **201—51.16(356,356A) Communication.**

**51.16(1) *Telephone calls upon arrest.*** Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

**51.16(2) Attorneys and ministers.** Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

**51.16(3) General visitation.**

- a. All detainees in normal status shall be allowed reasonable visitation.
- b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.
- c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.
- d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

**51.16(4) Detaining non-U.S. citizens.** When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

**51.16(5) Detainee mail.**

- a. Detainees held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a detainee from corresponding with a person who states in writing that the person does not want to correspond with the detainee. This mail restriction does not include a "prior approval" list.
- b. A reasonable amount of postage shall be provided to indigent detainees who are held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.
- c. General correspondence may be opened and inspected; it may be read for security reasons if the detainee is notified of this procedure.
- d. Privileged correspondence if so marked may be opened only in the presence of the detainee and then only to detect the presence of contraband; privileged correspondence may not be read except by the detainee. Privileged correspondence is defined as incoming and outgoing mail to or from:
  - (1) An attorney;
  - (2) A judge;
  - (3) The governor of Iowa;
  - (4) The ombudsman office;
  - (5) A member of the state or federal legislature.
- e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the detainee or post office.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

**201—51.17(356,356A) Access to the courts.** Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 201—51.16(356,356A).

**201—51.18(356,356A) Discipline and grievance procedures.**

**51.18(1)** No detainee shall be allowed to have authority or disciplinary control over another detainee.

**51.18(2)** The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

**51.18(3)** The following information shall be made available to all detainees and explained to any detainee unable to read English:

- a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.
- b. What services are available to them.

c. A detainee grievance procedure which includes at least one level of appeal.

**51.18(4)** Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury, to aid in escape, or interfere with the normal operation of the facility.

**201—51.19(356,356A) Records.** The following records shall be maintained by the facility administrator for two years unless a different period is specified.

**51.19(1) Facility calendar.** This record shall contain information required by Iowa Code section 356.6.

**51.19(2) Visitor registration.** This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

**51.19(3) Facility inspection records.** Facility inspection records shall contain the following and be maintained for a minimum period of two years:

a. Fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the facility.

**51.19(4) Medical history intake form.** Notation of injury upon admission shall be included.

**51.19(5) Records of medical care.**

**51.19(6) Injury reports.** Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

**51.19(7) Disciplinary records.**

**51.19(8) Property receipts.** Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

**51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.**

**51.19(10) Records of staff training.**

**51.19(11) Disposition of medication.** A record shall be kept of the disposition of prescribed medication not taken by a detainee.

**51.19(12) Supervisory checks.** A record shall be made to document all required supervisory checks of detainees.

**51.19(13) Incident reports.** Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

d. The state jail inspection unit of the department of corrections shall be notified within 24 hours of any death, attempted suicide, fire, escape, injury to staff or detainees from assaults, use of force and prisoner self-injuries. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

**51.19(14) Menu records.** This record shall include letters of documentation issued by a qualified dietitian.

[ARC 9578B, IAB 6/29/11, effective 8/3/11]

**201—51.20(356,356A) Nonsecure holds for juveniles.**

**51.20(1) Standards for nonsecure hold areas.** The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual mealtimes.

**51.20(2) *Supervision of juveniles in nonsecure hold.*** Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

- a. Be at least 18 years of age.
- b. Have received a physical prior to employment.
- c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.
- d. Report any knowledge of child abuse to mandatory child abuse reporters.
- e. Have successfully completed a child abuse and criminal background check.

**51.20(3) *Prohibited acts.*** Each nonsecure site must develop a policy of posted orders which protects juveniles against neglect; exploitation; and degrading punishment such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space such as a closet, locked room, or similar cubicle; and deprivation of meals.

**51.20(4) *Attendant nonsecure area operating procedures.***

- a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.
- b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.
- c. All items given to the juvenile are subject to being searched.
- d. Attendant shall pat search the juvenile.

**51.20(5) *Care and treatment.***

a. *Medical.*

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars which would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a physician shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. *Communications.*

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

*c. Safety and sanitation.*

- (1) Walls, floors, and ceiling shall be well maintained.
- (2) Facility shall be maintained in a pest-free condition.
- (3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.
- (4) Soiled clothing which may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.
- (5) An emergency evacuation plan must be conspicuously posted.
- (6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.
- (7) All exits shall be equipped with independent emergency lighting.
- (8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.
- (9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.
- (10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

*d. Staff training requirements.*

- (1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.
- (2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:
  1. Role of nonsecure hold attendant.
  2. Confidentiality issues.
  3. Intake procedures—medical and suicide screening.
  4. Communication and listening skills.
  5. Dealing with a depressed or suicidal juvenile.
  6. Overview of state and federal law.
  7. Provision of medication.
  8. Gentle self-defense.
  9. Child abuse identification.

*e. Juvenile supervision.*

- (1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.
- (2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

*f. Records.* The following records shall be maintained by the facility for a period of at least two years:

- (1) Medical history intake form.
- (2) Records of medical care.
- (3) Injury reports.
- (4) Food served.
- (5) Records of staff training.
- (6) Disposition of medication.
- (7) Individual log.

- (8) Any use of force reports.
- (9) Any suicide or suicide attempts reports.

*g. Incident reports.* Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

- (1) Any injury to juvenile or staff that requires medical attention.
- (2) Any use of force by staff.
- (3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

**51.20(6)** *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 7, Iowa Administrative Code.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.

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| 120.725 to 120.800 | Reserved  |

DIVISION X  
OTHER PROVISIONS

|                   |   |
|-------------------|---|
| 120.801(34CFR303) | Early ACCESS system—state level   |
| 120.802(34CFR303) | Interagency service planning  |
| 120.803(34CFR303) | System-level disputes   |
| 120.804(34CFR303) | Early ACCESS system—regional and community levels                           |
| 120.805(34CFR303) | Provision of year-round services  |
| 120.806(34CFR303) | Evaluation and improvement  |
| 120.807(34CFR303) | Research  |
| 120.808(34CFR303) | Records and reports   |
| 120.809(34CFR303) | Information for department  |
| 120.810(34CFR303) | Public information  |
| 120.811(34CFR303) | Dispute resolution: practice before mediators and administrative law judges |
| 120.812(34CFR303) | References to federal law   |
| 120.813(34CFR303) | Severability  |

CHAPTER 12  
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, attitudes, abilities, honors, extracurricular activities, part-time employment, and future plans. It is the “working record” used by the instructional professional staff in understanding the student. At the request of a receiving school or school district, a copy of the cumulative record 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(14) *Physical examination.*** Rescinded IAB 2/22/12, effective 3/28/12.

**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.

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 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 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.

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 be allowed to 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 9-12 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) Neither school districts nor accredited nonpublic schools are mandated to offer secondary credit under this paragraph. If credit is offered 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; foreign 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. Foreign language (four units).* The foreign language program shall be a four-unit sequence of uninterrupted study in at least one language. Foreign 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.

**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 include in its comprehensive school improvement plan the following provisions 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.

Each school district using additional allowable growth for provisions for at-risk students shall incorporate educational program goals for at-risk students into its comprehensive school improvement plan. 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. The incorporation of these requirements into a school district's comprehensive school

improvement plan shall serve as the annual application for additional allowable growth designated in Iowa Code section 257.38.

**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 an innovative 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 foreign 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.** 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. [ARC 7783B, IAB 5/20/09, effective 6/24/09; ARC 0016C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter); ARC 0525C, 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]

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

*b. Data collection, analysis, and goal setting.*

(1) Policy. The board 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. A school or school district shall use additional assessments to measure progress on locally determined content standards in at least 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 11 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 by the school improvement visitation team as described in 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 eleventh 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 its 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) *Comprehensive school improvement and the accreditation process.*** All schools and school districts having accreditation on August 18, 1999, are presumed accredited unless or until the state board takes formal action to remove accreditation. The department shall use a Phase I and a Phase II process for the continued accreditation of schools and school districts as defined in Iowa Code section 256.11(10).

*a. Phase I.* The Phase I process includes ongoing monitoring by the department of each school and school district to determine if it is meeting the goals of its comprehensive school improvement plan and meeting the accreditation standards. Phase I contains the following two components:

(1) Annual comprehensive desk audit. This audit consists of a review by the department of a school or school district's annual progress report. The department shall review the report as required by subrule 12.8(3) and provide feedback regarding the report. The audit shall also include a review by the department of other annual documentation submitted by a school or school district as required for compliance with the educational standards in Iowa Code section 256.11 and other reports required by the director.

When the department determines a school or school district has areas of noncompliance, the department shall consult with the school or school district to determine what appropriate actions shall be taken by the school or school district. The department shall facilitate technical assistance when requested. When the department determines that a school or school district has not met compliance with one or more accreditation standards within a reasonable amount of time, the school or school district shall submit an action plan that is approved by the department. The action plan shall contain reasonable timelines for coming into compliance. If the department determines that the school or school district is not taking the necessary actions, the director of the department may place the school or school district in a Phase II accreditation process.

If a school or school district does not meet its stated annual improvement goals for at least two consecutive years in the areas of mathematics and reading and is not taking corrective steps, the department shall consult with the school or school district and determine whether a self-study shall be required. The department shall facilitate technical assistance when needed. The self-study shall include, but is not limited to, the following:

1. A review of the comprehensive school improvement plan.
2. A review of each attendance center's student achievement data.
3. Identification of factors that influenced the lack of goal attainment.
4. Submission of new annual improvement goals, if necessary.
5. Submission, if necessary, of a revised comprehensive school improvement plan.

Upon completion of a department-required self-study, the department shall collaborate with the school or school district to determine whether one or more attendance centers are to be identified as in need of improvement. For those attendance centers identified as being in need of improvement, the department shall facilitate technical assistance.

When a school or school district has completed a required self-study and has not met its annual improvement goals for at least two or more consecutive years, the department may conduct a site visit. When a site visit occurs, the department shall determine if appropriate actions were taken. If the site visit findings indicate that appropriate actions were taken, accreditation status shall remain.

(2) Comprehensive site visit. A comprehensive site visit shall occur at least once every five years as required by Iowa Code section 256.11(10) or before, if requested by the school or school district. The purpose of a comprehensive site visit is to assess progress with the comprehensive school improvement plan, to provide a general assessment of educational practices, to make recommendations with regard to the visit findings for the purposes of improving educational practices above the level of minimum compliance, and to determine that a school or school district is in compliance with the accreditation standards. The department and the school district or school may coordinate the accreditation with activities of other accreditation associations. The comprehensive site visit shall include the following components:

1. School improvement site visit team. The department shall determine the size and composition of the school improvement site visit team. The team shall include members of the department staff and may include other members such as, but not limited to, area education agency staff, postsecondary staff, and other school district or school staff.

2. Previsit actions. The school improvement team shall review the five-year comprehensive school improvement plan, annual progress reports, and any other information requested by the department.

3. The site visit report. Upon review of documentation and site visit findings, the department shall provide a written report to the school or school district based on the comprehensive school improvement plan and other general accreditation standards. The report shall state areas of strength, areas in need of improvement, and areas, if any, of noncompliance. For areas of noncompliance, the school or school district shall submit, within a reasonable time frame, an action plan to the department. The department shall determine if the school or school district is implementing the necessary actions to address areas of noncompliance. If the department determines that the school or school district is not taking the necessary actions, the director of the department may place the school or school district in a Phase II accreditation process.

*b. Conditions under which a Phase II visit may occur.* A Phase II accreditation process shall occur if one or more of the following conditions exist:

(1) When either the annual monitoring or the comprehensive site visit indicates that a 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 of the department requesting such a committee visitation that is signed by 20 percent or more of the registered voters of a school district;

(3) In response to a petition filed with the director of the department requesting such a committee visitation that is signed by 20 percent or more of the families having enrolled students in a school or school district;

(4) At the direction of the state board of education; or

(5) Upon recommendation of the school budget review committee for a district that exceeds its authorized budget or carries a negative unspent balance for at least two consecutive years.

*c. The Phase II process.* The Phase II process shall consist of monitoring by the department. This monitoring shall include the appointment of an accreditation committee to complete a comprehensive review of the school or school district documentation on file with the department. The accreditation committee shall complete one or more site visits. The Phase II process shall include the following components:

(1) Accreditation committee. The director of the department shall determine accreditation committee membership. The chairperson and majority of the committee shall be department staff. The committee may also include at least one representative from another school or school district, AEA staff, postsecondary education staff, board members, or community members. No member of an accreditation committee shall have a direct interest, as determined by the department, in the school or school district involved in the Phase II process. The accreditation committee shall have access to all documentation obtained from the Phase I process.

(2) Site visit. The accreditation committee shall conduct one or more site visits to determine progress made on noncompliance issues.

(3) Accreditation committee actions. The accreditation committee shall make a recommendation to the director of the department regarding accreditation status of the school or school district. This recommendation shall be contained in a report to the school or school district that includes areas of strength, areas in need of improvement, and, if any, the areas still not in compliance. The committee shall provide advice on available resources and technical assistance for meeting the accreditation standards. The school or school district may respond in writing to the director if it does not agree with the findings in the Phase II accreditation committee report.

(4) State board of education actions. The director of the department shall provide a report and a recommendation to the state board as a result of the Phase II accreditation committee visit and findings. The state board shall determine accreditation status. When the state board determines that a school or school district shall not remain accredited, the director of the department shall collaborate with the school or school district board to establish an action plan that includes deadlines by which areas of noncompliance shall be corrected. The action plan is subject to approval by the state board.

(5) Accreditation status. During the period of time the school or school district is implementing the action plan approved by the state board, the school or school district shall remain accredited. The accreditation committee may revisit the school or school district and determine whether the areas of noncompliance have been corrected. The accreditation committee shall report and recommend one of the following actions:

1. The school or school district shall remain accredited.
2. The school or school district shall remain accredited under certain specified conditions.
3. The school or school district shall have its accreditation removed as outlined in Iowa Code section 256.11(12).

The state board shall review the report and recommendation, may request additional information, and shall determine the accreditation status and further actions required by the school or school district as outlined in Iowa Code section 256.11(12).

[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]

DIVISION IX  
EXEMPTION REQUEST PROCESS

**281—12.9(256) General accreditation standards exemption request.** A school or school district may seek department approval for an exemption as stated in Iowa Code sections 256.9(43) and 256.11(8). The school or school district shall submit the exemption request to the director of the department with, at a minimum, the following: (1) the written request and (2) the standard exemption plan as described in subrule 12.9(1). For the 1999-2000 school year, the written request and plan shall be submitted before October 1, 1999. For subsequent school years, the written request and plan shall be submitted on or before January 1 preceding the beginning of the school year for which the exemption is sought. The exemption request may be approved for a time period not to exceed five years. The department may approve, on request of the school or school district, an extension of the exemption beyond the initial five-year period. The department shall notify the school or school district of the approval or denial of its exemption request not later than March 1 of the school year in which the request was submitted.

**12.9(1) General accreditation standards exemption plan.** The plan shall contain, but is not limited to, the following components:

- a. The standard or standards for which the exemption is requested.
- b. A rationale for each general accreditation standard identified in paragraph “a.” The rationale shall describe how the approval of the request will assist the school or school district to improve student achievement or performance as described in its comprehensive school improvement plan.
- c. The sources of supportive research evidence and information, when appropriate, that were analyzed and used to form the basis of each submitted rationale.
- d. How the school or school district staff collaborated with the local community or with the school improvement advisory committee about the need for the exemption request.

- e. Evidence that the board approved the exemption request.
- f. A list of the indicators that will be measured to determine success.
- g. How the school or school district will measure the success of the standards exemption plan on improving student achievement or performance.

In its annual progress report as described in paragraph 12.8(3) “b,” the school or school district that receives an exemption approval shall include data to support increased student learning, achievement, or performance that has resulted from the approved standards exemption.

**12.9(2) *General accreditation standards exemption request and exemption plan review criteria.*** The department shall use the information provided in the written request and exemption plan as described in subrule 12.9(1) to determine approval or denial of requests for exemptions from the general accreditation standards. The department will use the following criteria for approval or denial of an exemption plan:

- a. Components “a” through “g” listed in subrule 12.9(1) are addressed.
- b. Clarity, thoroughness, and reasonableness are evident, as determined by the department, for each component of the accreditation standards exemption plan.

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).

**12.10(8) *Automatic repeal.*** Pursuant to the repeal clause in 2013 Iowa Acts, House File 215, section 89, this rule is rescinded July 1, 2020.

[ARC 1118C, IAB 10/16/13, effective 11/20/13]

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.*** 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).

[ARC 3765C, IAB 4/25/18, effective 5/30/18]

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

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<sup>0</sup> Two or more ARCs

<sup>1</sup> Effective date of Chapter 4 delayed 70 days by Administrative Rules Review Committee at its meeting held April 20, 1988.

<sup>2</sup> 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.

<sup>3</sup> 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 15  
USE OF ONLINE LEARNING AND TELECOMMUNICATIONS  
FOR INSTRUCTION BY SCHOOLS

**281—15.1(256) Purpose.** It is the purpose of this chapter to give guidance and direction for the use of online learning or the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade 12. It is a further purpose of this chapter to provide guidance for students and school districts regarding enrollment of students in one or more courses offered by Iowa Learning Online.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

**281—15.2(256) Definitions.**

*“Appropriately licensed and endorsed”* means possession of current and valid licensure by the Iowa board of educational examiners to practice at a prescribed educational level in a specified content area.

*“Class size”* refers to the total group taught during a time period by a teacher or teaching team with students at one or more sites.

*“Delivered primarily over the Internet”* means more than 50 percent of the course content or instruction or both is delivered using the global computer network of the World Wide Web or Internet.

*“Department”* means the department of education.

*“Exclusive instruction”* means without the use of any other form of instructional delivery.

*“Iowa Learning Online”* or *“ILO”* means the department’s digital learning initiative to provide online courses to students enrolled or dually enrolled in participating school districts and accredited nonpublic schools. ILO is more specifically explained in Division III herein.

*“Online learning”* or *“online coursework”* means educational instruction and content delivered primarily over the Internet. “Online learning” or “online coursework” does not include print-based correspondence curricula, broadcast television or radio, videocassettes, or stand-alone educational software programs that lack a significant Internet-based instructional component.

*“Participating school district or accredited nonpublic school”* means a school district or accredited nonpublic school that has registered a student in an ILO course and has agreed to provide the student with access, during the school day, to a computer that has Internet connectivity through a direct connection as well as access to a telephone or an ICN classroom and transportation to periodic laboratory components, if needed or required. The district has also agreed to provide a staff member to serve as a site coordinator and contact for the ILO teacher, to monitor progress, and to serve as the student’s advocate by providing academic coaching and technical support. Further, the district has agreed to award a grade and credit on the student’s district-level transcript, based on the end-of-course evaluation by the ILO teacher.

*“Telecommunications”* means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. “Telecommunications” does not include online learning.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

DIVISION I  
USE OF TELECOMMUNICATIONS FOR INSTRUCTION BY SCHOOLS

**281—15.3(256) Interactivity.** Courses delivered primarily via telecommunications shall employ live interactive systems which allow, at a minimum, one-way video and two-way audio communication. An annual waiver may be granted by the department for a telecommunications system that does not include audio but has alternative contemporaneous, interactive communication ability and is consistent with sound instructional practice.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

**281—15.4(256) Course eligibility.** Telecommunications may be employed as a means to deliver any course, including a course required for accreditation by the department, provided it is not the exclusive means of instructional delivery.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

**281—15.5(256) Teacher preparation and accessibility.** A teacher appropriately licensed and endorsed for the educational level and content area being taught shall be present and responsible for the instructional program at the receiving site if a presenter of material transmitted via telecommunications is not an appropriately licensed and endorsed teacher for the educational level and content area. If a presenter of material transmitted via telecommunications is an appropriately licensed and endorsed teacher for the educational level and content area, a supervising teacher, or aide to whom a supervising teacher is readily available for consultation, shall supervise and monitor the curriculum and students and be readily accessible to the students. Prior to being assigned initially to deliver instruction via telecommunications, a teacher shall receive training regarding effective practices which enhance learning by telecommunications.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

**281—15.6(256) School responsibilities.** Each board of a school district or an accredited nonpublic school employing telecommunications for instruction shall develop policies relative to the use of telecommunications in the delivery of the educational program that are consistent with effective clinical practice. The school district or accredited nonpublic school shall report its use of telecommunications for instruction annually to the department on forms provided by the department. This report shall include:

1. To whom the instruction was delivered including class size, type of class (such as seminar or lecture), and grade level;
2. The course description and schedule of instruction;
3. The number, assignment, licensure including the licensing folder number, and the training received regarding effective practices which enhance learning by telecommunications of all staff involved in the teaching/learning process at both the origination and the receiving sites; and
4. The type of telecommunications used for course delivery, e.g., Internet, ICN, Polycom, etc.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

DIVISION II  
ONLINE LEARNING OFFERED BY A SCHOOL DISTRICT

**281—15.7(256) School district responsibilities.** Subject to the prohibition in rule 281—15.8(256), any online coursework offered by a school district shall be offered solely to resident students of the school district, or students attending the school district through a sharing agreement with another school district, and shall be taught by a teacher appropriately licensed and endorsed for the educational level and content area being taught. The teacher may be employed directly by the school district or by a third-party provider of the online curricula used by the school district. Teachers employed by the school district shall be subject to the provisions of Iowa Code chapters 272, 279, and 284. Teachers employed by a third-party provider shall be subject to the provisions of Iowa Code chapter 272; these teachers must be given access to appropriate professional development by the school district, but otherwise are not subject to the provisions of Iowa Code chapters 279 and 284.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

**281—15.8(256) Prohibition regarding open enrollment.** Open enrollment of students to a school district that offers online coursework is limited to open enrollment to the receiving school districts of Cumberland-Anita-Massena (CAM) and Clayton Ridge, pursuant to Iowa Code section 256.7(32)“c” as amended by 2015 Iowa Acts, Senate File 510, section 99. In implementing any numerical limitation required by Iowa Code section 256.7(32)“c” as amended by 2015 Iowa Acts, Senate File 510, section 99, priority shall be given to students who are documented victims of bullying and harassment, as defined in Iowa Code section 280.28.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 2313C, IAB 12/9/15, effective 1/13/16]

**281—15.9(256) Special education services.** Children with disabilities may not be categorically excluded from admission to online learning programs or from enrollment in online coursework.

**15.9(1)** Whether an online course or online learning is appropriate to a child with a disability must be determined by the child's needs, not by the child's weightedness. If a child's individualized education program (IEP) goals cannot be met in online learning, with or without supplementary aids and services or modifications, online learning is not appropriate to the child.

**15.9(2)** If a child's IEP team determines that online learning is inappropriate to the child, the child's parents are entitled to prior written notice pursuant to rule 281—41.503(256B,34CFR300) and to have available to them the procedural safeguards provided under rule 281—41.504(256B,34CFR300).

**15.9(3)** When a child with an IEP seeks enrollment into an online learning program by means of open enrollment, the child's IEP team shall determine that the child meets the open enrollment requirements under 281—Chapter 17. In addition, the child's IEP team, together with representatives of the resident and receiving districts and the relevant area education agencies, shall determine whether the receiving district is able to provide an appropriate online education to the child, either with or without supplementary aids and services or modifications. Any dispute about whether the receiving district's program is appropriate shall be resolved by the director of special education of the area education agency in which the receiving district is located. The child shall remain in the child's resident district while any dispute about the appropriateness of the receiving district's program is pending.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

DIVISION III  
IOWA LEARNING ONLINE (ILO)

**281—15.10(256) Appropriate applications of ILO coursework.** ILO courses are intended to help Iowa school districts expand learning opportunities by providing opportunities for individual students to take one or more courses offered “at a distance” using technologies such as the Internet and interactive videoconferencing. Participating school districts and accredited nonpublic schools may also enroll students in ILO courses if online learning is more suited to a specific student's circumstances. ILO may also provide distance education to a student receiving independent private instruction as defined in Iowa Code section 299A.1(2) “b,” competent private instruction under Iowa Code section 299A.2, or private instruction by a nonlicensed person under Iowa Code section 299A.3.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

**281—15.11(256) Inappropriate applications of ILO coursework; criteria for waivers.**

**15.11(1) General.** ILO courses are not to be used by a participating school district or accredited nonpublic school as a long-term substitute for any course required to be offered and taught under 281—Chapter 12.

**15.11(2) Waiver of subrule 15.11(1): ILO coursework.** The department may grant for one year a waiver from the requirement to offer and teach a specific subject if the school district or accredited nonpublic school documents all of the following:

- a. The subject and grading period or periods for which waiver is requested.
- b. Reasons why the school district or accredited nonpublic school does not have a teacher employed who is appropriately licensed and endorsed for the educational level and content area being taught.
- c. The steps taken by the school district or accredited nonpublic school to employ a teacher who is appropriately licensed and endorsed for the educational level and content area being taught.
- d. Approval of the request by the local school board.

**15.11(3) Additional waiver of subrule 15.11(1): Coursework not available through ILO.** In addition to the requirements of rule 281—15.7(256), the specified subject may alternatively be provided by the school district or school if all of the following requirements are met:

- a. The course content is provided through an online learning platform by an Iowa licensed teacher with online learning experience.
- b. The course content provided is aligned with school district or school standards and satisfies the requirements of rule 281—15.13(256).

c. The course is not offered by ILO pursuant to this chapter, or the course offered by ILO lacks the capacity to accommodate additional students.

d. The course is the sole course per semester that the school district or school is providing instead of ILO pursuant to this rule.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 2861C, IAB 12/7/16, effective 1/11/17]

**281—15.12(256) School and school district responsibilities.** Each participating school district and accredited nonpublic school shall submit its online curricula, excluding coursework provided by ILO, to the department for review. Each participating school district and accredited nonpublic school shall include in its comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7(21) a list and description of the online coursework offered by the school or school district, excluding coursework provided by ILO. Each participating school district and accredited nonpublic school is responsible for recording grades received for ILO coursework in a student's permanent record and for awarding graduation credit for ILO coursework. Each participating school district and accredited nonpublic school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. Each participating school district and school shall pay the fees prescribed by subrule 15.13(2).

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

**281—15.13(256) Department responsibilities.**

**15.13(1) Course quality.** The department shall annually evaluate the quality of courses offered under ILO to ensure that coursework is rigorous and of high quality and is aligned with Iowa's core curriculum and core content requirements and standards as well as with national standards of quality for online courses issued by an internationally recognized association for elementary and secondary online learning. The department shall ensure that all ILO coursework is taught by a teacher who is appropriately licensed and endorsed for the educational level and content area being taught and who has completed an online-learning-for-Iowa-educators professional development course offered by an area education agency, a teacher preservice program, or comparable coursework.

**15.13(2) Fiscal matters.** The department shall establish fees payable by school districts, accredited nonpublic schools, and individuals providing instruction to students under Iowa Code chapter 299A as described in rule 281—15.10(256), for ILO coursework. Fees collected pursuant to this subrule are appropriated to the department to be used only for the purpose of administering ILO and shall be established so as not to exceed the cost of administering ILO. Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of ILO administration. Notwithstanding Iowa Code section 8.33, fees collected by the department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding ILO coursework offered in subsequent fiscal years.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

**281—15.14(256) Responsibilities of individuals providing private instruction under Iowa Code chapter 299A.** The individual providing instruction to a student under rule 281—15.10(256) shall pay the fees prescribed by subrule 15.13(2). The individual providing instruction to a student under rule 281—15.10(256) shall receive the student's score for completed ILO coursework.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

**281—15.15(256) Enrollment in an ILO course.** Under ILO, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under Iowa Code chapter 299A as described in rule 281—15.10(256).

[ARC 3981C, IAB 8/29/18, effective 10/3/18]

These rules are intended to implement Iowa Code sections 256.2, 256.7, 256.9, and 256.42.

[Filed 4/13/90, Notice 1/10/90—published 5/2/90, effective 6/6/90]

[Filed ARC 0522C (Notice ARC 0302C, IAB 8/22/12), IAB 12/12/12, effective 1/16/13]

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[Filed ARC 2861C (Notice ARC 2760C, IAB 10/12/16), IAB 12/7/16, effective 1/11/17]

[Filed ARC 3981C (Notice ARC 3823C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]



TITLE III  
COMMUNITY COLLEGES  
CHAPTER 21  
COMMUNITY COLLEGES

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

DIVISION I  
APPROVAL STANDARDS

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

“*Department*” means the Iowa department of education.

“*Director*” means the director of the department.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.2(260C) Administration.**

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

**21.2(2) *Administrative staff.*** A community college shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career and technical education, college parallel education, and student services.

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

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

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

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

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

**21.2(8) *Academic year.*** The academic year of the community college shall consist of semester, trimester, or quarter terms, and shall be a period of time beginning with the first day of the fall term and

continuing through the day preceding the start of the next fall term as indicated in the official college calendar. A community college may offer instruction in units of length (i.e., days and weeks) consistent with the identified scope and depth of the instructional content.

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

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

*b. Associate of science (AS).* The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students to transfer and initiate upperdivision work in baccalaureate programs. An associate of science degree awarded upon completion of an arts and sciences course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

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

*d. Associate of applied science (AAS).* The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for entry-level career and technical occupations. An associate of applied science degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied science degree program shall consist of a minimum of 15 semester (22.5 quarter) credit hours of general education and shall include at least one course from each of the following areas: communications, social science or humanities, and mathematics or science. A maximum of 3 semester (4.5 quarter) credit hours of the required 15 general education credits may be documented through an integrated, embedded, and interdisciplinary model adopted by the chief academic officers of the 15 community colleges in consultation with the department. The technical core of the associate of applied science degree shall constitute a minimum of 50 percent of the course credits.

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

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

(1) Pilot awards shall be approved on a limited basis at the director's sole discretion. To be eligible to participate in the pilot, a college shall demonstrate that other award types cannot meet needs and the associate of professional studies award is appropriate. The department shall study the effectiveness of associate of professional studies programs with regard to transfer and employment success after five years and make recommendations to the state board of education regarding program parameters and continuation.

(2) Each state-approved associate of science-career option (AS-CO) program of study shall be phased out by the end of the 2015-2016 academic year. All existing AS-CO programs shall be modified to meet the parameters of allowable award types or shall be discontinued.

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

(4) An associate of professional studies degree program of study shall have a minimum of three program-to-program articulation agreements with baccalaureate degree-granting institutions, at least one of which must be a public institution. A program shall have a minimum of one articulation agreement effective prior to program implementation, provided all three agreements are effective within the program's first year of student enrollment. The agreements shall provide for the application of no fewer than 60 semester (90 quarter) credit hours toward the graduation requirements of each articulated baccalaureate degree program.

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

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

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

with current technology to ensure the ability to retrieve records. The community college shall implement a security plan that ensures the confidentiality of student records.

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

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

(1) Resident tuition.

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

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

3. Resident tuition rates shall not require department approval.

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

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

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

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

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

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

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

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

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

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

(1) Procedure. The registrar or officially designated community college office shall require written documents, affidavits, or other related evidence deemed necessary to determine why a student is in Iowa.

A student shall be required to file at least two documents from different sources to determine residency status. Examples of acceptable documentation include: written and notarized documentation from an employer that the student is employed in Iowa or a signed and notarized statement from the student describing employment and sources of support; an Iowa state income tax return; an Iowa driver's license; an Iowa vehicle registration card; an Iowa voter registration card; or proof of Iowa Homestead credit on property taxes. In all events, to be determined a resident of Iowa, the student must document residing in the state of Iowa for at least 90 days prior to the beginning of the term for which the student is enrolling.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Reclassification of residency status. It is the responsibility of a student to request a reclassification of residency status. If a student is reclassified as a resident for tuition purposes, such classification shall be effective beginning with the next term for which the student enrolls. In no case

shall reclassification to residency status be made retroactive for tuition and fee purposes, even though the student could have previously qualified for residency status had the student applied.

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

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

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

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

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

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

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

(4) Work experience — employment-related experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer.

*c.* No registration or orientation hours may be included when determining credit hours.

*d.* Institutions shall take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work experience sessions. However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.

*e.* Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.

*f.* Each community college must establish a policy that defines its methods of equating alternative instruction to credit hours and the process for evaluating the effectiveness of the alternative instruction to meet or exceed the expected student outcomes as if the course were taught utilizing conventional methods in paragraph 21.2(12)“*b.*” Colleges will be held accountable for evaluating and maintaining high-quality programs, and their evaluations may be subject to department review. Students shall be expected to meet all approved course requirements and shall be expected to demonstrate the acquisition of knowledge and competencies/outcomes at the same level as those obtained in traditional classroom settings, in the time frames set by the institution. Alternative courses or programs of study must be approved by the college's review processes including faculty review and input. Courses shall be listed in the college catalog. Instructional formats for which alternative methods of determining credit hours are applicable include the following:

(1) Accelerated courses (study, programs). Courses or programs of study that allow students to complete courses or programs at a faster pace than if offered by conventional methods. Courses and programs shall be tailored to involve more student participation and self-directed study. Instructors may teach in traditional classroom settings or by alternative methods specified in this subrule.

(2) Distance education. Courses or programs of study taught over the Internet, Iowa Communications Network (ICN), or other electronic means that allow students to receive instruction in the classroom or other sites, over personal computers, television, or other electronic means. Courses may or may not be interactive with direct communication between the teacher and students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

1. Correspondence courses. Courses offered outside the classroom setting in which the instruction is delivered indirectly to the student. Instruction is provided through another medium, such as written material, computer, television, or electronic means. Course materials are sent to a student who follows a detailed syllabus to complete assignments. Students correspond with and transmit assignments to the instructor by telephone, computer, mail, or electronic means. A third party may administer tests.

2. Television courses. Courses or programs delivered primarily via broadcast television such as Iowa Public Television, digital video disc, or other media allowing students to receive instruction in a classroom or equipped remote location.

3. Video conference courses. Courses or programs delivered via a closed synchronous audio-video conferencing system such as the Iowa Communications Network or similar system which allows students to receive instruction in a classroom or any equipped remote location via an audio-video feed to a television, computer, or other electronic device.

4. Internet courses. Courses or programs delivered via the Internet. Courses may be taken using computers in a classroom setting or using personal computers or other electronic devices from the student's home or other location using an online content management system or mixed-media methods. Students may be linked at times directly with the instructor or with other students electronically. Interaction may be direct (synchronous) or indirect (asynchronous) allowing students to participate during their own time frames.

5. In-class hybrid courses. Courses or programs that combine traditional classroom and computer-based instruction. In-class sessions are offered with online instructional activities to promote independent learning and reduce seat-time.

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

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

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

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

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

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

*j.* Classroom work.

(1) The minimal requirement for one semester hour of credit shall be 800 minutes (16 contact hours) of scheduled instruction.

(2) The minimal requirement for one quarter hour of credit shall be 533 minutes (10.7 contact hours) of scheduled instruction.

*k.* Laboratory work.

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

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

*l.* Clinical practice.

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

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

*m. Work experience.*

(1) The minimal requirement for one semester hour of credit shall be 3,200 minutes (64 contact hours) of scheduled work experience.

(2) The minimal requirement for one quarter hour of credit shall be 2,132 minutes (42.6 contact hours) of scheduled work experience.

**21.2(13) Career and technical program length.**

*a.* Program length for the associate of applied science (AAS) degree in career and technical education, for the associate of applied arts (AAA) degree, and for the associate of professional studies (APS) degree shall consist of an academic program not to exceed two academic years. All required course offerings are to be available within two academic years. All required offerings in AAS and AAA degree programs shall not exceed a maximum of 86 semester (129 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13) "i." All required offerings in pilot APS degree programs shall not exceed a maximum of 68 credit hours. Programs shall not exceed an average of 19 credit hours per regular term.

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

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

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

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

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

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

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

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

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

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

additional information deemed relevant by the petitioner. The department shall acknowledge a petition upon receipt.

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

(4) A committee consisting of the chief academic officers of a majority of community colleges shall review the waiver request and provide a recommendation to the department regarding whether approval should be granted. Within 90 calendar days of receiving the recommendation, the department shall review the petition and issue a ruling. Failure of the department to grant or deny a petition within the required time period shall be deemed a denial of that petition. If a waiver is issued, the department shall provide a description of the precise scope and operative period to all interested parties.

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

**21.2(15) Faculty salary allocation plan.** Pursuant to the appropriation of funds from the state general fund to the department for the purpose of supplementing community college faculty salaries, the department follows the formula herein when distributing such funds to community colleges.

*a.* For purposes of this subrule, the following definitions apply.

(1) “Full-time faculty” means those nonadministrative instructors, counselors, and librarians who are classified as full-time employees as defined in the college’s collective bargaining agreement or written policy.

(2) “Part-time faculty” means those nonadministrative instructors, counselors, and librarians who are employed less than full-time as defined in the college’s collective bargaining agreement and who are covered by the college’s collective bargaining agreement. For purposes of the definition of “eligible full-time equivalent instructor,” each part-time faculty person shall be counted as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

(3) “Temporary/seasonal faculty” means those nonadministrative instructors, counselors, and librarians who are employed, full-time or part-time, by the college for short periods of time for specific purposes.

(4) “Adjunct faculty” means those nonadministrative instructors, counselors, and librarians who are employed without a continuing contract, whose teaching load does not exceed one-half time for two full semesters or three full quarters per calendar year.

(5) “Eligible full-time equivalent instructor” means the total of full-time faculty and part-time faculty where each full-time faculty counts as one, and each part-time faculty counts as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

*b.* The appropriation shall be distributed to the community colleges based on their proportional share of eligible full-time equivalent instructors.

*c.* Moneys distributed to each community college pursuant to this subrule shall be rolled into the funding allocation for all future years. The use of the funds shall remain as described herein for all future years. The appropriation will be distributed to the community colleges in equal monthly payments made on or about the fifteenth of each month.

*d.* Moneys appropriated and distributed to community colleges pursuant to this subrule shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds herein. Eligible expenditures for the moneys appropriated are for salary expenditures and the required college contribution to FICA and IPERS or an alternative retirement benefits system. These moneys shall then be considered as part of the instructor’s salary in future years.

*e.* Moneys distributed to a community college pursuant to this subrule shall be allocated to all full-time faculty and shall include part-time faculty covered by a collective bargaining agreement. The moneys shall be allocated pursuant to any existing negotiated agreements according to Iowa Code chapter

20. If no language exists to specify the method of allocation, the moneys shall be allocated equally to all full-time faculty with part-time faculty who are covered by a collective bargaining agreement receiving a prorated share.

*f.* A community college receiving funds distributed pursuant to this subrule shall determine the amount to be paid to instructors in accordance with Iowa Code section 260C.18D, subsection 4, and the amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

This rule is intended to implement Iowa Code section 260C.33.

[ARC 8646B, IAB 4/7/10, effective 5/12/10; ARC 0687C, IAB 4/17/13, effective 5/22/13; ARC 2021C, IAB 6/10/15, effective 7/15/15; ARC 3288C, IAB 8/30/17, effective 10/4/17; ARC 3982C, IAB 8/29/18, effective 10/3/18]

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

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

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

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

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

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

(2) The courses within the discipline framework shall articulate with a regionally accredited public university in Iowa so that the course credits are recognized by the university as fulfilling equivalent course requirements in at least one aligned baccalaureate degree program of study.

(3) If the requirements of subparagraph 21.3(2)“b”(2) cannot be achieved with at least one regionally accredited public university in Iowa, a request may be submitted to the department for articulation with a regionally accredited public institution in a contiguous state or a group of no less than three regionally accredited private postsecondary institutions which confer baccalaureate degrees, are based in Iowa, and are approved under Iowa Code chapter 261 to operate in the state of Iowa.

(4) The discipline framework shall be developed and adopted by a statewide committee convened by the department.

*c. Use of term.* Consistent with department guidance, each community college shall exclusively use the term “transfer major” to record the completion of an approved transfer major program on the student’s official transcript and other academic records, publish in the college catalog, and market the transfer major program to current and potential students and the general public. A community college shall not transcript, catalog, or market an associate of arts or associate of science program using other terms which contain or are synonymous with the term “major” or which imply a specialization within a subject area.

**21.3(3) Approval.** Per Iowa Code section 260C.14, each transfer major program shall be submitted to the department for approval utilizing the state system for program management. Approval shall be obtained prior to the enrollment of students in the transfer major program. The approval process shall not include components specific to career and technical education program approval, including advisory committees and labor market analysis.

**21.3(4) Reporting.** Each community college shall comply with data reporting requirements established by the department. The department shall produce and make available a report detailing enrollment and outcomes of participants in transfer major programs.

**21.3(5) Effective date.** The requirements of this rule shall take effect beginning with the 2019-2020 academic year. In implementing the provisions of this rule, the department shall consult key stakeholders including, but not limited to, representatives of Iowa's community colleges and public universities.

[ARC 3982C, IAB 8/29/18, effective 10/3/18]

## **281—21.4(260C) Curriculum and evaluation.**

**21.4(1) General education.** General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education tends to emphasize oral and written communication, critical analysis of information, knowledge and appreciation of diverse cultures, ways of knowing and human expression, knowledge of mathematical processes and natural sciences investigations, and ethics. General education courses are not intended to be developmental in nature. Each community college is responsible for clarifying, articulating, publicizing, and assessing its general education program.

### **21.4(2) College parallel or transfer.**

*a.* This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; specialized courses required to provide career options within the college parallel or transfer program; and approved transfer major programs meeting the requirements of 281—21.3(260C). College parallel or transfer programs are associate of arts and associate of science degree programs. General education courses in college parallel or transfer programs are required to be college transfer courses. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

*b.* Courses of a developmental or remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog. Developmental courses on the transcript shall be identifiable through the adoption of the community college common course numbering system.

**21.4(3) Career and technical education.** Instruction shall be offered in career and technical education programs in no less than five different occupational fields as defined by the department. College parallel or transfer courses may be offered as needed in career and technical education programs. Career and technical education programs, including associate of science-career option programs, must meet program approval requirements set by the state board of education. The director shall approve new career and technical education programs. Instruction shall be offered in career and technical education programs, ensuring that they are competency-based, contain all minimum competencies required by the department, articulate with local school districts' career and technical education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

**21.4(4) Developmental education.** Students who enter community colleges underprepared for postsecondary coursework are provided opportunities to improve their cognitive and noncognitive skills via developmental education academic and student support services. In an effort to enhance these opportunities, while respecting the local authority of Iowa's community colleges, each college

shall adopt proven developmental education strategies to identify and address the needs of students, shorten the time to completion, prepare students for academic success, and reduce the financial burden for students underprepared for postsecondary coursework. Such proven strategies include, but are not limited to, multiple measures of placement; accelerated and integrated strategies, such as co-requisite models; and support services that address students' cognitive and noncognitive needs. These reform efforts require collaboration among community colleges, school corporations, and education stakeholders to systemically expand proven strategies to prepare students for postsecondary success.

**21.4(5) *Adult and continuing education.*** Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel or transfer, high school completion, supplementary and preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

**21.4(6) *Community services.*** The community colleges shall provide a program of community services designed to meet the needs of persons residing in the merged area. The purpose of the community service program shall be to foster agricultural, business, cultural, industrial, recreational and social development in the area.

[ARC 8646B, IAB 4/7/10, effective 5/12/10; ARC 3982C, IAB 8/29/18, effective 10/3/18]

**281—21.5(260C) Library or learning resource center.**

**21.5(1) *Facilities.*** Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, setting, and technology of the facility used to house the collection and learning resources.

**21.5(2) *Staffing.*** The library or learning resource center shall be adequately staffed with qualified professionals and skilled nonprofessional personnel.

**21.5(3) *Collection.*** The library and learning resource center materials collection of a community college shall be accessible and adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled, including distance and satellite sites. The library and learning resource center materials collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The library and learning resource center materials collection shall contain a range and number of print and nonprint materials and appropriate electronic information resources.

**21.5(4) *Expenditures.*** The budget of the library or learning resource center shall be appropriate for the programs and services offered by the institution. New programs and new curricula shall be reflected in library or learning resource center expenditures.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.6(260C) Student services.** A program of student services shall be provided to meet the needs of students in the community college. The program of student services shall include, but not be limited to, the following functional areas:

1. Orientation to college and career opportunities and requirements.
2. Appraisal of individual potential.
3. Consultation with students about their plans, progress and problems.
4. Participation of students in activities that supplement classroom experiences.
5. Regulation to provide an optimal climate for social and academic development.
6. Services that facilitate community college attendance through a program of financial assistance, and facilitate transition to further education or employment.
7. Organization that provides for continuing articulation, evaluation and improvement of the student services program.

8. Campus safety and security as required by Iowa Code chapter 260C and the federal Clery Act, 20 U.S.C. Section 1092(f), 34 CFR Section 668.46.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.7(260C) Laboratories, equipment and supplies.** Laboratories, equipment and supplies shall be comparable with those used in the occupations for which instruction is offered. Similarly, college parallel or transfer courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.8(260C) Physical plant.** The site, buildings and equipment of the community college shall be well maintained and in good condition. At a minimum, a five-year ongoing, systematic maintenance and facilities plan approved by the local community college board shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered. All remodeling of existing facilities shall comply with Iowa Code chapter 104A and the federal Americans With Disabilities Act, 42 U.S.C. Section 12101 et seq.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.9(260C) Nonreimbursable facilities.** No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities, other than physical education, shall be constructed with state-appropriated funds.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.10(260C) Accreditation.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.11(260C) Community college accreditation process.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.12(260C) Standards for community colleges.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.13 to 21.19** Reserved.

The rules in this division are intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 601.

DIVISION II  
COMMUNITY COLLEGE ENERGY APPROPRIATIONS

**281—21.20 to 21.29** Reserved.

DIVISION III  
INSTRUCTIONAL COURSE FOR DRINKING DRIVERS

**281—21.30(321J) Purpose.** The instructional course for drinking drivers is designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

[ARC 1433C, IAB 4/30/14, effective 6/4/14]

**281—21.31(321J) Course.**

**21.31(1)** A course provided in accordance with Division III of this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125. However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college. A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

**21.31(2)** The department of education shall maintain a listing of all providers of approved courses in the state and publish this listing on the department's Web site.

**21.31(3)** Individuals who reside outside the state of Iowa and who are required by the state of Iowa to take a course for drinking drivers shall have the opportunity to take the course in another state, provided:

*a.* The out-of-state course is comparable to those courses approved to be offered in the state of Iowa.

*b.* The course is delivered in a classroom setting and not online.

**21.31(4)** Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. Any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

**21.31(5)** An instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. The course shall be delivered in a classroom setting with at least 12 hours of instructional time delivered over a minimum of a two-day period. The course may be offered in blocks not to exceed 4 hours with a minimum of a 30-minute break between blocks. Each student in the class shall receive an individual workbook, and workbooks shall not be reused. The course shall be taught by an instructor certified by the curriculum provider to teach the course. Each course of instruction shall establish the following:

*a.* An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.

*b.* An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.

*c.* Methods of providing support for making low-risk choices.

*d.* An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.

*e.* Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.

[ARC 9901B, IAB 12/14/11, effective 1/18/12; ARC 1433C, IAB 4/30/14, effective 6/4/14]

**281—21.32(321J) Tuition fee established.**

**21.32(1)** Each person enrolled in an instructional course for drinking drivers shall pay to the community college or a substance abuse treatment program licensed under Iowa Code chapter 125 a tuition fee of \$140 for the approved 12-hour course, plus a reasonable book fee. The court may allow an offender to combine the required course with a program that incorporates jail time. Reasonable fees may be assessed for costs associated with lodging, meals, and security.

**21.32(2)** A person shall not be denied enrollment in a course by reason of a person's indigency. For court-ordered placement, the court shall determine a person's indigency. In all other instances, the community college, substance abuse treatment program licensed under Iowa Code chapter 125, or state correctional facility shall determine indigence upon application.

[ARC 1433C, IAB 4/30/14, effective 6/4/14; ARC 3288C, IAB 8/30/17, effective 10/4/17]

**281—21.33(321J) Administrative fee established.**

**21.33(1)** *Students enrolled in Iowa.* Each person enrolled in Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$15. This fee is in addition to tuition and shall be collected by the provider of the instructional course in conjunction with the tuition fee established under 281—21.32(321J). The administrative fee shall be forwarded to the department of education on a quarterly basis as prescribed by the department. If a student has been declared by the court as indigent, no administrative fee will be charged to that student.

**21.33(2)** *Students enrolled in another state.* Each person enrolled outside the state of Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$37.50. This fee is in addition to tuition and shall be paid directly to the department of education by the student. Upon payment of the fee, the department of education shall review the educational component of

the course taken by the student and shall inform the department of transportation whether the educational component is approved by the department of education.

[ARC 1433C, IAB 4/30/14, effective 6/4/14; ARC 3288C, IAB 8/30/17, effective 10/4/17]

**281—21.34(321J) Advisory committee.** A drinking driver education advisory committee shall be established by the department of education to serve in an advisory capacity to the department of education in matters relevant to the instructional course for drinking drivers. Membership on this committee shall include representatives from agencies currently offering the instructional course for drinking drivers and may include other stakeholders.

[ARC 1433C, IAB 4/30/14, effective 6/4/14]

The rules in this division are intended to implement Iowa Code section 321J.22.

DIVISION IV  
JOBS NOW CAPITALS ACCOUNT

**281—21.35 to 21.44** Reserved.

DIVISION V  
STATE COMMUNITY COLLEGE FUNDING PLAN

**281—21.45(260C) Purpose.** A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 1999, and succeeding fiscal years. Funds appropriated by the general assembly to the department of education for general financial aid to community colleges shall be allocated to each community college in the manner defined in this chapter.

**21.45(1)** Distribution formula. Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department according to the provisions of Iowa Code section 260C.18C.

**21.45(2)** Each community college shall provide student and financial information in the manner and form as determined by the department and before the deadline announced by the department. If the community college fails to provide the student or financial information as required, the department shall estimate the full-time equivalent enrollment (FTEE) of that college that will be used in the state general aid distribution formula.

**21.45(3)** Each community college shall be required to hire an auditing firm to complete and submit the schedule of credit-hour and contact-hour enrollment and a letter certifying that specified department of education procedures were followed. These schedules will be used in calculating the college's FTEE utilized in the community college state general aid distribution formula.

This rule is intended to implement Iowa Code section 260C.18C.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

DIVISION VI  
INTERCOLLEGIATE ATHLETIC COMPETITION

**281—21.46 to 21.56** Reserved.

DIVISION VII  
QUALITY INSTRUCTIONAL CENTER INITIATIVE

**281—21.57(260C) Purpose.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.58(260C) Definitions.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.59(260C) Eligibility requirements.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.60(260C) Timelines.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.61(260C) Evaluation and selection criteria.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.62(260C) Funding.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.63(260C) Annual report.** Rescinded IAB 4/7/10, effective 5/12/10.

DIVISION VIII  
PROGRAM AND ADMINISTRATIVE SHARING INITIATIVE  
Rules 281—21.64(280A) to 21.71(280A), effective 12/20/91 were rescinded IAB 2/5/92, effective 1/7/92; these rules were  
readopted IAB 4/1/92, effective 5/6/92.

**281—21.64(260C) Purpose.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.65(260C) Definitions.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.66(260C) Eligibility requirements.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.67(260C) Timelines.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.68(260C) Evaluation and selection criteria.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.69(260C) Funding.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.70(260C) Annual report.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.71(260C) Combining merged areas—election.** Rescinded IAB 4/7/10, effective 5/12/10.

DIVISION IX  
APPRENTICESHIP PROGRAM

**281—21.72(260C) Purpose.** The purpose of the apprenticeship program is to provide individuals, at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, employment to learn a skilled trade or an occupation; and to authorize each community college to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations.

**281—21.73(260C) Definitions.** For the purpose of Division IX, the following definitions shall apply:

*“Apprentice”* shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade or occupation under the standards of apprenticeship.

*“Apprenticeable occupation”* is a skilled trade which possesses all of the following characteristics:

1. It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
2. It is clearly identified and commonly recognized throughout an industry.
3. It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.
4. It requires related instruction to supplement on-the-job training.

*“Apprenticeship agreement”* shall mean a written agreement between an apprentice and the apprentice’s employer, or an apprenticeship committee acting as the agent for the employer(s). The agreement contains the terms and conditions of the employment and training of the apprentice.

*“Apprenticeship committee”* shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be “joint,” i.e., composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s), and is established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be “unilateral” or “nonjoint” and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

*“Apprenticeship instructor”* shall mean an instructor who delivers related and technical instruction in apprenticeship programs and who must meet the department’s requirements for career and technical instructors or be recognized as a subject matter expert. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

*“Apprenticeship program”* shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as required under 29 CFR Parts 29 and 30, including the requirement for a written apprenticeship agreement.

*“Cancellation”* shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

*“Certification”* or *“certificate”* shall mean documentary evidence that at least one of the following has been met:

1. The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, or policy or guideline used by local affiliates, as conforming to the standards of apprenticeship set forth in 29 CFR Section 29.5;

2. A registration agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program.

3. A registration agency has registered an apprenticeship program as evidenced by a certificate of registration or other written indicia;

4. A registration agency has determined that an apprenticeship has successfully met the requirements to receive an interim credential; or

5. A registration agency has determined that an individual has successfully completed an apprenticeship.

*“Competency”* shall mean the attainment of manual or technical skill and knowledge as specified by an occupational standard.

*“Employer”* shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

*“Journeyworker”* shall mean a worker who has attained a level of skill and competency recognized within an industry as having mastered the skills and competencies required for the occupation.

*“Office of Apprenticeship”* shall mean the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

*“Registration agency”* shall mean the Office of Apprenticeship.

*“Registration of an apprenticeship agreement”* shall mean the acceptance and recording of an apprenticeship agreement by the Office of Apprenticeship as evidence of the apprentice’s participation in a particular registered apprenticeship program.

*“Related instruction”* or *“related technical instruction”* shall mean an organized and systematic form of instruction designed to provide the apprentice with the core knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom through occupational or industrial courses, by correspondence courses of equivalent value, by electronic media, or by other forms of self-study approved by the registration agency.

*“Sponsor”* shall mean any person, association, committee or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

*“Supplemental instruction”* shall mean instruction in non-core-related requirements; for example, job site management, leadership, communications, first aid/CPR, field trips, and new technologies.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.74(260C) Apprenticeship programs.** For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department

of Labor, Office of Apprenticeship, and meet all requirements outlined in the National Apprenticeship Act, 29 U.S.C. Section 50, 29 CFR Parts 29 and 30.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

The rules in this division are intended to implement Iowa Code section 260C.44 and the National Apprenticeship Act, 29 U.S.C. Section 50, and 29 CFR Parts 29 and 30.

DIVISION X  
MISCELLANEOUS PROVISIONS

**281—21.75(260C,82GA,SF358) Used motor vehicle dealer education program.** An applicant for a license from the department of transportation as a used motor vehicle dealer shall complete a minimum of eight hours of preclicensing education program courses pursuant to 2007 Iowa Acts, Senate File 358, prior to submitting the application. The education program courses are provided by community colleges or by the Iowa Independent Automobile Dealers Association in conjunction with a community college. The fee for both the preclicensing education program courses and continuing education courses shall not exceed \$50 per contact hour of instruction, which shall include course materials and administrative costs.

This rule is intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 358.

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◇ Two or more ARCs



**EDUCATIONAL EXAMINERS BOARD[282]**

[Prior to 6/15/88, see Professional Teaching Practices Commission[640]]  
 [Prior to 5/16/90, see Professional Teaching Practices Commission[287]]

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CHAPTER 13  
ISSUANCE OF TEACHER LICENSES AND ENDORSEMENTS

[Prior to 1/14/09, see Educational Examiners Board[282] Ch 14]

**282—13.1(272) All applicants desiring Iowa licensure.**

**13.1(1) Licenses, authorizations, certificates, and statements of professional recognition.** Licenses, authorizations, certificates, and statements of professional recognition are issued upon application filed on a form provided by the board of educational examiners and upon completion of the following:

*a. National criminal history background check.* An initial applicant will be required to submit a completed fingerprint packet that accompanies the application to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet will be assessed to the applicant.

*b. Iowa division of criminal investigation background check.* An Iowa division of criminal investigation (DCI) background check will be conducted on initial applicants. The fee for the evaluation of the DCI background check will be assessed to the applicant.

*c. Registries and records check.* A check of the following registries and records will be conducted on initial applicants: the sex offender registry under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the information in the Iowa court information system available to the general public. The fee for checks of these registries and records will be assessed to the applicant.

**13.1(2) Temporary permits.** The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check and registries and records check set forth in 13.1(1)“b” and “c.” The temporary permit shall serve as evidence of the applicant’s authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

[ARC 0563C, IAB 1/23/13, effective 1/1/13; ARC 2230C, IAB 11/11/15, effective 12/16/15; ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—13.2(272) Applicants from recognized Iowa institutions.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.3(272) Applicants from non-Iowa institutions.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.4(272) Applicants from foreign institutions.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.5(272) Teacher licenses.** A license may be issued to an applicant who fulfills the general requirements set out in subrule 13.5(1) and the specific requirements set out for each license.

**13.5(1) General requirements.** The applicant shall:

- a.* Have a baccalaureate degree from a regionally accredited institution.
- b.* Have completed a state-approved teacher education program.
- c.* Have completed the teacher preparation coursework set forth in 281—subrules 79.15(2) to 79.15(5).
- d.* Have completed student teaching in the subject area and grade level endorsement desired.
- e.* Have completed the requirements for one of the basic teaching endorsements.
- f.* Provide a recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized institution where the preparation was completed.

**13.5(2) Applicants from non-Iowa institutions.****a. Definitions.**

“*Nontraditional*” means any method of teacher preparation that falls outside the traditional method of preparing teachers, that provides at least a one- or two-year sequenced program of instruction taught at regionally accredited and state-approved colleges or universities, that includes commonly recognized pedagogy classes being taught for course credit, and that requires a student teaching component.

“*Proficiency*,” for the purposes of paragraph 13.5(2)“*e*,” means that an applicant has passed all parts of the standard.

“*Recognized non-Iowa teacher preparation institution*” means an institution that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located.

**b.** In addition to the requirements set forth in subrule 13.5(1), an applicant from a non-Iowa institution:

(1) Shall submit a copy of a valid or expired regular teaching certificate or license exclusive of a temporary, emergency or substitute license or certificate.

(2) Shall provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and the applicant has verified fewer than three years of valid out-of-state teaching experience. If the teacher preparation program was completed prior to January 1, 2013, or if the applicant has verified three years of valid out-of-state teaching experience, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed (or verify highly qualified status) or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

(3) Shall provide an official institutional transcript(s) to be analyzed for the requirements necessary for Iowa licensure. An applicant must have completed at least 75 percent of the coursework as outlined in 281—subrules 79.15(2) to 79.15(5) and an endorsement requirement through a two- or four-year institution in order for the endorsement to be included on the license. An applicant who has not completed at least 75 percent of the coursework for at least one of the basic Iowa teaching endorsements completed will not be issued a license. An applicant seeking a board of educational examiners transcript review must have achieved a C- grade or higher in the courses that will be considered for licensure. An applicant who has met the minimum coursework requirements in this subrule will not be subject to additional coursework deficiency requirements if the applicant provides verification of ten years of successful teaching experience or if the applicant provides verification of five years of successful experience and a master’s degree.

(4) Shall demonstrate recency of experience by providing verification of either one year of teaching experience or six semester hours of college credit during the five-year period immediately preceding the date of application.

(5) Shall not be subject to any pending disciplinary proceedings in any state or country.

(6) Shall comply with all requirements with regard to application processes and payment of licensure fees.

**c.** If through a transcript analysis, the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5) or one of the basic teaching endorsement requirements for Iowa is not met, the applicant may be eligible for the equivalent Iowa endorsement areas, as designated by the Iowa board of educational examiners, based on current and valid National Board Certification.

**d.** If the teacher preparation program was considered nontraditional, candidates will be asked to verify the following:

(1) That the program was for secondary education;

(2) A cumulative grade point average of 2.50 on a 4.0 scale from a regionally accredited institution; and

(3) The completion of a student teaching or internship experience or three years of teaching experience.

*e.* If the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5) cannot be reviewed through a traditional transcript evaluation, a portfolio review and evaluation process may be utilized.

(1) An applicant must demonstrate proficiency in a minimum of at least 75 percent of the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5).

(2) An applicant must meet with the board of educational examiners to answer any of the board's questions concerning the portfolio.

**13.5(3) *Applicants from foreign institutions.*** An applicant for initial licensure whose preparation was completed in a foreign institution must obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services and then file this report with the Iowa board of educational examiners for a determination of eligibility for licensure. After receiving the notification of eligibility by the Iowa board of educational examiners, the applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

[ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2584C, IAB 6/22/16, effective 7/27/16; ARC 3829C, IAB 6/6/18, effective 7/11/18]

**282—13.6(272) Specific requirements for an initial license.** An initial license valid for a minimum of two years with an expiration date of June 30 may be issued to an applicant who meets the general requirements set forth in rule 282—13.5(272).

[ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 3979C, IAB 8/29/18, effective 10/3/18]

**282—13.7(272) Specific requirements for a standard license.** A standard license valid for five years may be issued to an applicant who:

1. Meets the general requirements set forth in rule 282—13.5(272), and
2. Shows evidence of successful completion of a state-approved mentoring and induction program or mentoring through a state-approved career, leadership, and compensation framework by meeting the Iowa teaching standards as determined by a comprehensive evaluation and two years' successful teaching experience within the applicant's approved endorsement area(s). In lieu of completion of an Iowa state-approved mentoring program, the applicant must provide evidence of three years' successful teaching experience within the applicant's approved endorsement area(s) at any of the following:

- An accredited nonpublic school in this state.
- A preschool program approved by the United States Department of Health and Human Services.
- Preschool programs at school districts approved to participate in the preschool program under Iowa Code chapter 256C.
- Shared visions programs receiving grants from the child development coordinating council under Iowa Code section 256A.3.
- Preschool programs receiving moneys from the school ready children grants account of the early childhood Iowa fund created in Iowa Code section 256I.11.
- An out-of-state PK-12 educational setting.

[ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2792C, IAB 11/9/16, effective 12/14/16; ARC 3634C, IAB 2/14/18, effective 3/21/18]

**282—13.8(272) Specific requirements for a master educator's license.** A master educator's license is valid for five years and may be issued to an applicant who:

1. Is the holder of or is eligible for a standard license as set out in rule 282—13.7(272), and
2. Verifies five years of successful teaching experience, and
3. Completes one of the following options:
  - Master's degree from a regionally accredited college or university in a recognized endorsement area, or
  - Master's degree from a regionally accredited college or university in curriculum, effective teaching, or a similar degree program which has a focus on school curriculum or instruction.

[ARC 1168C, IAB 11/13/13, effective 12/18/13]

**282—13.9(272) Teacher intern license.**

**13.9(1) Authorization.** The teacher intern is authorized to teach in grades 7 to 12.

**13.9(2) Term.** The term of the teacher intern license will be one school year. This license is nonrenewable.

**13.9(3) Teacher intern requirements.** A teacher intern license may be issued to an applicant who has been recommended by an institution with a state-approved intern program and who has met the background check requirements set forth in rule 282—13.1(272).

**13.9(4) Requirements to convert the teacher intern license to the initial license.** An initial license shall be issued upon application provided that the teacher intern has met the requirements as verified by the recommendation from the state-approved program.

**13.9(5) Requirements to extend the teacher intern license if the teacher intern does not complete all of the education coursework during the term of the teacher intern license.**

*a.* A one-year extension of the teacher intern license may be issued upon application provided that the teacher intern has met both of the following requirements:

(1) Successful completion of one year of teaching experience during the teacher internship.

(2) Verification by the recommending official at the approved teacher intern program that the teacher intern has not completed all of the coursework required for the initial license.

*b.* Only one year of teaching experience during the term of the teacher intern license or the extension of a teacher intern license may be used to convert the teacher intern license to a standard teaching license.

[ARC 8688B, IAB 4/7/10, effective 5/12/10; ARC 9925B, IAB 12/14/11, effective 1/18/12; ARC 0698C, IAB 5/1/13, effective 6/5/13; ARC 0865C, IAB 7/24/13, effective 8/28/13; ARC 1374C, IAB 3/19/14, effective 4/23/14; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—13.10(272) Specific requirements for a Class A extension license.** A nonrenewable Class A extension license valid for one year may be issued to an individual under one of the following conditions:

**13.10(1) Based on an expired Iowa certificate or license, exclusive of a Class A extension or Class B license.**

*a.* The holder of an expired license, exclusive of a Class A extension or Class B license, shall be eligible to receive a Class A extension license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

*b.* The holder of an expired license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the license held shall be required to secure the signature of the superintendent or designee before the license will be issued.

**13.10(2) Based on a mentoring and induction program.** An applicant may be eligible for a Class A extension license if the school district, after conducting a comprehensive evaluation, recommends and verifies that the applicant shall participate in the mentoring program for a third year. No further extensions are available for this type of Class A extension license.

[ARC 7987B, IAB 7/29/09, effective 9/2/09; ARC 8134B, IAB 9/9/09, effective 10/14/09; ARC 8957B, IAB 7/28/10, effective 9/1/10; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—13.11(272) Specific requirements for a Class B license.** A Class B license, which is valid for two years and which is nonrenewable, may be issued to an individual under the following conditions:

**13.11(1) Endorsement in progress.** The individual has a valid initial, standard, master educator, permanent professional, Class A extension, exchange, or professional service license and one or more endorsements but is seeking to obtain some other endorsement. A Class B license may be issued if requested by an employer and if the individual seeking to obtain some other endorsement has completed at least two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for the endorsement. A Class B license may not be issued for the driver's education endorsement.

**13.11(2) Program of study.** The college or university must outline the program of study necessary to meet the endorsement requirements for specified areas. This program of study must be attached to the application.

**13.11(3) Request for executive director decision.** If the minimum content requirements have not been met for the Class B license, a one-year executive director decision license may be issued if requested by the school district and if the school district can demonstrate that a candidate with the proper endorsement was not found after a diligent search. The executive director decision license may not be renewed and will expire on June 30 of the fiscal year in which it was issued.

**13.11(4) Expiration.** The Class B license will expire on June 30 of the fiscal year in which it was issued plus one year.

[ARC 7987B, IAB 7/29/09, effective 9/2/09; ARC 8133B, IAB 9/9/09, effective 10/14/09; ARC 9207B, IAB 11/3/10, effective 12/8/10; ARC 9573B, IAB 6/29/11, effective 8/3/11; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—13.12(272) Specific requirements for a Class C license.** Rescinded IAB 7/29/09, effective 9/2/09.

**282—13.13(272) Specific requirements for a Class D occupational license.** Rescinded IAB 7/29/09, effective 9/2/09.

**282—13.14(272) Specific requirements for a Class E emergency extension license.** A nonrenewable license valid for one year may be issued to an individual as follows:

**13.14(1) Expired license.** Based on an expired Class A or Class B license, the holder of the expired license shall be eligible to receive a Class E emergency extension license upon application and submission of all required materials.

**13.14(2) Application.** The application process will require transcripts of coursework completed during the term of the expired license, a program of study indicating the coursework necessary to obtain full licensure, and registration for coursework to be completed during the term of the Class E emergency extension license. The Class E emergency extension license will be denied if the applicant has not completed any coursework during the term of the Class A or Class B license unless extenuating circumstances are verified.

[ARC 7987B, IAB 7/29/09, effective 9/2/09; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—13.15(272) Specific requirements for a Class G license.** A nonrenewable Class G license valid for one year may be issued to an individual who must complete a school counseling practicum or internship in an approved program in preparation for the professional school counselor endorsement. The Class G license may be issued under the following limited conditions:

1. Verification of a baccalaureate degree from a regionally accredited institution.
2. Verification from the institution that the individual is admitted and enrolled in a school counseling program.
3. Verification that the individual has completed the coursework and competencies required prior to the practicum or internship.
4. Written documentation of the requirements listed in “1” to “3” above, provided by the official at the institution where the individual is completing the approved school counseling program and forwarded to the Iowa board of educational examiners with the application form for licensure.

[ARC 1328C, IAB 2/19/14, effective 3/26/14]

**282—13.16(272) Specific requirements for a substitute teacher’s license.**

**13.16(1) Substitute teacher requirements.** A substitute teacher’s license may be issued to an individual who provides verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and who:

- a. Has completed a traditional teacher preparation program and been the holder of, or presently holds, or is eligible to hold, a license in Iowa; or

*b.* Holds a valid or expired teaching certificate based on a nontraditional teacher preparation program, is able to verify three years of teaching experience, and provides passing scores on tests mandated by the state that issued the certificate. The license issued will contain a disclaimer stating that the holder of this license may not be eligible for full Iowa teaching licensure.

**13.16(2) *Validity.*** A substitute license is valid for five years and for not more than 90 days of teaching in one assignment during any one school year. A school district administrator may file a written request with the board for an extension of the 90-day limit in one assignment on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

**13.16(3) *Authorization.*** The holder of a substitute license is authorized to substitute teach in any school system in any position in which a regularly licensed teacher is employed except in the driver's education classroom. In addition to the authority inherent in the initial, standard, master educator, professional administrator, regional exchange, and permanent professional licenses and the endorsement(s) held, the holder of one of these regular licenses may substitute on the same basis as the holder of a substitute license while the regular license is in effect. The executive director may grant permission for a substitute to serve outside of a substitute's regular authority under unique circumstances.

[ARC 9205B, IAB 11/3/10, effective 12/8/10; ARC 9206B, IAB 11/3/10, effective 12/8/10; ARC 0605C, IAB 2/20/13, effective 3/27/13; ARC 1324C, IAB 2/19/14, effective 3/26/14; ARC 2016C, IAB 6/10/15, effective 7/15/15]

## **282—13.17(272) Specific requirements for exchange licenses.**

### **13.17(1) *Teacher exchange license.***

*a.* For an applicant applying under 13.5(2), a two-year nonrenewable exchange license may be issued to the applicant under any of the following conditions:

(1) The applicant has met the minimum coursework requirements for licensure but has some coursework deficiencies. Any coursework deficiencies must be completed for college credit through a regionally accredited institution, with the exception of human relations which may be taken for licensure renewal credit through an approved provider.

(2) The applicant submits verification that the applicant has applied for and will receive the applicant's first teaching license and is waiting for the processing or printing of a valid and current out-of-state license. The lack of a valid and current out-of-state license will be listed as a deficiency.

(3) The applicant has not met the requirement for recency set forth in 13.5(2) "b"(4).

*b.* After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.

### **13.17(2) *International teacher exchange license.***

*a.* A nonrenewable international exchange license may be issued to an applicant under the following conditions:

(1) The applicant has completed a teacher education program in another country; and

(2) The applicant is a participant in a teacher exchange program administered through the Iowa department of education, the U.S. Department of Education, or the U.S. Department of State.

*b.* Each exchange license shall be limited to the area(s) and level(s) of instruction as determined by an analysis of the application and the credential evaluation report.

*c.* This license shall not exceed one year unless the applicant can verify continued participation in the exchange program beyond one year.

*d.* After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.

### **13.17(3) *Military exchange license.***

#### *a. Definitions.*

"*Military service*" means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

*b. Spouses of active duty military service members applying under 13.5(2).* A three-year nonrenewable military exchange license may be issued to the applicant under the following conditions:

(1) The applicant has completed a traditional teacher preparation program at a regionally accredited and state-approved two- or four-year college.

(2) The applicant is the holder of a valid and current or an expired teaching license from another state.

(3) The applicant provides verification of the applicant’s connection to or the applicant’s spouse’s connection to the military by providing a copy of current military orders with either a marriage license or a copy of a military ID card for the applicant’s spouse.

(4) This license may be converted to a one-year regional exchange license upon application and payment of fees.

*c. Veterans or their spouses applying under 13.5(2).* A three-year military exchange license may be issued to an applicant who meets the requirements of 13.17(3) “b”(1) and (2). A veteran must provide a copy of the veteran’s DD 214. A spouse must provide a copy of the veteran spouse’s DD 214 and the couple’s marriage license.

*d. Spouses of active duty military service veterans, or veterans’ spouses applying under 13.5(2).* If the applicant has completed a nontraditional teacher preparation program but is not eligible for a teaching license, the applicant will be issued a substitute license, and the initial review for the portfolio review process will be completed by board staff. An applicant must provide verification of connection to the military outlined in 13.17(3) “b”(3) or 13.17(3) “c.”

*e. Military education, training, and service credit.* An applicant for the military exchange license may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting documentation to the board of educational examiners. The applicant shall identify the experience or educational requirement to which the credit would be applied if granted. The board of educational examiners shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational requirement for licensure.

*f. Fees.* Fees for the background check, evaluation and license issued pursuant to 13.17(3) will be limited to the fee outlined in rule 282—12.1(272) for the issuance of a license.

[ARC 8138B, IAB 9/9/09, effective 10/14/09; ARC 8604B, IAB 3/10/10, effective 4/14/10; ARC 9072B, IAB 9/8/10, effective 10/13/10; ARC 9840B, IAB 11/2/11, effective 12/7/11; ARC 0563C, IAB 1/23/13, effective 1/1/13; ARC 0868C, IAB 7/24/13, effective 8/28/13; ARC 1166C, IAB 11/13/13, effective 12/18/13; ARC 1323C, IAB 2/19/14, effective 3/26/14; ARC 1454C, IAB 5/14/14, effective 6/18/14; ARC 1878C, IAB 2/18/15, effective 3/25/15; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 3196C, IAB 7/5/17, effective 8/9/17]

**282—13.18(272) General requirements for an original teaching subject area endorsement.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.19(272) NCATE-accredited programs.** Rescinded IAB 6/17/09, effective 7/22/09.

**282—13.20(272) Permanent professional certificates.** Effective October 1, 1988, the permanent professional certificate will no longer be issued. Any permanent professional certificate issued prior to October 1, 1988, will continue in force with the endorsements and approvals appearing thereon, unless revoked or suspended for cause. If a permanent professional certificate is revoked and if the holder is able at a later date to overcome or remediate the reasons for the revocation, the holder may apply for the appropriate new class of license set forth in this chapter.

[ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—13.21(272) Human relations requirements for practitioner licensure.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.22(272) Development of human relations components.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—13.23 to 13.25** Reserved.

**282—13.26(272) Requirements for elementary endorsements.**

**13.26(1) Teacher—prekindergarten-kindergarten.**

*a. Authorization.* The holder of this endorsement is authorized to teach at the prekindergarten-kindergarten level. Applicants for this endorsement must also hold the teacher—elementary classroom endorsement set forth in subrule 13.26(4) or the early childhood special education endorsement set forth in 282—subrule 14.2(1).

*b. Content.* Coursework must total a minimum of 18 semester hours and shall include the following:

(1) Child development and learning to include young children’s characteristics and needs, with an emphasis on cognitive, language, physical, social, and emotional development, both typical and atypical, the multiple interacting influences on early development, and the creation of environments that are healthy, respectful, supportive, and challenging for each and every child.

(2) Building family and community relationships to include understanding that successful early childhood education depends upon reciprocal and respectful partnerships with families, communities, and agencies, that these partnerships have complex and diverse characteristics, and that all families should be involved in their children’s development and learning.

(3) Assessment in early childhood to include child observation, documentation, and data collection, the development of appropriate goals, the benefits and uses of assessment for curriculum and instructional strategies, the use of technology when appropriate for assessment and adaptations, and building assessment partnerships with families to positively influence the development of each child.

(4) Developmentally effective approaches to include understanding how positive relationships and supportive interactions are the foundation of working with young children and families; knowing and understanding a wide array of developmentally appropriate approaches, including play and creativity, instructional strategies, and tools to connect with children and families; and reflecting on the teacher’s own practice to promote positive outcomes for each child.

(5) Content knowledge to build a meaningful curriculum through the use of academic disciplines, including language and literacy, the arts (music, drama, dance, and visual arts), mathematics, science, social studies, physical activity, and health, for designing, implementing, and evaluating inquiry-based experiences that promote positive development and learning for each child.

(6) Collaboration and professionalism to include involvement in the early childhood field, knowledge about ethical and early childhood professional standards, engagement in continuous collaborative learning to inform practice, reflective and critical perspectives on early childhood education, and informed advocacy for young children and the profession.

(7) Field experiences and opportunities to observe and practice in a variety of early childhood settings, which include, at a minimum, 40 hours of observation and practice in a variety of preschool settings such as urban, rural, socioeconomic status, cultural diversity, program types, and program sponsorship.

(8) Historical, philosophical, and social foundations of early childhood education.

(9) Student teaching in a prekindergarten setting as required in rule 281—79.14(256).

**13.26(2) Teacher—birth through grade three, inclusive settings.**

*a. Authorization.* The holder of this endorsement is authorized to teach children from birth through grade three in inclusive settings.

*b. Content.*

(1) Promoting child development and learning and individual learning differences.

1. Understand the nature of child growth and development for infants and toddlers (birth through age 2), preprimary (age 3 through age 5) and primary school children (age 6 through age 8), both typical and atypical, in areas of cognition, language development, physical motor, social-emotional, mental health, aesthetics, and adaptive behavior and how these impact development and learning in the first years of life, including the etiology, characteristics, and classifications of common disabilities in infants and young children and specific implications for development and learning.

2. Recognize that children are best understood in the contexts of family, culture and society and that cultural and linguistic diversity, stress, risk factors, biological and environmental factors, family strengths, and trauma influence development and learning at all stages, including pre-, peri-, and postnatal development and learning. Communicate the importance of responsive care to a child's development of identity and sense of self.

3. Use developmental knowledge to create learning environments and classroom procedures that promote positive social interaction, active engagement, high expectations for learning, mutual respect, and self-regulation through individually appropriate expectations and positive guidance techniques for each child to meet the child's optimum potential regardless of proficiency. Implement and evaluate preventative and reductive strategies to address challenging behaviors. Use motivational and instructional interventions to teach individuals with exceptionalities how to adapt to different environments. Know how to intervene safely and appropriately with individuals in crisis.

4. Use both child-initiated and teacher-facilitated instructional methods, including strategies such as small and large group projects, play, systematic instruction, group discussion and cooperative decision making. Organize space, time, materials, peers, and adults to maximize progress in natural and structured environments. Embed learning opportunities in everyday routines, relationships, activities, and places. Understand the impact of social and physical environments on development and learning.

5. Engage in intentional practices and implement learning experiences that value diversity and demonstrate understanding that bias and discrimination impact development. Understand how language, culture, and family background influence and support the learning of each child.

(2) Building family and community relationships.

1. Build family and community relationships to include understanding that successful early childhood education depends upon reciprocal and respectful partnerships with families, communities, and agencies, that these partnerships have complex and diverse characteristics, and that all families should be involved in their children's development and learning.

2. Understand diverse family and community characteristics and how language, culture, and family background influence and support children's learning, and apply that knowledge to develop, implement, and evaluate learning experience and strategies that respect and reflect the diversity of children and their families.

3. Understand how to apply theories and knowledge of dynamic roles and relationships within and between families, schools, and communities. Recognize how to adapt consistently to the expressed and observed strengths and needs of the family, including two-way communication, and how to support families' choices and priorities in the development of goals and intervention strategies.

4. Understand how to coordinate with all (caregivers, professionals, and agencies) who provide care and learning opportunities for each child by developing a community of support for children and families through interagency collaboration to include agreements, referrals, and consultation.

(3) Observing, documenting, and assessing to support young children and families.

1. Use technically sound formal and informal assessments that minimize bias and evaluation results to adapt and guide instruction. Demonstrate a range of appropriate assessment and evaluation strategies (e.g., family interview, observation, documentation, assessment instrument) to support individual strengths, interests, and needs.

2. Design curricula, assessments, and teaching and intervention strategies that align with learner and program goals, including the development of individualized family service plans (IFSPs) and individualized education plans (IEPs). Assist families in identifying resources, priorities, and concerns in relation to the child's development. Understand and utilize assessment partnerships with families and with professional colleagues to build effective learning environments. Understand the role of the families in the assessment process and support the choices they make (e.g., observer, participant). Participate as a team member to integrate assessment results in the development and implementation of individualized plans.

3. Understand and utilize observation, documentation, and other appropriate assessment tools and approaches, including the use of technology in documentation, assessment and data collection. Implement authentic assessment based on observation of spontaneous play. Demonstrate knowledge of

alignment of assessment with curriculum, content standards, and local, state, and federal requirements. Assess progress in the developmental domains, play, and temperament.

4. Understand and utilize responsible assessments to promote positive outcomes for each child, including the use of assistive technology for children with disabilities. Use a variety of materials and contexts to maintain the interest of infants and young children in the assessment process.

5. Implement current educational, legal, and ethical guidelines when using assessment practices to support children's individual strengths, interests, and needs (e.g., cultural, linguistic, ability diversity).

(4) Using developmentally and individually effective approaches to connect with children and families.

1. Understand positive relationships and supportive interactions as the foundation of the teacher's work with young children. Reflect on the teacher's own practice to promote positive outcomes for each child and family.

2. Develop, implement, and evaluate individualized plans, including IFSPs and IEPs, as a team leader with families and other professionals. Demonstrate appropriate and effective supports for children and families transitioning into and out of programs or classrooms. Seek and use additional resources and agencies outside the program/school when needed to effectively facilitate the learning and social/emotional development of each child.

3. Plan, develop, implement, and evaluate integrated learning experiences for home-, center- and school-based environments for infants, toddlers, preprimary and primary children, their families, and other care providers based on knowledge of individual children, the family, and the community. Select, develop, and evaluate developmentally and functionally appropriate materials, equipment, and environments. Develop adaptations and accommodations for infants, toddlers, preprimary, and primary children to meet their individual needs. Use a broad repertoire of developmentally and individually appropriate teaching/learning approaches and effective strategies and tools for early education, including appropriate uses of technology. Facilitate child-initiated development and learning.

4. Consider an individual's abilities, interests, learning environments, and cultural and linguistic factors in the selection, development, and adaptation of learning experiences for individuals with exceptionalities. Use teacher-scaffolded and -initiated instruction to complement child-initiated learning. Link development, learning experiences, and instruction to promote educational transitions. Use individual and group guidance and problem-solving techniques to develop supportive relationships with and among children. Use strategies to teach social skills and conflict resolution.

5. Implement basic health, nutrition, and safety management procedures, including the design of physically and psychologically safe and healthy indoor and outdoor environments to promote development and learning. Recognize signs of emotional distress, physical and mental abuse and neglect in young children and understand mandatory reporting procedures. Demonstrate proficiency in infant-child cardiopulmonary resuscitation, emergency procedures and first aid.

6. Understand principles of administration, organization, and operation of programs for children from birth to age 8 and their families, including staff and program development, supervision, evaluation of staff, and continuing improvement of programs and services. Employ adult learning principles in consulting with and training family members and service providers.

7. Demonstrate the ability to collaborate with general educators and other colleagues to create safe, inclusive, culturally responsive learning environments to engage individuals with exceptionalities and diverse abilities in meaningful learning activities and social interactions.

(5) Using content knowledge to build a meaningful curriculum.

1. Develop and implement appropriate current research-supported learning experiences with a focus on the developmental domains, play, temperament, language and literacy to include first (home) and second language acquisition, mathematics, science, the arts (music, visual art, and drama), physical activity, health and safety, social studies, social skills, higher-thinking skills, and developmentally and individually appropriate methodology. Methods courses are required for the following areas: literacy, mathematics, social studies, science, physical education and wellness, and visual and performing arts.

2. Use the Iowa Early Learning Standards and the Iowa core with information from ongoing child observations and assessments to plan, implement, and evaluate appropriate instruction that improves academic and developmental progress of each child, including those with IFSPs/IEPs.

3. Understand the central concepts, structures of the discipline, and tools of inquiry of content areas taught, and demonstrate the ability to organize this knowledge, integrate cross-disciplinary skills, and develop meaningful learning progressions for individuals with exceptionalities (diverse abilities).

4. Modify general and specialized curricula to make them accessible to individuals with exceptionalities (diverse abilities). Develop adaptations and accommodations for infants, toddlers, preprimary, and primary children to meet their individual needs.

(6) Professional responsibilities.

1. Demonstrate awareness of early childhood program criteria, including the following: National Association for the Education of Young Children (NAEYC), Iowa Early Learning Standards, Head Start Performance Standards, and Iowa Quality Preschool Program Standards (IQPPS).

2. Collaborate with supervisors, mentors, and colleagues to enhance professional growth within and across disciplines to inform practice, including the use of data for decision making, and understand how to design and implement a professional development plan based on student achievement, self, peer, and supervisory evaluations and recommended practices.

3. Understand the significance of lifelong learning and participate in professional activities and learning communities. Participate in activities of professional organizations relevant to early childhood regular education, special education, and early intervention.

4. Use relevant national and state professional guidelines (national, state, or local), state curriculum standards, and current trends for content and outcomes and to inform and improve practices for young children and their families.

5. Adhere to state and national professional and ethical principles, practices, and codes.

6. Advocate for developmentally and individually appropriate practice, demonstrate awareness of issues that affect the lives of each child, and demonstrate necessary communication skills.

7. Understand historical, philosophical and foundational knowledge and how current issues and the legal bases of services influence professional practice in early childhood, early intervention, early childhood special education, and general and regular education in the K-3 age groups. Understand trends and issues in early childhood education, early childhood special education, and early intervention.

8. Provide guidance and direction to paraeducators, tutors, and volunteers.

(7) Early childhood field experiences.

1. Pre-student teaching field experiences, which must comprise a minimum of 100 clock hours, to include at least 20 hours of working with each age group (infants and toddlers, preprimary, and primary).

2. Experiences working in at least three settings that offer early childhood education, such as approved child care centers and registered child development homes, school-based preschool, community agencies, or home visiting programs.

3. Experiences working with children who have a range of abilities and disabilities and who reflect diverse family systems and other differentiating factors, such as urban and rural, socioeconomic status, and cultural and linguistic diversity.

4. Completion of supervised student teaching experience in at least two different settings including registered child development homes, home visiting programs, state-accredited child care centers, or classrooms which include both children with and without disabilities in two of three age levels: infant and toddler, preprimary, and primary.

**13.26(3) Teacher—prekindergarten through grade three, including special education.** Rescinded IAB 7/5/17, effective 8/9/17.

**13.26(4) Teacher—elementary classroom.**

a. *Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

b. *Content.*

(1) Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core.

- (2) At least 9 semester hours in literacy development, which must include:
1. Content:
    - Oral and written communication development; and linguistics, including phonology and phonological awareness, sound-symbol association, syllable types, morphology, syntax and semantics, and the relationship of these components to typical and atypical reading development and reading instruction;
    - Phonemic awareness;
    - Word identification, including phonics and orthography;
    - Fluency;
    - Vocabulary;
    - Comprehension;
    - Writing mechanics;
    - Writing conventions;
    - Writing process;
    - Children's literature.
  2. Methods:
    - Assessment, diagnosis and evaluation of student learning in literacy, including the knowledge of the signs and symptoms of dyslexia and other reading difficulties;
    - Integration of the language arts (to include reading, writing, speaking, viewing, and listening);
    - Integration of technology in teaching and student learning in literacy;
    - Current best-practice, research-based strategies and instructional technology for designing and delivering effective instruction, including appropriate interventions, groupings, remediation, assistive technology, and classroom accommodations for all students including students with dyslexia and other difficulties;
    - Classroom management as it applies to literacy methods;
    - Pre-student teaching clinical experience in teaching literacy.
- (3) At least 9 semester hours in mathematics which must include:
1. Content:
    - Numbers and operations;
    - Algebra/number patterns;
    - Geometry;
    - Measurement;
    - Data analysis/probability.
  2. Methods:
    - Assessment, diagnosis and evaluation of student learning in mathematics;
    - Current best-practice, research-based instructional methods in mathematical processes (to include problem solving; reasoning; communication; the ability to recognize, make and apply connections; integration of manipulatives; the ability to construct and to apply multiple connected representations; and the application of content to real world experiences);
    - Integration of technology in teaching and student learning in mathematics;
    - Classroom management as it applies to mathematics methods;
    - Pre-student teaching clinical experience in teaching mathematics.
- (4) At least 9 semester hours in social sciences which must include:
1. Content:
    - History;
    - Geography;
    - Political science/civic literacy;
    - Economics;
    - Behavioral sciences.
  2. Methods:
    - Current best-practice, research-based approaches to the teaching and learning of social sciences;
    - Integration of technology in teaching and student learning in social sciences;

- Classroom management as it applies to social science methods.
  - (5) At least 9 semester hours in science which must include:
    1. Content:
      - Physical science;
      - Earth/space science;
      - Life science.
    2. Methods:
      - Current best-practice, research-based methods of inquiry-based teaching and learning of science;
      - Integration of technology in teaching and student learning in science;
      - Classroom management as it applies to science methods.
  - (6) At least 3 semester hours to include all of the following:
    1. Methods of teaching elementary physical education, health, and wellness;
    2. Methods of teaching visual arts for the elementary classroom;
    3. Methods of teaching performance arts for the elementary classroom.
  - (7) Pre-student teaching field experience in at least two different grade levels to include one primary and one intermediate placement.
  - (8) A field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours.
  - (9) Student teaching in an elementary general education classroom.
- [ARC 8400B, IAB 12/16/09, effective 1/20/10; ARC 8401B, IAB 12/16/09, effective 1/20/10; ARC 8402B, IAB 12/16/09, effective 1/20/10; ARC 8607B, IAB 3/10/10, effective 4/14/10; ARC 0446C, IAB 11/14/12, effective 12/19/12; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2527C, IAB 5/11/16, effective 6/15/16; ARC 2584C, IAB 6/22/16, effective 7/27/16; ARC 3197C, IAB 7/5/17, effective 8/9/17]

### **282—13.27(272) Requirements for middle school endorsements.**

**13.27(1) Authorization.** The holder of this endorsement is authorized to teach in the two concentration areas in which the specific requirements have been completed as well as in other subject areas in grades five through eight which are not the core content areas. The holder is not authorized to teach art, industrial arts, music, reading, physical education, talented and gifted, English as a second language, and special education.

#### **13.27(2) Program requirements.**

*a.* Be the holder of a currently valid Iowa teacher's license with either the general elementary endorsement or one of the subject matter secondary level endorsements set out in rule 282—13.28(272).

*b.* A minimum of 9 semester hours of required coursework in the following:

(1) Coursework in the growth and development of the middle school age child, specifically addressing the social, emotional, physical and cognitive characteristics and needs of middle school age children in addition to related studies completed as part of the professional education core.

(2) Coursework in middle school design, curriculum, instruction, and assessment including, but not limited to, interdisciplinary instruction, teaming, and differentiated instruction in addition to related studies completed as part of the professional education core.

(3) Coursework to prepare middle school teachers in literacy (reading, writing, listening and speaking) strategies for students in grades five through eight and in methods to include these strategies throughout the curriculum.

*c.* Thirty hours of middle school field experiences included in the coursework requirements listed in 13.27(2)“b”(1) to (3).

**13.27(3) Concentration areas.** To obtain this endorsement, the applicant must complete the coursework requirements in two of the following content areas:

*a. Social studies concentration.* The social studies concentration requires 12 semester hours of coursework in social studies to include coursework in United States history, world history, government and geography.

*b. Mathematics concentration.* The mathematics concentration requires 12 semester hours in mathematics to include coursework in algebra.

*c. Science concentration.* The science concentration requires 12 semester hours in science to include coursework in life science, earth science, and physical science.

*d. Language arts concentration.* The language arts concentration requires 12 semester hours in language arts to include coursework in composition, language usage, speech, young adult literature, and literature across cultures.

[ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—13.28(272) Minimum content requirements for teaching endorsements.**

**13.28(1) Agriculture.** 5-12. Completion of 24 semester credit hours in agriculture and agriculture education to include:

- a.* Foundations of vocational and career education.
- b.* Planning and implementing courses and curriculum.
- c.* Methods and techniques of instruction to include evaluation of programs and students.
- d.* Coordination of cooperative education programs.
- e.* Coursework in each of the following areas and at least three semester credit hours in five of the following areas:

- (1) Agribusiness systems.
- (2) Power, structural, and technical systems.
- (3) Plant systems.
- (4) Animal systems.
- (5) Natural resources systems.
- (6) Environmental service systems.
- (7) Food products and processing systems.

**13.28(2) Art.** K-8 or 5-12. Completion of 24 semester hours in art to include coursework in art history, studio art, and two- and three-dimensional art.

**13.28(3) Business—all.** 5-12. Completion of 30 semester hours in business to include 6 semester hours in accounting, 3 semester hours in business law to include contract law, 3 semester hours in computer and technical applications in business, 6 semester hours in marketing to include consumer studies, 3 semester hours in management, 6 semester hours in economics, and 3 semester hours in business communications to include formatting, language usage, and oral presentation. Coursework in entrepreneurship and in financial literacy may be a part of, or in addition to, the coursework listed above.

**13.28(4) Driver education.** 5-12. Completion of 9 semester hours in driver education to include coursework in accident prevention that includes drug and alcohol abuse; vehicle safety; and behind-the-wheel driving.

**13.28(5) English/language arts.**

*a. K-8.* Completion of 24 semester hours in English and language arts to include coursework in oral communication, written communication, language development, reading, children's literature, creative drama or oral interpretation of literature, and American literature.

*b. 5-12.* Completion of 24 semester hours in English to include coursework in oral communication, written communication, language development, reading, American literature, English literature and adolescent literature.

**13.28(6) Language arts.** 5-12. Completion of 40 semester hours in language arts to include coursework in the following areas:

*a. Written communication.*

(1) Develops a wide range of strategies and appropriately uses writing process elements (e.g., brainstorming, free-writing, first draft, group response, continued drafting, editing, and self-reflection) to communicate with different audiences for a variety of purposes.

(2) Develops knowledge of language structure (e.g., grammar), language conventions (e.g., spelling and punctuation), media techniques, figurative language and genre to create, critique, and discuss print and nonprint texts.

*b. Oral communication.*

(1) Understands oral language, listening, and nonverbal communication skills; knows how to analyze communication interactions; and applies related knowledge and skills to teach students to become competent communicators in varied contexts.

(2) Understands the communication process and related theories, knows the purpose and function of communication and understands how to apply this knowledge to teach students to make appropriate and effective choices as senders and receivers of messages in varied contexts.

*c. Language development.*

(1) Understands inclusive and appropriate language, patterns and dialects across cultures, ethnic groups, geographic regions and social roles.

(2) Develops strategies to improve competency in the English language arts and understanding of content across the curriculum for students whose first language is not English.

*d. Young adult literature, American literature, and world literature.*

(1) Reads, comprehends, and analyzes a wide range of texts to build an understanding of self as well as the cultures of the United States and the world in order to acquire new information, to respond to the needs and demands of society and the workplace, and for personal fulfillment. Among these texts are fiction and nonfiction, graphic novels, classic and contemporary works, young adult literature, and nonprint texts.

(2) Reads a wide range of literature from many periods in many genres to build an understanding of the many dimensions (e.g., philosophical, ethical, aesthetic) of human experience.

(3) Applies a wide range of strategies to comprehend, interpret, evaluate, and appreciate texts. Draws on prior experience, interactions with other readers and writers, knowledge of word meaning and of other texts, word identification strategies, and an understanding of textual features (e.g., sound-letter correspondence, sentence structure, context, graphics).

(4) Participates as a knowledgeable, reflective, creative, and critical member of a variety of literacy communities.

*e. Creative voice.*

(1) Understands the art of oral interpretation and how to provide opportunities for students to develop and apply oral interpretation skills in individual and group performances for a variety of audiences, purposes and occasions.

(2) Understands the basic skills of theatre production including acting, stage movement, and basic stage design.

*f. Argumentation/debate.*

(1) Understands concepts and principles of classical and contemporary rhetoric and is able to plan, prepare, organize, deliver and evaluate speeches and presentations.

(2) Understands argumentation and debate and how to provide students with opportunities to apply skills and strategies for argumentation and debate in a variety of formats and contexts.

*g. Journalism.*

(1) Understands ethical standards and major legal issues including First Amendment rights and responsibilities relevant to varied communication content. Utilizes strategies to teach students about the importance of freedom of speech in a democratic society and the rights and responsibilities of communicators.

(2) Understands the writing process as it relates to journalism (e.g., brainstorming, questioning, reporting, gathering and synthesizing information, writing, editing, and evaluating the final media product).

(3) Understands a variety of forms of journalistic writing (e.g., news, sports, features, opinion, Web-based) and the appropriate styles (e.g., Associated Press, multiple sources with attribution, punctuation) and additional forms unique to journalism (e.g., headlines, cutlines, and/or visual presentations).

*h. Mass media production.*

(1) Understands the role of the media in a democracy and the importance of preserving that role.

(2) Understands how to interpret and analyze various types of mass media messages in order for students to become critical consumers.

(3) Develops the technological skills needed to package media products effectively using various forms of journalistic design with a range of visual and auditory methods.

*i. Reading strategies (if not completed as part of the professional education core requirements).*

(1) Uses a variety of skills and strategies to comprehend and interpret complex fiction, nonfiction and informational text.

(2) Reads for a variety of purposes and across content areas.

**13.28(7) Foreign language.** K-8 and 5-12. Completion of 24 semester hours in each foreign language for which endorsement is sought.

**13.28(8) Health.** K-8 and 5-12. Completion of 24 semester hours in health to include coursework in public or community health, personal wellness, substance abuse, family life education, mental/emotional health, and human nutrition. A current certificate of CPR training is required in addition to the coursework requirements.

For holders of physical education or family and consumer science endorsements, completion of 18 credit hours in health to include coursework in public or community health, personal wellness, substance abuse, family life education, mental/emotional health, and human nutrition. A current certificate of CPR training is required in addition to the coursework requirements.

**13.28(9) Family and consumer sciences—general.** 5-12. Completion of 24 semester hours in family and consumer sciences to include coursework in lifespan development, parenting and child development education, family studies, consumer resource management, textiles or apparel design and merchandising, housing, foods and nutrition, and foundations of career and technical education as related to family and consumer sciences.

**13.28(10) Industrial technology.** 5-12. Completion of 24 semester hours in industrial technology to include coursework in manufacturing, construction, energy and power, graphic communications and transportation. The coursework is to include at least 6 semester hours in three different areas.

**13.28(11) Journalism.** 5-12. Completion of 15 semester hours in journalism to include coursework in writing, editing, production and visual communications.

**13.28(12) Mathematics.**

*a. K-8.* Completion of 24 semester hours in mathematics to include coursework in algebra, geometry, number theory, measurement, computer programming, and probability and statistics.

*b. 5-12.*

(1) Completion of 24 semester hours in mathematics to include a linear algebra or an abstract (modern) algebra course, a geometry course, a two-course sequence in calculus, a computer programming course, a probability and statistics course, and coursework in discrete mathematics.

(2) For holders of the physics 5-12 endorsement, completion of 17 semester hours in mathematics to include a geometry course, a two-course sequence in calculus, a probability and statistics course, and coursework in discrete mathematics.

(3) For holders of the all science 9-12 endorsement, completion of 17 semester hours in mathematics to include a geometry course, a two-course sequence in calculus, a probability and statistics course, and coursework in discrete mathematics.

*c. 5-8 algebra for high school credit.* For a 5-8 algebra for high school credit endorsement, hold either the K-8 mathematics or middle school mathematics endorsement and complete a college algebra or linear algebra class. This endorsement allows the holder to teach algebra to grades 5-8 for high school credit.

**13.28(13) Music.**

*a. K-8.* Completion of 24 semester hours in music to include coursework in music theory (at least two courses), music history, and applied music, and a methods course in each of the following: general, choral, and instrumental music.

*b. 5-12.* Completion of 24 semester hours in music to include coursework in music theory (at least two courses), music history (at least two courses), applied music, and conducting, and a methods course in each of the following: general, choral, and instrumental music.

**13.28(14) Physical education.**

a. K-8. Completion of 24 semester hours in physical education to include coursework in human anatomy, human physiology, movement education, adaptive physical education, personal wellness, human growth and development of children related to physical education, and first aid and emergency care. A current certificate of CPR training is required in addition to the coursework requirements.

b. 5-12. Completion of 24 semester hours in physical education to include coursework in human anatomy, kinesiology, human physiology, human growth and development related to maturational and motor learning, adaptive physical education, curriculum and administration of physical education, personal wellness, and first aid and emergency care. A current certificate of CPR training is required in addition to the coursework requirements.

**13.28(15) Reading.** K-8 and 5-12. Completion of 24 semester hours in reading to include all of the following requirements:

a. *Foundations of reading.* This requirement includes the following competencies:

(1) The practitioner demonstrates knowledge of the psychological, sociocultural, motivational, and linguistic foundations of reading and writing processes and instruction.

(2) The practitioner demonstrates knowledge of a range of research pertaining to reading, writing, and learning, including the analysis of scientifically based reading research, and knowledge of histories of reading. The range of research encompasses research traditions from the fields of the social sciences and other paradigms appropriate for informing practice and also definitions of reading difficulties including but not limited to dyslexia.

(3) The practitioner demonstrates knowledge of the major components of reading, such as comprehension, vocabulary, word identification, fluency, phonics, and phonemic awareness, and effectively integrates curricular standards with student interests, motivation, and background knowledge.

b. *Reading curriculum and instruction.* This requirement includes the following competencies:

(1) The practitioner demonstrates knowledge of designing and implementing an integrated, comprehensive, and balanced curriculum that addresses the major components of reading and contains a wide range of texts, including but not limited to narrative, expository, and poetry, and including traditional print, digital, and online resources.

(2) The practitioner uses knowledge of a range of research-based strategies and instructional technology for designing and delivering effective instruction, including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties.

(3) The practitioner demonstrates knowledge of grouping students, selecting materials appropriate for learners with diverse abilities at various stages of reading and writing development, differentiating instruction to meet the unique needs of all learners, including students with dyslexia, offering sufficient opportunities for students to practice reading skills, and providing frequent and specific instructional feedback to guide students' learning.

(4) The practitioner demonstrates knowledge of designing instruction to meet the needs of diverse populations, including populations in urban, suburban, and rural settings, as well as for students from various cultural and linguistic backgrounds.

(5) The practitioner demonstrates knowledge of creating a literate physical environment which is low risk, supports students as agents of their own learning, and supports a positive socio-emotional impact for students to identify as readers.

c. *Reading assessment, diagnosis and evaluation.* This requirement includes the following competencies:

(1) The practitioner understands types of reading and writing assessments and their purposes, strengths, and limitations.

(2) The practitioner demonstrates knowledge of selecting and developing appropriate assessment instruments, procedures, and practices that range from individual to group and from formal to informal to alternative for the identification, screening, and diagnosis of all students' reading proficiencies and needs including knowledge of the signs and symptoms of dyslexia and other reading difficulties.

(3) The practitioner demonstrates knowledge of assessment data analysis to inform, plan, measure, progress monitor, and revise instruction for all students and to communicate the outcomes of ongoing assessments to all stakeholders.

(4) The practitioner demonstrates awareness of policies and procedures related to special programs, including Title I.

*d. Reading in the content areas.* This requirement includes the following competencies:

(1) The practitioner demonstrates knowledge of morphology and the etymology of words, along with text structure and the dimensions of content area vocabulary and comprehension, including literal, interpretive, critical, and evaluative.

(2) The practitioner demonstrates an understanding of reading theory, reading knowledge, and a variety of research-based strategies and approaches to provide effective literacy instruction into content areas.

(3) The practitioner demonstrates knowledge of integrating literacy instruction into content areas for all students, including but not limited to students with disabilities, students who are at risk of academic failure, students who have been identified as gifted and talented, students who have limited English language proficiency, and students with dyslexia, whether or not such students have been identified as children requiring special education under Iowa Code chapter 256B.

*e. Language development.* This requirement includes the following competency: The practitioner uses knowledge of oral language development, linguistics including phonology and phonological awareness, sound-symbol association, syllable types, morphology, syntax and semantics and the relationship of these components to typical and atypical reading development and reading instruction, cognitive academic language development, oral and written language proficiency (including second language development), acquisition of reading skills, and the variations related to cultural and linguistic diversity to provide effective instruction in reading and writing.

*f. Oral communication instruction.* This requirement includes the following competencies:

(1) The practitioner has knowledge of the unique needs and backgrounds of students with language differences and delays.

(2) The practitioner uses effective strategies for facilitating the learning of language for academic purposes by all learners.

*g. Written communication instruction.* This requirement includes the following competency: The practitioner uses knowledge of reading-writing-speaking connections; the writing process to include structures of language and grammar; the stages of spelling development; the different types of writing, such as narrative, expressive, persuasive, informational, and descriptive; and the connections between oral and written language development to effectively teach writing as communication.

*h. Children's fiction and nonfiction (K-8 only) or adolescent or young adult fiction and nonfiction (5-12 only).* This requirement includes the following competency: The practitioner uses knowledge of children's literature (K-8) or adolescent or young adult literature (5-12) for:

(1) Modeling the reading and writing of varied genres, including fiction and nonfiction; technology- and media-based information; and nonprint materials;

(2) Motivating through the use of texts at multiple levels, representing broad interests, and reflecting varied cultures, linguistic backgrounds, and perspectives; and

(3) Matching text complexities to the proficiencies and needs of readers.

*i. Practicum.* This requirement includes the following competencies:

(1) The practitioner works with appropriately licensed professionals who observe, evaluate, and provide feedback on the practitioner's knowledge, dispositions, and performance of the teaching of reading and writing.

(2) The practitioner effectively uses reading and writing strategies, materials, and assessments based upon appropriate reading and writing research and works with colleagues and families in the support of children's reading and writing development.

**13.28(16) Reading specialist. K-12.** The applicant must have met the requirements for the standard license and a K-8 or 5-12 reading endorsement and must present evidence of at least three years of experience which included the teaching of reading as a significant part of the responsibility.

a. *Authorization.* The holder of this endorsement is authorized to serve as a reading specialist in kindergarten and grades one through twelve.

b. *Program requirements.* Degree—master’s.

c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. This sequence is to be at least 24 semester hours to include the following:

(1) Foundations of reading. The reading specialist will understand the historical, theoretical, and evidence-based foundations of reading and writing processes and instruction and will be able to interpret these findings to model exemplary instructional methods for students with typical and atypical literacy development and effectively develop and lead professional development.

(2) Curriculum and instruction. The reading specialist will use instructional approaches, materials, and an integrated, comprehensive, balanced curriculum to support student learning in reading and writing including the following:

1. Work collaboratively with teachers to develop a literacy curriculum that has vertical and horizontal alignment K-12 and that uses instructional approaches supported by literature and research for the following areas: print, phonemic awareness, phonics, fluency, comprehension, vocabulary, writing, critical thinking, and motivation.

2. Support classroom teachers to implement and adapt in-depth instructional approaches, including but not limited to approaches to improve decoding, comprehension, and information retention, to meet the language-proficiency needs of English language learners and the needs of students with reading difficulties or reading disabilities, including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties within or outside the regular classroom.

3. Demonstrate a knowledge of a wide variety of quality traditional print, digital, and online resources and support classroom teachers in building and using a quality, accessible classroom library and materials collection that meets the specific needs and abilities of all learners.

4. Provide support for curriculum and instruction through modeling, coteaching, observing, planning, reviewing literacy data, and providing resources.

(3) Assessment, diagnosis, and evaluation. The reading specialist will use a variety of assessment tools and practices to plan and evaluate effective reading and writing instruction including the following:

1. Demonstrate an understanding of the literature and research related to assessments and their purposes, including the strengths and limitations of assessments, and assessment tools for screening, diagnosis, progress monitoring, and measuring outcomes; demonstrate an understanding of the signs and symptoms of reading difficulties including but not limited to dyslexia; and also demonstrate an understanding of district and state assessments, proficiency standards and student benchmarks.

2. Select, administer, and interpret assessments for specific purposes, including collaboration with teachers in the analysis of data, and leading schoolwide or districtwide scale analyses to select assessment tools that provide a systemic framework for assessing reading, writing, and language growth of all students, including those with reading difficulties and reading disabilities including but not limited to students with dyslexia and English language learners.

3. Use assessment information to plan and evaluate instruction, including multiple data sources for analysis and instructional planning, for examining the effectiveness of specific intervention practices and students’ responses to interventions including appropriate interventions, remediation, assistive technology, and classroom accommodations for students with dyslexia and other difficulties, and to plan professional development initiatives.

4. Communicate assessment results and implications to a variety of audiences.

(4) Administration and supervision of reading programs. The reading specialist will:

1. Demonstrate foundational knowledge of adult learning theories and related research about organizational change, professional development, and school culture.

2. Demonstrate the practical application of literacy leadership including planning, developing, supervising, and evaluating literacy programs at all levels.

3. Demonstrate knowledge of supervising an overall reading program, including but not limited to staffing; budgetary practices; planning, preparing, and selecting materials; subsystems; special provisions; and evaluating teacher performance.

4. Participate in, design, facilitate, lead, and evaluate effective and differentiated professional development programs to effectively implement literacy instruction.

5. Demonstrate an understanding of local, state, and national policies that affect reading and writing instruction.

6. Promote effective communication and collaboration among stakeholders, including parents and guardians, teachers, administrators, policymakers, and community members, and advocate for change when necessary to promote effective literacy instruction.

(5) Educational research, measurement and evaluation. The reading specialist will effectively utilize existing research and learn to conduct new research to continuously improve the design and implementation of a comprehensive reading system.

(6) Psychology of language and reading. The reading specialist will understand the highly complex processes by which children learn to speak, read, and write, including language acquisition, linguistics including phonology and phonological awareness, sound-symbol association, syllable types, morphology, syntax and semantics and the relationship of these components to typical and atypical reading development and reading instruction, ranges of individual differences, reading difficulties and reading disabilities, including but not limited to dyslexia, and the importance of the role of diversity in learning to read and write.

(7) Practicum in reading leadership. The reading specialist will participate in elementary and secondary practicum experiences with licensed teachers who are serving in leadership roles in the area of reading.

**13.28(17) Science.**

*a. Science—basic. K-8.*

(1) Required coursework. Completion of at least 24 semester hours in science to include 12 hours in physical sciences, 6 hours in biology, and 6 hours in earth/space sciences.

(2) Pedagogy competencies.

1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.

2. Understand the fundamental facts and concepts in major science disciplines.

3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.

4. Be able to use scientific understanding when dealing with personal and societal issues.

*b. Biological science. 5-12.* Completion of 24 semester hours in biological science or 30 semester hours in the broad area of science to include 15 semester hours in biological science.

*c. Chemistry. 5-12.* Completion of 24 semester hours in chemistry or 30 semester hours in the broad area of science to include 15 semester hours in chemistry.

*d. Earth science. 5-12.* Completion of 24 semester hours in earth science or 30 semester hours in the broad area of science to include 15 semester hours in earth science.

*e. Basic science. 5-12.* Completion of 24 semester hours of credit in science to include the following:

(1) Six semester hours of credit in earth and space science to include the following essential concepts and skills:

1. Understand and apply knowledge of energy in the earth system.

2. Understand and apply knowledge of geochemical cycles.

(2) Six semester hours of credit in life science/biological science to include the following essential concepts and skills:

1. Understand and apply knowledge of the cell.

2. Understand and apply knowledge of the molecular basis of heredity.

3. Understand and apply knowledge of the interdependence of organisms.

4. Understand and apply knowledge of matter, energy, and organization in living systems.

5. Understand and apply knowledge of the behavior of organisms.
- (3) Six semester hours of credit in physics/physical science to include the following essential concepts and skills:
  1. Understand and apply knowledge of the structure of atoms.
  2. Understand and apply knowledge of the structure and properties of matter.
  3. Understand and apply knowledge of motions and forces.
  4. Understand and apply knowledge of interactions of energy and matter.
- (4) Six semester hours of credit in chemistry to include the following essential concepts and skills:
  1. Understand and apply knowledge of chemical reactions.
  2. Be able to design and conduct scientific investigations.
- f. *Physical science*. Rescinded IAB 11/14/12, effective 12/19/12.
- g. *Physics*.
  - (1) 5-12. Completion of 24 semester hours in physics or 30 semester hours in the broad area of science to include 15 semester hours in physics.
    - (2) For holders of the mathematics 5-12 endorsement, completion of:
      1. 12 credits of physics to include coursework in mechanics, electricity, and magnetism; and
      2. A methods class that includes inquiry-based instruction, resource management, and laboratory safety.
    - (3) For holders of the chemistry 5-12 endorsement, completion of 12 credits of physics to include coursework in mechanics, electricity, and magnetism.
  - h. *All science I*. Rescinded IAB 11/14/12, effective 12/19/12.
  - i. *All science. 5-12*.
    - (1) Completion of 36 semester hours of credit in science to include the following:
      1. Nine semester hours of credit in earth and space science to include the following essential concepts and skills:
        - Understand and apply knowledge of energy in the earth system.
        - Understand and apply knowledge of geochemical cycles.
        - Understand and apply knowledge of the origin and evolution of the earth system.
        - Understand and apply knowledge of the origin and evolution of the universe.
      2. Nine semester hours of credit in life science/biological science to include the following essential concepts and skills:
        - Understand and apply knowledge of the cell.
        - Understand and apply knowledge of the molecular basis of heredity.
        - Understand and apply knowledge of the interdependence of organisms.
        - Understand and apply knowledge of matter, energy, and organization in living systems.
        - Understand and apply knowledge of the behavior of organisms.
        - Understand and apply knowledge of biological evolution.
      3. Nine semester hours of credit in physics/physical science to include the following essential concepts and skills:
        - Understand and apply knowledge of the structure of atoms.
        - Understand and apply knowledge of the structure and properties of matter.
        - Understand and apply knowledge of motions and forces.
        - Understand and apply knowledge of interactions of energy and matter.
        - Understand and apply knowledge of conservation of energy and increase in disorder.
      4. Nine semester hours of credit in chemistry to include the following essential concepts and skills:
        - Understand and apply knowledge of chemical reactions.
        - Be able to design and conduct scientific investigations.
    - (2) Pedagogy competencies.
      1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.
      2. Understand the fundamental facts and concepts in major science disciplines.

3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.

4. Be able to use scientific understanding when dealing with personal and societal issues.

**13.28(18) Social sciences.**

a. *American government.* 5-12. Completion of 24 semester hours in American government or 30 semester hours in the broad area of social sciences to include 15 semester hours in American government.

b. *American history.* 5-12. Completion of 24 semester hours in American history or 30 semester hours in the broad area of social sciences to include 15 semester hours in American history.

c. *Anthropology.* 5-12. Completion of 24 semester hours in anthropology or 30 semester hours in the broad area of social sciences to include 15 semester hours in anthropology.

d. *Economics.* 5-12. Completion of 24 semester hours in economics or 30 semester hours in the broad area of social sciences to include 15 semester hours in economics, or 30 semester hours in the broad area of business to include 15 semester hours in economics.

e. *Geography.* 5-12. Completion of 24 semester hours in geography or 30 semester hours in the broad area of social sciences to include 15 semester hours in geography.

f. *History.* K-8. Completion of 24 semester hours in history to include at least 9 semester hours in American history and 9 semester hours in world history.

g. *Psychology.* 5-12. Completion of 24 semester hours in psychology or 30 semester hours in the broad area of social sciences to include 15 semester hours in psychology.

h. *Social studies.* K-8. Completion of 24 semester hours in social studies, to include coursework from at least three of these areas: history, sociology, economics, American government, psychology and geography.

i. *Sociology.* 5-12. Completion of 24 semester hours in sociology or 30 semester hours in the broad area of social sciences to include 15 semester hours in sociology.

j. *World history.* 5-12. Completion of 24 semester hours in world history or 30 semester hours in the broad area of social sciences to include 15 semester hours in world history.

k. *All social sciences.* 5-12. Completion of 51 semester hours in the social sciences to include 9 semester hours in each of American and world history, 9 semester hours in government, 6 semester hours in sociology, 6 semester hours in psychology other than educational psychology, 6 semester hours in geography, and 6 semester hours in economics.

**13.28(19) Speech communication/theatre.**

a. K-8. Completion of 20 semester hours in speech communication/theatre to include coursework in speech communication, creative drama or theatre, and oral interpretation.

b. 5-12. Completion of 24 semester hours in speech communication/theatre to include coursework in speech communication, oral interpretation, creative drama or theatre, argumentation and debate, and mass media communication.

**13.28(20) English as a second language (ESL). K-12.**

a. *Authorization.* The holder of this endorsement is authorized to teach English as a second language in kindergarten and grades one through twelve.

b. *Content.* Completion of 18 semester hours of coursework in English as a second language to include the following:

(1) Knowledge of pedagogy to include the following:

1. Methods and curriculum to include the following:

- Bilingual and ESL methods.
- Literacy in native and second language.
- Methods for subject matter content.
- Adaptation and modification of curriculum.

2. Assessment to include language proficiency and academic content.

(2) Knowledge of linguistics to include the following:

1. Psycholinguistics and sociolinguistics.

2. Language acquisition and proficiency to include the following:

- Knowledge of first and second language proficiency.

- Knowledge of first and second language acquisition.
- Language to include structure and grammar of English.
- (3) Knowledge of cultural and linguistic diversity to include the following:
  1. History.
  2. Theory, models, and research.
  3. Policy and legislation.
- (4) Current issues with transient populations.

**13.28(21) Elementary school teacher librarian.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in prekindergarten through grade eight.

*b. Content.* Completion of 24 semester hours in school library coursework to include the following:

- (1) Literacy and reading. This requirement includes the following competencies:
  1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy in children.
  2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading among children, based on familiarity with selection tools and current trends in literature for children.
- (2) Information and knowledge. This requirement includes the following competencies:
  1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.
  2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.
  3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.
  4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.
  5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.
  6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.
  7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.
- (3) Program administration and leadership. This requirement includes the following competencies:
  1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.
  2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.
  3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users.
  4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.
- (4) Practicum. This requirement includes the following competencies:
  1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the elementary level.
  2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the elementary level.
  3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the elementary level.

4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula at the elementary level.

**13.28(22) Secondary school teacher librarian.**

a. *Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in grades five through twelve.

b. *Content.* Completion of 24 semester hours in school library coursework to include the following:

(1) Literacy and reading. This requirement includes the following competencies:

1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy in young adults.

2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading among young adults, based on familiarity with selection tools and current trends in literature for young adults.

(2) Information and knowledge. This requirement includes the following competencies:

1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.

2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.

3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.

4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.

5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.

6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.

7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.

(3) Program administration and leadership. This requirement includes the following competencies:

1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.

2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.

3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users.

4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.

(4) Practicum. This requirement includes the following competencies:

1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the secondary level.

2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the secondary level.

3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the secondary level.

4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula at the secondary level.

**13.28(23) School teacher librarian. PK-12.**

a. *Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in prekindergarten through grade twelve. The applicant must be the holder of or eligible for the initial license.

- b. Program requirements.* Degree—master’s.
- c. Content.* Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school library coursework, to include the following:
- (1) Literacy and reading. This requirement includes the following competencies:
    1. Practitioners collaborate with other teachers to integrate developmentally appropriate literature in multiple formats to support literacy for youth of all ages.
    2. Practitioners demonstrate knowledge of resources and strategies to foster leisure reading and model personal enjoyment of reading, based on familiarity with selection tools and current trends in literature for youth of all ages.
    3. Practitioners understand how to develop a collection of reading and informational materials in print and digital formats that supports the diverse developmental, cultural, social and linguistic needs of all learners and their communities.
    4. Practitioners model and teach reading comprehension strategies to create meaning from text for youth of all ages.
  - (2) Information and knowledge. This requirement includes the following competencies:
    1. Practitioners teach multiple strategies to locate, analyze, evaluate, and ethically use information in the context of inquiry-based learning.
    2. Practitioners advocate for flexible and open access to library resources, both physical and virtual.
    3. Practitioners uphold and promote the legal and ethical codes of their profession, including privacy, confidentiality, freedom and equity of access to information.
    4. Practitioners use skills and knowledge to assess reference sources, services, and tools in order to mediate between information needs and resources to assist learners in determining what they need.
    5. Practitioners model and facilitate authentic learning with current and emerging digital tools for locating, analyzing, evaluating and ethically using information resources to support research, learning, creating, and communicating in a digital society.
    6. Practitioners demonstrate knowledge of creative and innovative uses of technologies to engage students and facilitate higher-level thinking.
    7. Practitioners develop an articulated information literacy curriculum grounded in research related to the information search process.
    8. Practitioners understand the process of collecting, interpreting, and using data to develop new knowledge to improve the school library program.
    9. Practitioners employ the methods of research in library and information science.
  - (3) Program administration and leadership. This requirement includes the following competencies:
    1. Practitioners evaluate and select print, nonprint, and digital resources using professional selection tools and evaluation criteria to develop and manage a quality collection designed to meet the diverse curricular, personal, and professional needs of the educational community.
    2. Practitioners demonstrate knowledge necessary to organize the library collections according to current standard library cataloging and classification principles.
    3. Practitioners develop policies and procedures to support ethical use of information, intellectual freedom, selection and reconsideration of library materials, and the privacy of users of all ages.
    4. Practitioners develop strategies for working with regular classroom teachers, support services personnel, paraprofessionals, and other individuals involved in the educational program.
    5. Practitioners demonstrate knowledge of best practices related to planning, budgeting (including alternative funding), organizing, and evaluating human and information resources and facilities to ensure equitable access.
    6. Practitioners understand strategic planning to ensure that the school library program addresses the needs of diverse communities.
    7. Practitioners advocate for school library and information programs, resources, and services among stakeholders.

8. Practitioners promote initiatives and partnerships to further the mission and goals of the school library program.

(4) Practicum. This requirement includes the following competencies:

1. Practitioners apply knowledge of learning styles, stages of human growth and development, and cultural influences of learning at the elementary and secondary levels.

2. Practitioners implement the principles of effective teaching and learning that contribute to an active, inquiry-based approach to learning in a digital environment at the elementary and secondary levels.

3. Practitioners understand the teacher librarian role in curriculum development and the school improvement process at the elementary and secondary levels.

4. Practitioners collaborate to integrate information literacy and emerging technologies into content area curricula.

**13.28(24) *Talented and gifted teacher.***

*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher or a coordinator of programs for the talented and gifted from the prekindergarten level through grade twelve. This authorization does not permit general classroom teaching at any level except that level or area for which the holder is eligible or holds the specific endorsement.

*b. Program requirements—content.* Completion of 12 undergraduate or graduate semester hours of coursework in the area of the talented and gifted to include the following:

(1) Psychology of the gifted.

1. Social needs.

2. Emotional needs.

(2) Programming for the gifted.

1. Prekindergarten-12 identification.

2. Differentiation strategies.

3. Collaborative teaching skills.

4. Program goals and performance measures.

5. Program evaluation.

(3) Practicum experience in gifted programs.

NOTE: Teachers in specific subject areas will not be required to hold this endorsement if they teach gifted students in their respective endorsement areas.

**13.28(25) *American Sign Language endorsement.***

*a. Authorization.* The holder of this endorsement is authorized to teach American Sign Language in kindergarten and grades one through twelve.

*b. Content.* Completion of 18 semester hours of coursework in American Sign Language to include the following:

(1) Second language acquisition.

(2) Sociology of the deaf community.

(3) Linguistic structure of American Sign Language.

(4) Language teaching methodology specific to American Sign Language.

(5) Teaching the culture of deaf people.

(6) Assessment of students in an American Sign Language program.

*c. Other.* Be the holder of or be eligible for one other teaching endorsement.

**13.28(26) *Elementary professional school counselor.***

*a. Authorization.* The holder of this endorsement is authorized to serve as a professional school counselor in kindergarten and grades one through eight.

*b. Program requirements.* Master's degree from an accredited institution of higher education.

*c. Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

(1) Nature and needs of individuals at all developmental levels.

1. Develop strategies for facilitating development through the transition from childhood to adolescence and from adolescence to young adulthood.

2. Apply knowledge of learning and personality development to assist students in developing their full potential.

(2) Social and cultural foundations.

1. Demonstrate awareness of and sensitivity to the unique social, cultural, and economic circumstances of students and their racial/ethnic, gender, age, physical, and learning differences.

2. Demonstrate sensitivity to the nature and the functioning of the student within the family, school and community contexts.

3. Demonstrate the counseling and consultation skills needed to facilitate informed and appropriate action in response to the needs of students.

(3) Fostering of relationships.

1. Employ effective counseling and consultation skills with students, parents, colleagues, administrators, and others.

2. Communicate effectively with parents, colleagues, students and administrators.

3. Counsel students in the areas of personal, social, academic, and career development.

4. Assist families in helping their children address the personal, social, and emotional concerns and problems that may impede educational progress.

5. Implement developmentally appropriate counseling interventions with children and adolescents.

6. Demonstrate the ability to negotiate and move individuals and groups toward consensus or conflict resolution or both.

7. Refer students for specialized help when appropriate.

8. Value the well-being of the students as paramount in the counseling relationship.

(4) Group work.

1. Implement developmentally appropriate interventions involving group dynamics, counseling theories, group counseling methods and skills, and other group work approaches.

2. Apply knowledge of group counseling in implementing appropriate group processes for elementary, middle school, and secondary students.

(5) Career development, education, and postsecondary planning.

1. Assist students in the assessment of their individual strengths, weaknesses, and differences, including those that relate to academic achievement and future plans.

2. Apply knowledge of career assessment and career choice programs.

3. Implement occupational and educational placement, follow-up and evaluation.

4. Develop a counseling network and provide resources for use by students in personalizing the exploration of postsecondary educational opportunities.

(6) Assessment and evaluation.

1. Demonstrate individual and group approaches to assessment and evaluation.

2. Demonstrate an understanding of the proper administration and uses of standardized tests.

3. Apply knowledge of test administration, scoring, and measurement concerns.

4. Apply evaluation procedures for monitoring student achievement.

5. Apply assessment information in program design and program modifications to address students' needs.

6. Apply knowledge of legal and ethical issues related to assessment and student records.

(7) Professional orientation.

1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.

2. Maintain a high level of professional knowledge and skills.

3. Apply knowledge of professional and ethical standards to the practice of school counseling.

4. Articulate the professional school counselor role to school personnel, parents, community, and students.

(8) School counseling skills.

1. Design, implement, and evaluate a comprehensive, developmental school counseling program.

2. Implement and evaluate specific strategies designed to meet program goals and objectives.

3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.

4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.

5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.

6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of school counseling and educational and career planning activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in delivery of classroom and large group school counseling curriculum.

2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) Curriculum.

1. Write classroom lessons including objectives, learning activities, and discussion questions.

2. Utilize various methods of evaluating what students have learned in classroom lessons.

3. Demonstrate competency in conducting classroom and other large group activities, utilizing an effective lesson plan design, engaging students in the learning process, and employing age-appropriate classroom management strategies.

4. Design a classroom unit of developmentally appropriate learning experiences.

5. Demonstrate knowledge in writing standards and benchmarks for curriculum.

(11) Learning theory.

1. Identify and consult with teachers about how to create a positive learning environment utilizing such factors as effective classroom management strategies, building a sense of community in the classroom, and cooperative learning experiences.

2. Identify and consult with teachers regarding teaching strategies designed to motivate students using small group learning activities, experiential learning activities, student mentoring programs, and shared decision-making opportunities.

3. Demonstrate knowledge of child and adolescent development and identify developmentally appropriate teaching and learning strategies.

(12) Teaching and counseling practicum. The candidate will complete a preservice supervised practicum of a minimum of 100 hours, and at least 40 of these hours must be direct service. Candidates will complete a supervised internship for a minimum of 600 hours, and at least 240 of these hours must be direct service. For candidates seeking both the K-8 and 5-12 professional school counselor endorsements, a minimum of 100 hours of the practicum or internship experiences listed above must be completed at each of the desired endorsement levels.

**13.28(27) Secondary professional school counselor.**

a. *Authorization.* The holder of this endorsement is authorized to serve as a professional school counselor in grades five through twelve.

b. *Program requirements.* Master's degree from an accredited institution of higher education.

c. *Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

- (1) The competencies listed in subparagraphs 13.28(26) “c”(1) to (11).
- (2) The teaching and counseling practicum. The candidate will complete a preservice supervised practicum and an internship that meet the requirements set forth in 13.28(26) “c”(12).

**13.28(28) School nurse endorsement.** The school nurse endorsement does not authorize general classroom teaching, although it does authorize the holder to teach health at all grade levels. Alternatively, a nurse may obtain a statement of professional recognition (SPR) from the board of educational examiners, in accordance with the provisions set out in 282—Chapter 16, Statements of Professional Recognition (SPR).

*a. Authorization.* The holder of this endorsement is authorized to provide service as a school nurse at the prekindergarten and kindergarten levels and in grades one through twelve.

*b. Content.*

- (1) Organization and administration of school nurse services including the appraisal of the health needs of children and youth.
- (2) School-community relationships and resources/coordination of school and community resources to serve the health needs of children and youth.
- (3) Knowledge and understanding of the health needs of exceptional children.
- (4) Health education.

*c. Other.* Hold a license as a registered nurse issued by the Iowa board of nursing.

**13.28(29) Athletic coach.** K-12. An applicant for the coaching endorsement must hold a teacher’s license with one of the teaching endorsements.

*a. Authorization.* The holder of this endorsement may serve as a head coach or an assistant coach in kindergarten and grades one through twelve.

*b. Program requirements.*

- (1) One semester hour college or university course in the structure and function of the human body in relation to physical activity, and
- (2) One semester hour college or university course in human growth and development of children and youth as related to physical activity, and
- (3) Two semester hour college or university course in athletic conditioning, care and prevention of injuries and first aid as related to physical activity, and
- (4) One semester hour college or university course in the theory of coaching interscholastic athletics, and
- (5) Successful completion of the concussion training approved by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union, and
- (6) A current certificate of CPR training.

**13.28(30) Content specialist endorsement.** The applicant must have met the requirements for the standard license and a teaching endorsement.

*a. Authorization.* The holder of this endorsement is authorized to serve as a content specialist in kindergarten and grades one through twelve in the specific content listed on the authorization.

*b. Requirements.*

- (1) Hold a master’s degree in the content area or complete 30 semester hours of college course work in the content area.
- (2) Complete 15 semester hours of credit in professional development in three or more of the following areas:
  1. Using research-based content teaching strategies;
  2. Integrating appropriate technology into the learning experiences for the specific content;
  3. Engaging the learner in the content through knowledge of learner needs and interests;
  4. Using reflective thinking to solve problems in the content area;
  5. Making data-driven decisions in the content area;
  6. Utilizing project-based learning in the content area;
  7. Developing critical thinking skills in the content area;
  8. Forming partnerships to collaborate with content experts within the community;
  9. Relating content with other content areas;

10. Facilitating content learning in large and small teams;
11. Implementing response to intervention (RTI) to close achievement gaps in the content area.
- (3) Complete an internship, externship, or professional experience for a minimum of 90 contact hours in the content area.

**13.28(31) Engineering. 5-12.**

- a. Completion of 24 semester hours in engineering coursework.
- b. Methods and strategies of STEM instruction or methods of teaching science or mathematics.

**13.28(32) STEM.**

a. K-8.

(1) Authorization. The holder of this endorsement is authorized to teach science, mathematics, and integrated STEM courses in kindergarten through grade eight.

(2) Program requirements. Be the holder of the teacher—elementary classroom endorsement.

(3) Content.

1. Completion of a minimum of 12 semester hours of college-level science.

2. Completion of a minimum of 12 semester hours of college-level math (or the completion of Calculus I) to include coursework in computer programming.

3. Completion of a minimum of 3 semester hours of coursework in content or pedagogy of engineering and technological design that includes engineering design processes or programming logic and problem-solving models and that may be met through either of the following:

- Engineering and technological design courses for education majors;
- Technology or engineering content coursework.

4. Completion of a minimum of 6 semester hours of required coursework in STEM curriculum and methods to include the following essential concepts and skills:

- Comparing and contrasting the nature and goals of each of the STEM disciplines;
- Promoting learning through purposeful, authentic, real-world connections;
- Integration of content and context of each of the STEM disciplines;
- Interdisciplinary/transdisciplinary approaches to teaching (including but not limited to problem-based learning and project-based learning);
- Curriculum and standards mapping;
- Engaging subject-matter experts (including but not limited to colleagues, parents, higher education faculty/students, business partners, and informal education agencies) in STEM experiences in and out of the classroom;

- Assessment of integrative learning approaches;

- Information literacy skills in STEM;

- Processes of science and scientific inquiry;

- Mathematical problem-solving models;

- Communicating to a variety of audiences;

- Classroom management in project-based classrooms;

- Instructional strategies for the inclusive classroom;

- Computational thinking;

- Mathematical and technological modeling.

5. Completion of a STEM field experience of a minimum of 30 contact hours that may be met through the following:

- Completing a STEM research experience;

- Participating in a STEM internship at a STEM business or informal education organization; or

- Leading a STEM extracurricular activity.

b. 5-8.

(1) Authorization. The holder of this endorsement is authorized to teach science, mathematics, and integrated STEM courses in grades five through eight.

(2) Program requirements. Be the holder of a 5-12 science, mathematics, or industrial technology endorsement or 5-8 middle school mathematics or science endorsement.

(3) Content.

1. Completion of a minimum of 12 semester hours of college-level science.
2. Completion of a minimum of 12 semester hours of college-level math (or the completion of Calculus I) to include coursework in computer programming.
3. Completion of a minimum of 3 semester hours of coursework in content or pedagogy of engineering and technological design that includes engineering design processes or programming logic and problem-solving models and that may be met through either of the following:
  - Engineering and technological design courses for education majors;
  - Technology or engineering content coursework.
4. Completion of a minimum of 6 semester hours of required coursework in STEM curriculum and methods to include the following essential concepts and skills:
  - Comparing and contrasting the nature and goals of each of the STEM disciplines;
  - Promoting learning through purposeful, authentic, real-world connections;
  - Integration of content and context of each of the STEM disciplines;
  - Interdisciplinary/transdisciplinary approaches to teaching (including but not limited to problem-based learning and project-based learning);
  - Curriculum and standards mapping;
  - Engaging subject-matter experts (including but not limited to colleagues, parents, higher education faculty/students, business partners, and informal education agencies) in STEM experiences in and out of the classroom;
  - Assessment of integrative learning approaches;
  - Information literacy skills in STEM;
  - Processes of science and scientific inquiry;
  - Mathematical problem-solving models;
  - Communicating to a variety of audiences;
  - Classroom management in project-based classrooms;
  - Instructional strategies for the inclusive classroom;
  - Computational thinking;
  - Mathematical and technological modeling.
5. Completion of a STEM field experience of a minimum of 30 contact hours that may be met through the following:
  - Completing a STEM research experience;
  - Participating in a STEM internship at a STEM business or informal education organization; or
  - Leading a STEM extracurricular activity.

*c. Specialist K-12.*

(1) Authorization. The holder of this endorsement is authorized to serve as a STEM specialist in kindergarten and grades one through twelve.

(2) Program requirements.

1. The applicant must have met the requirements for a standard Iowa teaching license and a teaching endorsement in mathematics, science, engineering, industrial technology, or agriculture.

2. The applicant must hold a master's degree from a regionally accredited institution. The master's degree must be in math, science, engineering or technology or another area with at least 12 hours of college-level science and at least 12 hours of college-level math (or completion of Calculus I) to include coursework in computer programming.

(3) Content.

1. Completion of a minimum of 3 semester hours of coursework in content or pedagogy of engineering and technological design that includes engineering design processes or programming logic and problem-solving models and that may be met through either of the following:

- Engineering and technological design courses for education majors;
- Technology or engineering content coursework.

2. Completion of 9 semester hours in professional development to include the following essential concepts and skills:

- STEM curriculum and methods:

- Comparing and contrasting the nature and goals of each of the STEM disciplines;
  - Promoting learning through purposeful, authentic, real-world connections;
  - Integration of content and context of each of the STEM disciplines;
  - Interdisciplinary/transdisciplinary approaches to teaching (including but not limited to problem-based learning and project-based learning);
  - Curriculum/standards mapping;
  - Assessment of integrative learning approaches;
  - Information literacy skills in STEM;
  - Processes of science/scientific inquiry;
  - Mathematical problem-solving models;
  - Classroom management in project-based classrooms;
  - Instructional strategies for the inclusive classroom;
  - Computational thinking;
  - Mathematical and technological modeling.
    - STEM experiential learning:
      - Engaging subject-matter experts (including but not limited to colleagues, parents, higher education faculty/students, business partners, and informal education agencies) in STEM experiences in and out of the classroom;
      - STEM research experiences;
      - STEM internship at a STEM business or informal education organization;
      - STEM extracurricular activity;
      - Communicating to a variety of audiences.
    - Leadership in STEM:
      - STEM curriculum development and assessment;
      - Curriculum mapping;
      - Assessment of student engagement;
      - STEM across the curriculum;
      - Research on best practices in STEM;
      - STEM curriculum accessibility for all students.
3. Completion of an internship/externship professional experience or prior professional experience in STEM for a minimum of 90 contact hours.

**13.28(33) Multioccupations.**

a. Completion of any 5-12 endorsement and, in addition thereto, coursework in foundations of career and technical education and coordination of cooperative programs, and work experience which meets one of the following:

- (1) Four thousand hours of career and technical experience in two or more careers; or
- (2) One thousand hours of work experience or externships in two or more careers and two or more years of teaching experience at the PK-12 level.

b. The multioccupations endorsement also authorizes the holder to supervise students in cooperative programs, work-based learning programs, and similar programs in which the student is placed in school-sponsored, on-the-job situations.

**13.28(34) CTE information technology. 5-12.**

a. *Authorization.* The holder of this endorsement is authorized to teach career and technical education (CTE) information technology, CTE computer science, and CTE computer programming courses.

b. *Program requirements.* Applicants must hold a valid Iowa teaching license with at least one other teaching endorsement.

c. *Content.* A minimum of 12 semester hours of computer science to include coursework in the following:

- (1) Data representation and abstraction to include primitive data types, static and dynamic data structures, and data types and stores.

(2) Designing, developing, testing and refining algorithms to include proficiency in two or more programming paradigms.

(3) Systems and networks to include operating systems, networks, mobile devices, and machine-level data representation.

*d. Methods course.* A content area methods course is required pursuant to 13.29(1). The course should include the following effective teaching and learning strategies for information technology:

(1) Curriculum development including recognizing and defining real-world computational problems; computing concepts and constructs; developing and using abstractions; creating, testing, and refining computational artifacts; and problem-solving strategies in computer science.

(2) Project-based methodologies that support active and authentic learning, fostering an inclusive computing culture, collaborative groupings, and opportunities for creative and innovative thinking.

(3) Communication about computing including multiple forms of media.

(4) Digital citizenship including the social, legal, ethical, safe and effective use of computer hardware, software, peripherals, and networks.

*e. CTE methods.*

(1) A minimum of six semester hours of career and technical curriculum and methods to include:

1. Foundations of career and technical education.

2. Methods of career and technical education.

3. Evaluation and assessment of career and technical programs.

(2) The CTE methods coursework is not required if the educator holds another career and technical endorsement.

*f. Waiver of coursework requirements.* During the first year of implementation, the coursework requirements may be waived if the practitioner demonstrates relevant content knowledge mastery and successful teaching experience in this endorsement area through criteria established by the board of educational examiners.

**13.28(35) Computer science.** K-8 and 5-12.

*a. Authorization.* The holder of this endorsement is authorized to teach selected computer science and computer programming courses.

*b. Program requirements.* Applicants must hold a valid Iowa teaching license with at least one additional teaching endorsement.

*c. Content.* A minimum of 12 semester hours of computer science to include coursework in the following:

(1) Data representation and abstraction to include primitive data types, static and dynamic data structures, and data types and stores.

(2) Designing, developing, testing and refining algorithms to include proficiency in two or more programming paradigms.

(3) Systems and networks to include operating systems, networks, mobile devices, and machine-level data representation.

*d. Methods course.* A content area methods course is required pursuant to 13.29(1). The course should include the following effective teaching and learning strategies for information technology:

(1) Curriculum development including recognizing and defining real-world computational problems; computing concepts and constructs; developing and using abstractions; creating, testing, and refining computational artifacts; and problem-solving strategies in computer science.

(2) Project-based methodologies that support active and authentic learning, fostering an inclusive computing culture, collaborative groupings, and opportunities for creative and innovative thinking.

(3) Communication about computing including multiple forms of media.

(4) Digital citizenship including the social, legal, ethical, safe and effective use of computer hardware, software, peripherals, and networks.

*e. Computer science specialist.* If the requirements in 13.28(35)“c” and “d” are met and the applicant achieves a minimum of 24 semester hours of computer science content, a computer science specialist endorsement will be granted and the additional teaching endorsement set forth in 13.28(35)“b” will not be required.

*f. Waiver of coursework requirements.* During the first year of implementation, the coursework requirements may be waived if the practitioner demonstrates relevant content knowledge mastery and successful teaching experience in this endorsement area through criteria established by the board of educational examiners.

[ARC 7986B, IAB 7/29/09, effective 9/2/09; ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 8403B, IAB 12/16/09, effective 1/20/10; ARC 9070B, IAB 9/8/10, effective 10/13/10; ARC 9071B, IAB 9/8/10, effective 10/13/10; ARC 9210B, IAB 11/3/10, effective 12/8/10; ARC 9211B, IAB 11/3/10, effective 12/8/10; ARC 9212B, IAB 11/3/10, effective 12/8/10; ARC 9838B, IAB 11/2/11, effective 12/7/11; ARC 9839B, IAB 11/2/11, effective 12/7/11; ARC 0448C, IAB 11/14/12, effective 12/19/12; ARC 0449C, IAB 11/14/12, effective 12/19/12; ARC 0866C, IAB 7/24/13, effective 8/28/13; ARC 0875C, IAB 7/24/13, effective 8/28/13; ARC 0986C, IAB 9/4/13, effective 10/9/13; ARC 1085C, IAB 10/16/13, effective 11/20/13; ARC 1171C, IAB 11/13/13, effective 12/18/13; ARC 1328C, IAB 2/19/14, effective 3/26/14; ARC 1327C, IAB 2/19/14, effective 3/26/14; ARC 2015C, IAB 6/10/15, effective 7/15/15; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2397C, IAB 2/17/16, effective 3/23/16; ARC 2586C, IAB 6/22/16, effective 7/27/16; ARC 2793C, IAB 11/9/16, effective 12/14/16; see Delay note at end of chapter; ARC 3197C, IAB 7/5/17, effective 8/9/17; ARC 3634C, IAB 2/14/18, effective 3/21/18]

## **282—13.29(272) Adding, removing or reinstating a teaching endorsement.**

**13.29(1) Adding an endorsement.** After the issuance of a teaching license, an individual may add other endorsements to that license upon proper application, provided current requirements for that endorsement have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

*a. Options.* To add an endorsement, the applicant must follow one of these options:

(1) Option 1. Receive the Iowa teacher education institution's recommendation that the current approved program requirements for the endorsement have been met.

(2) Option 2. Receive verification from the Iowa teacher education institution that the minimum state requirements for the endorsement have been met in lieu of the institution's approved program.

(3) Option 3. Apply for a review of the transcripts by the board of educational examiners' staff to determine if all Iowa requirements have been met. The applicant must submit documentation that all of the Iowa requirements have been met by filing transcripts and supporting documentation for review. The fee for the transcript evaluation is in 282—Chapter 12. This fee shall be in addition to the fee for adding the endorsement.

*b. Additional requirements for adding an endorsement.*

(1) In addition to meeting the requirements for Iowa licensure, applicants for endorsements shall have completed a methods class appropriate for teaching the general subject area and grade levels of the endorsement added.

(2) Practitioners who are adding a K-8 endorsement and have not student taught at the elementary level shall complete a teaching practicum in an elementary setting. Applicants seeking the early childhood or elementary endorsements set forth in rule 282—13.26(272) must complete the required field experience and teaching practicum specific to the endorsement desired.

(3) Practitioners who are adding a 5-12 endorsement and have not student taught at the secondary level shall complete a teaching practicum in a high school setting.

(4) Practitioners holding the K-8 endorsement in the content area of the 5-12 endorsement being added may satisfy the requirement for the secondary methods class and the teaching practicum by completing all required coursework and presenting verification of competence. This verification of competence shall be signed by a licensed evaluator who has observed and formally evaluated the performance of the applicant at the secondary level. This verification of competence may be submitted at any time during the term of the Class B license. The practitioner must obtain a Class B license while practicing with the 5-12 endorsement.

(5) Applicants seeking a board of educational examiners transcript review must have achieved a C- grade or higher in the courses that will be considered for an endorsement.

**13.29(2) Removal of an endorsement; reinstatement of removed endorsement.**

*a. Removal of an endorsement.* A practitioner may remove an endorsement from the practitioner's license as follows:

(1) To remove an endorsement, the practitioner shall meet the following conditions:

1. A practitioner who holds a standard or master educator license is eligible to request removal of an endorsement from the license if the practitioner has not taught in the subject or assignment area of the endorsement in the five years prior to the request for removal of the endorsement, and

2. The practitioner must submit a notarized written application form furnished by the board of educational examiners to remove an endorsement at the time of licensure renewal (licensure renewal is limited to one calendar year prior to the expiration date of the current license), and

3. The application must be signed by the superintendent or designee in the district in which the practitioner is under contract. The superintendent's signature shall serve as notification and acknowledgment of the practitioner's intent to remove an endorsement from the practitioner's license. The absence of the superintendent's or designee's signature does not impede the removal process.

(2) The endorsement shall be removed from the license at the time of application.

(3) If a practitioner is not employed and submits an application, the provisions of 13.29(2) "a"(1)"3" shall not be required.

(4) If a practitioner submits an application that does not meet the criteria listed in 13.29(2) "a"(1)"1" to "3," the application will be rendered void and the practitioner will forfeit the processing fee.

(5) The executive director has the authority to approve or deny the request for removal. Any denial is subject to the appeal process set forth in rule 282—11.35(272).

*b. Reinstatement of a removed endorsement.*

(1) If the practitioner wants to add the removed endorsement at a future date, all coursework for the endorsement must be completed within the five years preceding the application to add the endorsement.

(2) The practitioner must meet the current endorsement requirements when making application.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2584C, IAB 6/22/16, effective 7/27/16]

## **282—13.30(272) Licenses—issue and expiration dates, corrections, duplicates, and fraud.**

**13.30(1) *Issue and expiration dates on original license.*** A license is valid only from and after the date of issuance. Licenses, authorizations, certificates, and statements of professional recognition will expire on the last day of the practitioner's birth month after the term of the license unless otherwise specified. If the expiration date is changed by rule, the change may be retroactive.

**13.30(2) *Correcting licenses.*** If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's mailing of a license, a corrected license shall be issued without charge to the licensee. If notification of a typographical or clerical error is made more than 30 days after the date of the board's mailing of a license, a corrected license shall be issued upon receipt of the fee for issuance of a duplicate license. For purposes of this rule, typographical or clerical errors include misspellings, errors in the expiration date of a license, errors in the type of license issued, and the omission or misidentification of the endorsements for which application was made. A licensee requesting the addition of an endorsement not included on the initial application must submit a new application and the appropriate application fee.

**13.30(3) *Duplicate licenses.*** Upon application and payment of the fee set out in 282—Chapter 12, a duplicate license shall be issued.

**13.30(4) *Fraud in procurement or renewal of licenses.*** Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

[ARC 3979C, IAB 8/29/18, effective 10/3/18]

These rules are intended to implement Iowa Code chapter 272 and 2014 Iowa Acts, chapter 1116, division VI.

Filed 12/23/08, Notice 10/8/08—published 1/14/09, effective 2/18/09]

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    [Filed ARC 8957B (Notice ARC 8686B, IAB 4/7/10), IAB 7/28/10, effective 9/1/10]  
    [Filed ARC 9072B (Notice ARC 8822B, IAB 6/2/10), IAB 9/8/10, effective 10/13/10]  
    [Filed ARC 9070B (Notice ARC 8824B, IAB 6/2/10), IAB 9/8/10, effective 10/13/10]  
    [Filed ARC 9071B (Notice ARC 8825B, IAB 6/2/10), IAB 9/8/10, effective 10/13/10]  
    [Filed ARC 9207B (Notice ARC 8969B, IAB 7/28/10), IAB 11/3/10, effective 12/8/10]  
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    [Filed ARC 9206B (Notice ARC 8968B, IAB 7/28/10), IAB 11/3/10, effective 12/8/10]  
    [Filed ARC 9210B (Notice ARC 8965B, IAB 7/28/10), IAB 11/3/10, effective 12/8/10]  
    [Filed ARC 9211B (Notice ARC 8966B, IAB 7/28/10), IAB 11/3/10, effective 12/8/10]  
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<sup>1</sup> December 14, 2016, effective date of 13.28(29)“b”(6) [ARC 2793C, Item 1] delayed until the adjournment of the 2017 General Assembly by the Administrative Rules Review Committee at its meeting held December 13, 2016.



CHAPTER 18  
ISSUANCE OF ADMINISTRATOR LICENSES AND ENDORSEMENTS

[Prior to 1/14/09, see Educational Examiners Board[282] Ch 14]

**282—18.1(272) All applicants desiring an Iowa administrator license.**

**18.1(1) *Administrator licenses.*** Administrator licenses are issued upon application filed on a form provided by the board of educational examiners and upon completion of the background check requirements set forth in rule 282—13.1(272).

**18.1(2) *Temporary permits.*** The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check and registries and records check set forth in 282—paragraphs 13.1(1) “b” and “c.” The temporary permit shall serve as evidence of the applicant’s authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

[ARC 2230C, IAB 11/11/15, effective 12/16/15; ARC 2631C, IAB 7/20/16, effective 8/24/16; ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—18.2(272) Applicants from recognized Iowa institutions.** Rescinded ARC 2016C, IAB 6/10/15, effective 7/15/15.

**282—18.3(272) Applicants from recognized non-Iowa institutions.** Rescinded IAB 9/9/09, effective 10/14/09.

**282—18.4(272) General requirements for an administrator license.**

**18.4(1) *Eligibility for applicants who have completed a teacher preparation program.*** Applicants for the administrator license must first comply with the requirements for all Iowa practitioners set out in 282—Chapter 13.

**18.4(2) *Specific requirements for an initial administrator license for applicants who have completed a teacher preparation program.*** An initial administrator license valid for a minimum of one year with an expiration date of June 30 may be issued to an applicant who:

- a. Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and
- b. Has completed an evaluator approval program; and
- c. Provides a recommendation for the specific license and administrator endorsement(s) from the designated recommending official at the recognized institution where the preparation was completed; and
- d. Has met the experience requirement set forth for the desired administrator endorsement; and
- e. Is not subject to any pending disciplinary proceedings in any state; and
- f. Complies with all requirements with regard to application processes and payment of licensure fees.

**18.4(3) *Eligibility for applicants who have completed a professional service endorsement program.*** Applicants for the administrator license must first comply with the requirements set out in 282—Chapter 27.

**18.4(4) *Specific requirements for an initial administrator license for applicants who have completed a professional service endorsement.*** An initial administrator license valid for one year may be issued to an applicant who:

- a. Is the holder of an Iowa professional service license; and

*b.* Has three years of experience in an educational setting in the professional service endorsement area or has six years of professional service and administrative experience provided that at least two years are professional service experience; and

*c.* Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and

*d.* Is assuming a position as a PK-12 principal and PK-12 supervisor of special education (see subrule 18.9(1)) for the first time or has one year of out-of-state or nonpublic administrative experience; and

*e.* Has completed the required coursework in human relations, cultural competency, diverse learners and reading instruction set forth in 281—subrules 79.15(2) and 79.15(3); and

*f.* Has completed the professional education core in 281—paragraphs 79.15(5) “a” to “k”; and

*g.* Has completed an evaluator approval program.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 8958B, IAB 7/28/10, effective 9/1/10; ARC 1326C, IAB 2/19/14, effective 3/26/14; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2631C, IAB 7/20/16, effective 8/24/16; ARC 3196C, IAB 7/5/17, effective 8/9/17; ARC 3979C, IAB 8/29/18, effective 10/3/18]

**282—18.5(272) Specific requirements for a professional administrator license.** A professional administrator license valid for five years may be issued to an applicant who does all of the following:

**18.5(1)** Completes the requirements in 18.4(2) “a” to “g.”

**18.5(2)** Successfully meets each standard listed below:

*a. Shared vision.* An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The administrator:

(1) In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs.

(2) Uses research and best practices in improving the educational program.

(3) Articulates and promotes high expectations for teaching and learning.

(4) Aligns and implements the educational programs, plans, actions, and resources with the district’s vision and goals.

(5) Provides leadership for major initiatives and change efforts.

(6) Communicates effectively to various stakeholders regarding progress with school improvement plan goals.

*b. Culture of learning.* An educational leader promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development. The administrator:

(1) Provides leadership for assessing, developing and improving climate and culture.

(2) Systematically and fairly recognizes and celebrates accomplishments of staff and students.

(3) Provides leadership, encouragement, opportunities and structure for staff to continually design more effective teaching and learning experiences for all students.

(4) Monitors and evaluates the effectiveness of curriculum, instruction and assessment.

(5) Evaluates staff and provides ongoing coaching for improvement.

(6) Ensures that staff members have professional development that directly enhances their performance and improves student learning.

(7) Uses current research and theory about effective schools and leadership to develop and revise the administrator’s professional growth plan.

(8) Promotes collaboration with all stakeholders.

(9) Is easily accessible and approachable to all stakeholders.

(10) Is highly visible and engaged in the school community.

(11) Articulates the desired school culture and shows evidence about how it is reinforced.

*c. Management.* An educational leader promotes the success of all students by ensuring management of the organization, operations and resources for a safe, efficient and effective learning environment. The administrator:

(1) Complies with state and federal mandates and local board policies.

- (2) Recruits, selects, inducts, and retains staff to support quality instruction.
- (3) Addresses current and potential issues in a timely manner.
- (4) Manages fiscal and physical resources responsibly, efficiently, and effectively.
- (5) Protects instructional time by designing and managing operational procedures to maximize learning.
- (6) Communicates effectively with both internal and external audiences about the operations of the school.

*d. Family and community.* An educational leader promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources. The administrator:

- (1) Engages family and community by promoting shared responsibility for student learning and support of the education system.
- (2) Promotes and supports a structure for family and community involvement in the education system.
- (3) Facilitates the connections of students and families to the health and social services that support a focus on learning.

**18.5(3)** Completes one year of administrative experience in an Iowa public school and completes the administrator mentoring program while holding an administrator license, or successfully completes two years of administrative experience in a nonpublic or out-of-state school setting.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 0607C, IAB 2/20/13, effective 3/27/13]

**282—18.6(272) Specific requirements for an administrator prepared out of state.** An applicant seeking Iowa licensure who completes an administrator preparation program from a recognized non-Iowa institution shall verify the requirements of rules 282—18.1(272) and 282—18.4(272) through traditional course-based preparation program and transcript review. A recognized non-Iowa administrator preparation institution is one that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located. Applicants must hold and submit a copy of a valid or expired regular administrator certificate or license in the state in which the preparation was completed, exclusive of a temporary, emergency or substitute license or certificate.

**18.6(1) Administrator exchange license.** A one-year nonrenewable administrator exchange license may be issued to an individual who has not met any of the following requirements:

- a.* Endorsement requirements. The applicant has not completed a minimum of 75 percent of the coursework for the PK-12 principal and PK-12 supervisor of special education endorsement, and any additional administrator endorsements desired.
- b.* Regular administrator certificate or license in the state in which the preparation was completed. The applicant is eligible for and has applied for a regular administrator certificate or license in the state in which the preparation was completed but has not yet received the certificate or license.
- c.* Approved evaluator training requirement. The applicant has not completed the approved evaluator training requirement.

**18.6(2) Conversion.** Each applicant who receives the one-year administrator exchange license must complete any identified licensure deficiencies in order to be eligible for an initial administrator license or a professional administrator license in Iowa. Any coursework deficiencies must be completed for college credit through a regionally accredited institution, with the exception of the human relations component which may be taken for licensure renewal credit through an approved provider.

[ARC 8141B, IAB 9/9/09, effective 10/14/09; ARC 9383B, IAB 2/23/11, effective 3/30/11; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 3196C, IAB 7/5/17, effective 8/9/17; ARC 3829C, IAB 6/6/18, effective 7/11/18]

**282—18.7(272) Specific requirements for a Class A extension license.**

**18.7(1)** A nonrenewable Class A extension license valid for one year may be issued to an applicant based on an expired Iowa professional administrator license. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

**18.7(2)** The holder of an expired professional administrator license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and

who does not meet the renewal requirements for the administrator license held shall be required to secure the signature of the superintendent or designee before the Class A extension license will be issued. If the superintendent does not meet the renewal requirements, the superintendent shall be required to secure the signature of the school board president before the license will be issued.

[ARC 9384B, IAB 2/23/11, effective 3/30/11; ARC 9453B, IAB 4/6/11, effective 5/11/11; ARC 0564C, IAB 1/23/13, effective 2/27/13; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—18.8(272) Specific requirements for a Class B license.** A nonrenewable Class B license valid for two years may be issued to an individual under the following conditions:

**18.8(1) Endorsement in progress.** The individual has a valid Iowa teaching license but is seeking to obtain an administrator endorsement. A Class B license may be issued if requested by an employer and the individual seeking this endorsement has completed at least 75 percent of the requirements leading to completion of all requirements for this endorsement.

**18.8(2) Experience requirement.**

*a. Principal endorsement.* For the principal endorsement, the applicant must meet the experience requirement set forth in subparagraph 18.9(1)“c”(1).

*b. Superintendent endorsement.* For the superintendent endorsement, the applicant must meet the experience requirement set forth in subrule 18.10(3).

**18.8(3) Request for exception.** Rescinded IAB 2/23/11, effective 3/30/11.  
[ARC 9385B, IAB 2/23/11, effective 3/30/11; ARC 2631C, IAB 7/20/16, effective 8/24/16]

**282—18.9(272) Area and grade levels of administrator endorsements.**

**18.9(1) PK-12 principal and PK-12 supervisor of special education.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a principal of programs serving children from birth through grade twelve, a supervisor of instructional special education programs for children from birth to the age of 21, and a supervisor of support for special education programs for children from birth to the age of 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Program requirements.*

(1) Degree—master’s.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early childhood, elementary, early adolescent and secondary level administration, supervision, and evaluation.

2. Knowledge and skill related to early childhood, elementary, early adolescent and secondary level curriculum development.

3. Knowledge of child growth and development from birth through adolescence and developmentally appropriate strategies and practices of early childhood, elementary, and adolescence, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, child care issues, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Completion of evaluator training component.

7. Knowledge of current issues in special education administration.

8. Planned field experiences in elementary and secondary school administration, including special education administration.

9. Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

- Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

- Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.
- Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
- Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.
- Acts with integrity, fairness, and in an ethical manner.
- Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

*c. Other.*

(1) The applicant must have had three years of teaching experience at the early childhood through grade twelve level while holding a valid license or have had six years of teaching and administrative experience while holding a valid license, provided that at least two years are teaching experience.

(2) Graduates from out-of-state institutions who are seeking initial Iowa licensure and the PK-12 principal and PK-12 supervisor of special education endorsement must meet the coursework requirements for an Iowa teaching license in addition to the experience requirements.

**18.9(2) PK-8 principal—out-of-state applicants.** Rescinded IAB 7/20/16, effective 8/24/16.

**18.9(3) 5-12 principal—out-of-state applicants.** Rescinded IAB 7/20/16, effective 8/24/16.

[ARC 0872C, IAB 7/24/13, effective 8/28/13; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2631C, IAB 7/20/16, effective 8/24/16]

**282—18.10(272) Superintendent/AEA administrator.**

**18.10(1) Authorization.** The holder of this endorsement is authorized to serve as a superintendent from the prekindergarten level through grade twelve or as an AEA administrator. NOTE: This authorization does not permit general teaching, school service, or administration at any level except that level or area for which the practitioner holds the specific endorsement(s).

**18.10(2) Program requirements.**

*a. Degree—specialist (or its equivalent):* A master's degree plus at least 30 semester hours of planned graduate study in administration beyond the master's degree).

*b. Content.* Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the administrator has knowledge and understanding of:

(1) Models, theories, and practices that provide the basis for leading educational systems toward improving student performance.

(2) Federal, state and local fiscal policies related to education.

(3) Human resources management, including recruitment, personnel assistance and development, evaluation and negotiations.

(4) Current legal issues in general and special education.

(5) Noninstructional support services management including but not limited to transportation, nutrition and facilities.

(6) Practicum in PK-12 school administration. In the coursework and the practicum, the administrator facilitates processes and engages in activities for:

1. Developing a shared vision of learning through articulation, implementation, and stewardship.

2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborating with school staff, families, community members and boards of directors; responding to diverse community interests and needs; and mobilizing community resources.

5. Acting with integrity, fairness, and in an ethical manner.

6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

**18.10(3) Administrative experience.** The applicant must meet one of the following:

a. The applicant must have had three years of experience as a building principal while holding a valid license.

b. The applicant must have three years of administrative experience in any of the following areas: PK-12 regional education agency administrative experience, PK-12 state department of education administrative experience, PK-12 educational licensing board administrative experience or PK-12 building/district administrative experience while holding a valid Iowa administrator license.

c. The applicant must have six years of teaching and administrative experience, provided that at least two years are teaching experience and one year is administrative experience, all while holding a valid license.

[ARC 8248B, IAB 11/4/09, effective 10/12/09; ARC 0872C, IAB 7/24/13, effective 8/28/13; ARC 1167C, IAB 11/13/13, effective 12/18/13; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—18.11(272) Director of special education of an area education agency.**

**18.11(1) Authorization.** The holder of this endorsement is authorized to serve as a director of special education of an area education agency. Assistant directors are also required to hold this endorsement.

**18.11(2) Program requirements.**

a. *Degree—specialist or its equivalent.* An applicant must hold a master's degree plus at least 32 semester hours of planned graduate study in administration or special education beyond the master's degree.

b. *Endorsement.* An applicant must hold or meet the requirements for one of the following:

- (1) PK-12 principal and PK-12 supervisor of special education (see rule 282—18.9(272));
- (2) Supervisor of special education—instructional (see rule 282—15.5(272));
- (3) Professional service administrator (see 282—subrule 27.3(5)); or
- (4) A letter of authorization for special education supervisor issued prior to October 1, 1988.

c. *Content.* An applicant must have completed a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements to include the following:

- (1) Knowledge of federal, state and local fiscal policies related to education.
- (2) Knowledge of school plant/facility planning.
- (3) Knowledge of human resources management, including recruitment, personnel assistance and development, evaluations and negotiations.
- (4) Knowledge of models, theories and philosophies that provide the basis for educational systems.
- (5) Knowledge of current issues in special education.
- (6) Knowledge of special education school law and legislative and public policy issues affecting children and families.
- (7) Knowledge of the powers and duties of the director of special education of an area education agency as delineated in Iowa Code section 273.5.

(8) Practicum in administration and supervision of special education programs.

d. *Experience.* An applicant must meet the experience requirement set forth in 18.10(3).

e. *Competencies.* Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the director of special education accomplishes the following:

- (1) Facilitates the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community.
- (2) Advocates, nurtures and sustains a school culture and instructional program conducive to student learning and staff professional growth.
- (3) Ensures management of the organization, operations and resources for a safe, efficient and effective learning environment.
- (4) Collaborates with educational staff, families and community members; responds to diverse community interests and needs; and mobilizes community resources.

- (5) Acts with integrity and fairness and in an ethical manner.
- (6) Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.
- (7) Collaborates and assists in supporting integrated work of the entire agency.

**18.11(3) Other.**

*a. Option 1: Instructional.* An applicant must meet the requirements for one special education teaching endorsement and have three years of teaching experience in special education.

*b. Option 2: Support.* An applicant must meet the practitioner licensure requirements for one of the following endorsements and have three years of experience as a:

- (1) School audiologist;
- (2) School psychologist;
- (3) School social worker; or
- (4) Speech-language pathologist.

NOTE: An individual holding a statement of professional recognition is not eligible for the director of special education of an area education agency endorsement.

[ARC 9075B, IAB 9/8/10, effective 10/13/10; ARC 2631C, IAB 7/20/16, effective 8/24/16]

**282—18.12(272) Specific requirements for a Class E emergency license.** A nonrenewable Class E emergency license valid for one year may be issued to an individual as follows.

**18.12(1) Expired license.** Based on an expired Class A, Class B, or administrator exchange license, the holder of the expired license shall be eligible to receive a Class E license upon application and submission of all required materials.

**18.12(2) Application.** The application process will require transcripts of coursework completed during the term of the expired license, a program of study indicating the coursework necessary to obtain full licensure, and registration for coursework to be completed during the term of the Class E license. The Class E license will be denied if the applicant has not completed any coursework during the term of the Class A, Class B, or administrator exchange license unless extenuating circumstances are verified.

[ARC 0874C, IAB 7/24/13, effective 8/28/13; ARC 2016C, IAB 6/10/15, effective 7/15/15]

**282—18.13** Reserved.

**282—18.14(272) Endorsements.**

**18.14(1)** After the issuance of an administrator license, an individual may add other administrator endorsements to that license upon proper application, provided current requirements for that endorsement, as listed in rules 282—18.9(272) through 282—18.11(272), have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

**18.14(2)** The applicant must follow one of these options:

*a.* Identify with a recognized Iowa administrator preparing institution, meet that institution's current requirements for the endorsement desired, and receive that institution's recommendation; or

*b.* Identify with a recognized non-Iowa administrator preparation institution and receive a statement that the applicant has completed the equivalent of the institution's approved program for the endorsement sought. A transcript evaluation will also be required.

[ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—18.15(272) Licenses—issue dates, corrections, duplicates, and fraud.**

**18.15(1) Issue date on original license.** A license is valid only from and after the date of issuance.

**18.15(2) Correcting licenses.** If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board's mailing of a license, a corrected license shall be issued without charge to the licensee. If notification of a typographical or clerical error is made more than 30 days after the date of the board's mailing of a license, a corrected license shall be issued upon receipt of the fee for issuance of a duplicate license. For purposes of this rule, typographical or clerical errors include misspellings, errors in the expiration date of a license, errors in the type of license issued, and the omission or misidentification of the endorsements for which application was made. A licensee

requesting the addition of an endorsement not included on the initial application must submit a new application and the appropriate application fee.

**18.15(3) Duplicate licenses.** Upon application and payment of the fee set out in 282—Chapter 12, a duplicate license shall be issued.

**18.15(4) Fraud in procurement or renewal of licenses.** Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

These rules are intended to implement Iowa Code chapter 272.

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[Filed ARC 3979C (Notice ARC 3827C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]

CHAPTER 23  
BEHIND-THE-WHEEL DRIVING INSTRUCTOR AUTHORIZATION

[Prior to 1/14/09, see Educational Examiners Board[282] Ch 21]

**282—23.1(272,321) Requirements.** Applicants for the behind-the-wheel driving instructor authorization shall meet the following requirements:

**23.1(1) Qualifications.** To qualify for the behind-the-wheel driving instructor authorization, the applicant must:

*a.* Be at least 25 years of age.

*b.* Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

*c.* Have a clear driving record for the previous two years. A clear driving record means that the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications, or bars.

(3) Not committed an offense which results in driver's license suspension, revocation, denial, cancellation, disqualification, or bar.

(4) No record of an accident for which the individual was convicted of a moving traffic violation.

*d.* Complete the background check requirements set forth in rule 282—13.1(272).

**23.1(2) Approved coursework.** The applicant shall successfully complete a behind-the-wheel driving instructor course approved by the department of transportation. At a minimum, classroom instruction shall include at least 12 clock hours of observed behind-the-wheel instruction and 24 clock hours of classroom instruction to include psychology of the young driver, behind-the-wheel teaching techniques, ethical teaching practices, and route selection.

**23.1(3) Classroom instruction.** To be eligible to provide classroom instruction, holders of the behind-the-wheel driving instructor authorization must additionally hold a valid or expired initial, standard, exchange, or master educator license with endorsement for driver education as set forth in 282—subrule 13.28(4).

[ARC 8608B, IAB 3/10/10, effective 4/14/10; ARC 2018C, IAB 6/10/15, effective 7/15/15; ARC 2230C, IAB 11/11/15, effective 12/16/15]

**282—23.2(272,321) Validity.** The behind-the-wheel driving instructor authorization shall be valid for one year from the date of issuance. The behind-the-wheel driving instructor authorization shall be valid only if the holder continues to be qualified under subrule 23.1(1).

[ARC 8131B, IAB 9/9/09, effective 10/14/09; ARC 0865C, IAB 7/24/13, effective 8/28/13; ARC 3979C, IAB 8/29/18, effective 10/3/18]

**282—23.3(272,321) Approval of courses.** Each institution of higher education, private college or university, community college or area education agency wishing to offer the behind-the-wheel driving instructor authorization must submit course descriptions to the department of transportation for approval. After initial approval, any changes by agencies or institutions in course offerings shall be filed with the department of transportation and the board of educational examiners.

**282—23.4(272,321) Application process.** Any person interested in the behind-the-wheel driving instructor authorization shall submit records of completion of a department of transportation-approved program to the board of educational examiners for an evaluation of completion of coursework and all other requirements. Application materials are available from the board of educational examiners or the department of transportation or from institutions or agencies offering department of transportation-approved courses.

**282—23.5(272,321) Renewal.** All fees are nonrefundable. The behind-the-wheel driving instructor authorization may be renewed upon application and verification of successful completion of:

**23.5(1)** Providing behind-the-wheel instruction for a minimum of 12 clock hours during the previous school year; and

**23.5(2)** Successful participation in at least one department of transportation-sponsored or department of transportation-approved behind-the-wheel instructor refresher course; and

**23.5(3)** Effective September 1, 2002, the child and dependent adult abuse training approved by the state abuse education review panel. A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

- a.* The person is engaged in active duty in the military service of this state or of the United States.
- b.* The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.
- c.* The person is practicing a licensed profession outside this state.
- d.* The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.
- e.* The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.

**282—23.6(272,321) Revocation and suspension.** Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the behind-the-wheel driving instructor authorization.

These rules are intended to implement Iowa Code chapter 272 and section 321.178.

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[Filed ARC 3979C (Notice ARC 3827C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]

CHAPTER 27  
ISSUANCE OF PROFESSIONAL SERVICE LICENSES

**282—27.1(272) Professional service license.** A professional service licensee is an individual prepared to provide professional services in Iowa schools but whose preparation has not required completion of the teacher preparation coursework set forth in rule 281—79.15(256). The professional service license may be issued in the following areas but does not permit service as a teacher:

1. School counselor.
2. School psychologist.
3. Speech-language pathologist.
4. Supervisor of special education (support).
5. Director of special education of an area education agency.
6. School social worker.
7. School audiologist.

[ARC 7980B, IAB 7/29/09, effective 9/2/09; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 3633C, IAB 2/14/18, effective 3/21/18]

**282—27.2(272) Requirements for a professional service license.**

**27.2(1) Initial professional service license.** An initial professional service license valid for a minimum of two years with an expiration date of June 30 may be issued to an applicant for licensure to serve as a school audiologist, school psychologist, school social worker, speech-language pathologist, supervisor of special education (support), director of special education of an area education agency, or school counselor who:

- a. Has a master's degree in a recognized professional educational service area from a regionally accredited institution.
- b. Has completed a state-approved program which meets the requirements for an endorsement in a professional educational service area.
- c. Has completed the requirements for one of the professional educational service area endorsements.
- d. Meets the recency requirement of 282—subparagraph 13.5(2)“b”(4).
- e. Completes the background check requirements set forth in rule 282—13.1(272).

**27.2(2) Standard professional service license.** A standard professional service license valid for five years may be issued to an applicant who:

- a. Completes requirements listed under 27.2(1)“a” to “d.”
- b. Shows evidence of successful completion of a state-approved mentoring and induction program by meeting the Iowa standards as determined by a comprehensive evaluation and two years' successful service experience in an Iowa public school. In lieu of completion of an Iowa state-approved mentoring and induction program, the applicant must provide evidence of three years' successful service area experience in an Iowa nonpublic school or three years' successful service area experience in an out-of-state K-12 educational setting.
- c. Meets the recency requirement of 282—subparagraph 13.5(2)“b”(4).

**27.2(3) Renewal.** Renewal requirements for this license are set out in 282—Chapter 20.  
[ARC 7980B, IAB 7/29/09, effective 9/2/09; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2230C, IAB 11/11/15, effective 12/16/15; ARC 3979C, IAB 8/29/18, effective 10/3/18]

**282—27.3(272) Specific requirements for professional service license endorsements.**

**27.3(1) Elementary professional school counselor.**

a. *Authorization.* The holder of this endorsement has not completed the teacher preparation coursework set forth in rule 281—79.15(256) but is authorized to serve as a professional school counselor in kindergarten and grades one through eight.

b. *Program requirements.*

- (1) Master's degree from an accredited institution of higher education.
- (2) Completion of an approved human relations component.

(3) Completion of an approved exceptional learner component.

*c. Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

(1) The competencies listed in 282—subparagraphs 13.28(26) “c”(1) to (11).

(2) The teaching and counseling practicum. The candidate will complete a preservice supervised practicum and an internship that meet the requirements set forth in 282—subparagraph 13.28(26) “c”(12).

**27.3(2) Secondary professional school counselor.**

*a. Authorization.* The holder of this endorsement has not completed the teacher preparation coursework set forth in rule 281—79.15(256) but is authorized to serve as a professional school counselor in grades five through twelve.

*b. Program requirements.*

(1) Master’s degree from an accredited institution of higher education.

(2) Completion of an approved human relations component.

(3) Completion of an approved exceptional learner component.

*c. Content.* Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include:

(1) The competencies listed in 282—subparagraphs 13.28(26) “c”(1) to (11).

(2) The teaching and counseling practicum. The candidate will complete a preservice supervised practicum and an internship that meet the requirements set forth in 282—subparagraph 13.28(26) “c”(12).

**27.3(3) School psychologist.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a school psychologist with pupils from birth to age 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Program requirements.*

(1) An applicant shall have completed a program of graduate study that is currently approved (or that was approved at the time of graduation) by the National Association of School Psychologists or the American Psychological Association, or be certified as a Nationally Certified School Psychologist by the National Association of School Psychologists, in preparation for service as a school psychologist through one of the following options:

1. Completion of a master’s degree with sufficient graduate semester hours beyond a baccalaureate degree to total 60; or

2. Completion of a specialist’s degree of at least 60 graduate semester hours with or without completion of a terminal master’s degree program; or

3. Completion of a doctoral degree program of at least 60 graduate semester hours with or without completion of a terminal master’s degree program or specialist’s degree program.

(2) The program shall include an approved human relations component.

(3) The program must include preparation that contributes to the education of students with disabilities and students who are gifted and talented.

*c. School psychologist one-year Class A license.*

(1) Requirements for a one-year Class A license. A nonrenewable Class A license valid for one year may be issued to an individual who must complete an internship or thesis as an aspect of an approved program in preparation for the school psychologist endorsement. The one-year Class A license may be issued under the following limited conditions:

1. Verification from the institution that the internship or thesis is a requirement for successful completion of the program.

2. Verification that the employment situation will be satisfactory for the internship experience.

3. Verification from the institution of the length of the approved and planned internship or the anticipated completion date of the thesis.

4. Verification of the evaluation processes for successful completion of the internship or thesis.

5. Verification that the internship or thesis is the only requirement remaining for successful completion of the approved program.

(2) Written documentation of the above requirements must be provided by the official at the institution where the individual is completing the approved school psychologist program and forwarded to the board of educational examiners with the application form for licensure.

**27.3(4) *Speech-language pathologist.*** A person who meets the requirements set forth below may be issued an endorsement. Alternatively, a person may meet the requirements for a statement of professional recognition (SPR) issued by the board of educational examiners in this area as set forth in 282—Chapter 16.

*a. Authorization.* The holder of this endorsement is authorized to serve as a speech-language pathologist to pupils from birth to age 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Program requirements.*

(1) An applicant must hold a master's degree in speech pathology.

(2) Content. An applicant must have completed the requirements in speech pathology and in the professional education sequence, i.e., 20 semester hours including student teaching/internship as a school speech-language pathologist. Courses in the following areas may be recognized for fulfilling the 20-hour sequence:

1. Curriculum courses (e.g., reading, methods, curriculum development).
2. Foundations (e.g., philosophy of education, foundations of education).
3. Educational measurements (e.g., school finance, tests and measurements, measures and evaluation of instruction).
4. Educational psychology (e.g., educational psychology, educational psychology measures, principles of behavior modification).
5. Courses in special education (e.g., introduction to special education, learning disabilities).
6. Child development courses (e.g., human growth and development, principles and theories of child development, history and theories of early childhood education).

NOTE: General education courses (e.g., introduction to psychology, sociology, history, literature, humanities) will not be credited toward fulfillment of the required 20 hours.

(3) The applicant must complete an approved human relations component.

(4) The program must include preparation that contributes to the education of individuals with disabilities and the gifted and talented.

**27.3(5) *Professional service administrator.***

*a. Authorization.* The holder of this endorsement is authorized to serve as a supervisor of special education support programs. However, an individual holding a statement of professional recognition is not eligible for the professional service administrator endorsement.

*b. Program requirements.*

(1) An applicant must hold a master's degree in preparation for school psychology, speech/language pathology, audiology (or education of the hearing impaired), or social work.

(2) Content. The program shall include a minimum of 16 graduate semester hours to specifically include the following:

1. Consultation process in special or regular education.
  2. Current issues in special education administration including school law/special education law.
  3. Program evaluation.
  4. Educational leadership.
  5. Administration and supervision of special education.
  6. Practicum: Special education administration. NOTE: This requirement may be waived based on two years of experience as a special education administrator.
  7. School personnel administration.
  8. Evaluator approval component.
- c. Other.* The applicant must:

(1) Have four years of support service in a school setting with special education students in the specific discipline area desired.

(2) Meet the practitioner licensure requirements of one of the following endorsements:

1. School audiologist (or hearing impaired at K-8 and 5-12).
2. School psychologist.
3. School social worker.
4. Speech-language pathologist.

**27.3(6) Director of special education of an area education agency.**

*a. Authorization.* The holder of this endorsement is authorized to serve as a director of special education of an area education agency. Assistant directors are also required to hold this endorsement. However, an individual holding a statement of professional recognition is not eligible for the director of special education of an area education agency endorsement.

*b. Program requirements.*

(1) Degree—specialist or its equivalent. An applicant must hold a master's degree plus at least 32 semester hours of planned graduate study in administration or special education beyond the master's degree.

(2) Endorsement. An applicant must hold or meet the requirements for one of the following:

1. PK-12 principal and PK-12 supervisor of special education (see rule 282—18.9(272));
2. Supervisor of special education—instructional (see rule 282—15.5(272));
3. Professional service administrator (see subrule 27.3(5)); or
4. A letter of authorization for special education supervisor issued prior to October 1, 1988.

(3) Content. An applicant must have completed a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements to include the following:

1. Knowledge of federal, state and local fiscal policies related to education.
2. Knowledge of school plant/facility planning.
3. Knowledge of human resources management, including recruitment, personnel assistance and development, evaluations, and negotiations.
4. Knowledge of models, theories and philosophies that provide the basis for educational systems.
5. Knowledge of current issues in special education.
6. Knowledge of special education school law and legislative and public policy issues affecting children and families.
7. Knowledge of the powers and duties of the director of special education of an area education agency as delineated in Iowa Code section 273.5.
8. Practicum in administration and supervision of special education programs.

(4) Experience. An applicant must have three years of administrative experience as a PK-12 principal or PK-12 supervisor of special education.

(5) Competencies. Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the director of special education accomplishes the following:

1. Facilitates the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community.
2. Advocates, nurtures and sustains a school culture and instructional program conducive to student learning and staff professional growth.
3. Ensures management of the organization, operations and resources for a safe, efficient and effective learning environment.
4. Collaborates with educational staff, families and community members; responds to diverse community interests and needs; and mobilizes community resources.
5. Acts with integrity and fairness and in an ethical manner.
6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.
7. Collaborates and assists in supporting integrated work of the entire agency.

*c. Other.*

(1) Option 1: Instructional. An applicant must meet the requirements for one special education teaching endorsement and have three years of teaching experience in special education.

(2) Option 2: Support. An applicant must meet the practitioner licensure requirements for one of the following endorsements and have three years of experience as a:

1. School audiologist;
2. School psychologist;
3. School social worker; or
4. Speech-language pathologist.

**27.3(7) School social worker.** A person who meets the requirements set forth below may be issued an endorsement. Alternatively, a person may meet the requirements for a statement of professional recognition (SPR) issued by the board of educational examiners in this area as set forth in 282—Chapter 16.

*a. Authorization.* An individual who meets the requirements of 282—paragraph 15.7(5) “b” or 282—subrule 16.6(2) is authorized to serve as a school social worker to pupils from birth to age 21 (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Endorsement requirements.* An applicant must hold a master’s degree in social work from an accredited school of social work to include a minimum of 20 semester hours of coursework (including practicum experience) which demonstrates skills, knowledge, and competencies in the following areas:

- (1) Social work.
  1. Assessment (e.g., social, emotional, behavioral, and familial).
  2. Intervention (e.g., individual, group, and family counseling).
  3. Related studies (e.g., community resource coordination, multidiscipline teaming, organizational behavior, and research).
- (2) Education.
  1. General education (e.g., school law, foundations of education, methods, psychoeducational measurement, behavior management, child development).
  2. Special education (e.g., exceptional children, psychoeducational measurement, behavior management, special education regulations, counseling school-age children).
- (3) Practicum experience. A practicum experience in a school setting under the supervision of an experienced school social work practitioner is required. The practicum shall include experiences that lead to the development of professional identity and the disciplined use of self. These experiences will include: assessment, direct services to children and families, consultation, staffing, community liaison and documentation. If a person has served two years as a school social worker, the practicum experience can be waived.
- (4) Completion of an approved human relations component is required.
- (5) The program must include preparation that contributes to the education of students with disabilities and students who are gifted and talented.

**27.3(8) School audiologist.** A person who meets the requirements set forth below may be issued an endorsement. Alternatively, a person may meet the requirements for a statement of professional recognition (SPR) issued by the board of educational examiners in this area as set forth in 282—Chapter 16.

*a. Authorization.* The holder of this endorsement is authorized to serve as a school audiologist to pupils from birth to age 21 who have hearing impairments (and to a maximum allowable age in accordance with Iowa Code section 256B.8).

*b. Program requirements.*

- (1) An applicant must hold a master’s degree in audiology.
- (2) Content. An applicant must complete the requirements in audiology and in the professional education sequence, i.e., 20 semester hours including student teaching/internship as a school audiologist. Courses in the following areas may be recognized for fulfilling the 20-hour sequence:
  1. Curriculum courses (e.g., reading, methods, curriculum development).
  2. Foundations (e.g., philosophy of education, foundations of education).

3. Educational measurements (e.g., school finance, tests and measurements, measures and evaluation of instruction).

4. Educational psychology (e.g., educational psychology, educational psychology measures, principles of behavior modification).

5. Courses in special education (e.g., introduction to special education, learning disabilities).

6. Child development courses (e.g., human growth and development, principles and theories of child development, history of early childhood education).

NOTE: General education courses (e.g., introduction to psychology, sociology, history, literature, humanities) will not be credited toward fulfillment of the required 20 hours.

(3) An applicant must complete an approved human relations component.

(4) The program must include preparation that contributes to the education of individuals with disabilities and the gifted and talented.

[ARC 7980B, IAB 7/29/09, effective 9/2/09; ARC 9074B, IAB 9/8/10, effective 10/13/10; ARC 9076B, IAB 9/8/10, effective 10/13/10; ARC 1328C, IAB 2/19/14, effective 3/26/14; ARC 2016C, IAB 6/10/15, effective 7/15/15; ARC 2397C, IAB 2/17/16, effective 3/23/16]

### **282—27.4(272) Specific renewal requirements for the initial professional service license.**

**27.4(1)** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

**27.4(2)** If a person meets all requirements for the standard professional service license except for the requirements in paragraph 27.2(2) “b,” the initial professional service license may be renewed upon written request. A second renewal may be granted if the holder of the initial license has not met the requirements in paragraph 27.2(2) “b” and if the license holder can provide evidence of employment which will be acceptable for the experience requirement.

[ARC 8609B, IAB 3/10/10, effective 4/14/10]

### **282—27.5(272) Specific renewal requirements for the standard professional service license.**

**27.5(1)** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth in rule 282—20.3(272).

**27.5(2)** Four units are needed for renewal. For an applicant who also holds a specialist’s or doctor’s degree, two units are needed for renewal. These units may be earned in any combination listed below:

*a.* One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned master’s, specialist’s, or doctor’s degree program.

*b.* One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

*c.* One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an endorsement not currently held.

*d.* One unit may be earned upon completion of each licensure renewal course or activity approved pursuant to guidelines established by the board of educational examiners.

[ARC 8609B, IAB 3/10/10, effective 4/14/10; ARC 3829C, IAB 6/6/18, effective 7/11/18]

**282—27.6(272) Specific requirements for a Class B license.** A Class B license, which is valid for two years and which is nonrenewable, may be issued to an individual under the following conditions:

**27.6(1) *Endorsement in progress.*** The individual has a valid professional service license and one or more professional service endorsements, but is seeking to obtain some other professional service endorsement. A Class B license may be issued if requested by an employer and if the individual seeking to obtain some other professional service endorsement has completed at least two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for the endorsement.

**27.6(2) *Request for exception.*** A school district administrator may file a written request with the board for an exception to the minimum content requirements on the basis of documented need and benefit

to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

**27.6(3) Expiration.** This license will expire on June 30 of the fiscal year in which it was issued plus one year.

[ARC 8959B, IAB 7/28/10, effective 9/1/10]

**282—27.7(272) Timely renewal.** A license may only be renewed less than one year before it expires.

[ARC 9452B, IAB 4/6/11, effective 5/11/11]

These rules are intended to implement Iowa Code chapter 272.

[Filed ARC 7980B (Notice ARC 7743B, IAB 5/6/09), IAB 7/29/09, effective 9/2/09]

[Filed ARC 8609B (Notice ARC 8410B, IAB 12/30/09), IAB 3/10/10, effective 4/14/10]

[Filed ARC 8959B (Notice ARC 8689B, IAB 4/7/10), IAB 7/28/10, effective 9/1/10]

[Filed ARC 9074B (Notice ARC 8829B, IAB 6/2/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9076B (Notice ARC 8831B, IAB 6/2/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9452B (Notice ARC 9301B, IAB 12/29/10), IAB 4/6/11, effective 5/11/11]

[Filed ARC 1328C (Notice ARC 1236C, IAB 12/11/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 2016C (Notice ARC 1918C, IAB 3/18/15), IAB 6/10/15, effective 7/15/15]

[Filed ARC 2230C (Notice ARC 2130C, IAB 9/2/15), IAB 11/11/15, effective 12/16/15]

[Filed ARC 2397C (Notice ARC 2237C, IAB 11/11/15), IAB 2/17/16, effective 3/23/16]

[Filed ARC 3633C (Notice ARC 3471C, IAB 12/6/17), IAB 2/14/18, effective 3/21/18]

[Filed ARC 3829C (Notice ARC 3710C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]

[Filed ARC 3979C (Notice ARC 3827C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]



# NATURAL RESOURCE COMMISSION[571]

[Prior to 12/31/86, see Conservation Commission [290], renamed Natural Resource Commission[571] under the "umbrella" of Department of Natural Resources by 1986 Iowa Acts, chapter 1245]

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**571—47.1(321G) Definitions.** For purposes of this chapter, the following definitions shall apply:

“*Commission*” means the natural resource commission established in Iowa Code section 455A.5.

“*Department*” means the department of natural resources established in Iowa Code section 455A.2.

“*Operator*” means a person who operates or is in actual physical control of a snowmobile.

“*Owner*” means a person, other than a lienholder, having the property right in or title to a snowmobile. “Owner” includes a person entitled to the use or possession of a snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation. “Owner” does not include a lessee under a lease not intended as security.

“*Public land*” means land owned by the federal government, the state of Iowa, or a political subdivision of the state and land acquired or developed for public recreation pursuant to Iowa Code section 321G.7.

“*Roadway*” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

“*Snowmobile*” means a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle, as defined in Iowa Code section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.2(321G) Operation on roadways, highways, streets and snowmobile trails.** A person shall not operate a snowmobile upon roadways, highways, streets, or designated snowmobile trails except as provided in Iowa Code section 321G.9.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321G.13.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.3(321G) Registration for snowmobiles.**

**47.3(1) General.** A person shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, a designated snowmobile trail, or ice unless the snowmobile:

- a. Is registered in accordance with the requirements of Iowa Code chapter 321G and this chapter;
- b. Displays a current annual nonresident user permit decal issued as provided in rule 571—47.4(321G); or
- c. Is exempt from registration pursuant to Iowa Code section 321G.8.

**47.3(2) Registration requirements.**

a. The owner of each snowmobile required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321G.4 and these rules, except that a snowmobile dealer shall make application and pay all applicable registration and title fees on behalf of a purchaser of a snowmobile.

(1) Application forms. The applicant shall use DNR Form 542-8067 in making application for registration. In the event the applicant does not have the documentation required by DNR Form 542-8067, the applicant shall use DNR Form 542-8065 and may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: \$15 for the permit fee; \$1 for the writing fee; and \$1.50 for the administrative fee. In addition, a county recorder may collect an additional 25 cents for the writing fee if the county recorder issues the registration.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

**47.3(3) Preregistration grace period.**

a. *Dealer purchases.* An unregistered snowmobile sold by a dealer to an Iowa resident for use in Iowa shall bear a card made of pasteboard or other similar material that includes the words “registration applied for” and the date of purchase. Such card shall entitle the purchaser to operate the snowmobile for 45 days immediately following the purchase. The purchaser shall place this card on the windshield area of the snowmobile in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any snowmobile displaying a “registration applied for” card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the snowmobile.

b. *Nondealer purchases.* Snowmobiles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A snowmobile that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser’s name.

(2) A snowmobile not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser’s name. Valid registration in another state does not authorize preregistration operation.

**47.3(4) Registration—renewals.** Every snowmobile registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321G.6.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.4(321G) Nonresident user permits.**

**47.4(1)** A nonresident wishing to operate a snowmobile, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321G, on public land, a designated snowmobile trail, or ice of this state must first obtain a user permit from the department.

**47.4(2)** The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: \$15 for the permit fee; \$1 for a writing fee; and \$1.50 for an administrative fee. In the event the county recorder issues such a permit, the county recorder may charge an additional 25 cents for the writing fee.

**47.4(3)** A user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and shall be limited to the vehicle specified at the time of application.

**47.4(4)** Nonresident user permits are issued to a vehicle and are not transferable.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.5(321G) Display of registration and user permit decals.** The owner of a snowmobile shall display the registration decal or nonresident user permit decal on the windshield of the snowmobile so that the decal is clearly visible. If the snowmobile does not have a windshield, then the decal shall be affixed to the area of the hood near the headlamp so that the decal is clearly visible.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.6(321G) Registration certificate.**

**47.6(1)** An operator of a snowmobile shall carry the registration certificate either in such vehicle or on the person of the operator when the snowmobile is in use.

**47.6(2)** The operator of a snowmobile shall exhibit the registration certificate to all of the following:

- a. To a peace officer or department personnel upon request;
- b. To a person injured in an accident involving the snowmobile, or that person’s agent;
- c. To the owner or operator of another snowmobile when the snowmobile is involved in a collision or accident of any nature with the other snowmobile, or that person’s agent;
- d. To the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with the property of the other person, or that person’s agent; and

*e.* To the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant, or that person's agent.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.7(321G) Owner's certificate of title.**

**47.7(1)** The owner of a snowmobile acquired on or after January 28, 1998, other than a snowmobile used exclusively as a farm implement or a previously registered snowmobile that is more than 30 years old, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner shall make application within 30 days after acquisition of the snowmobile, using DNR Form 542-8067, and shall include the required fees set out in Iowa Code section 321G.30.

**47.7(2)** A certificate of title issued by the county recorder shall be on DNR Form 542-0974.  
[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.8(321G) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt snowmobiles.**

**47.8(1)** A person, other than a manufacturer, who constructs or rebuilds a snowmobile for which there is no legible VIN may make application to the department on DNR Form 542-8065 for the issuance of a new VIN. The application process shall include an inspection of the snowmobile by the department. If the application is approved, the VIN shall be affixed to the vehicle by a conservation officer. The completed application shall then be surrendered to the county recorder.

**47.8(2)** The conservation officer shall permanently affix the VIN to the frame under the seat of the snowmobile.  
[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.9(321G) Accident report.**

**47.9(1)** Whenever any snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,000 or more, the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency of the state.

**47.9(2)** If the accident occurred on public land, a designated snowmobile trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on DNR Form 542-8093, Off-Highway Vehicle Incident Report Form.

**47.9(3)** Accidents other than those specified in 47.9(2) shall be reported as required in Iowa Code section 321.266.

[ARC 8879B, IAB 6/30/10, effective 8/4/10; ARC 1226C, IAB 12/11/13, effective 1/15/14]

The rules in this division are intended to implement Iowa Code section 321G.2.

**571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts.** The department shall transfer, via contract, at least 70 percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publicly available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available on the department's website or upon request from department snowmobile program staff.

This rule is intended to implement Iowa Code section 321G.7(2).  
[ARC 3983C, IAB 8/29/18, effective 10/3/18]

**571—47.11 to 47.20** Reserved.

DIVISION II  
SNOWMOBILE DEALERS

**571—47.21(321G) Purpose.** The rules in this division apply to registered snowmobile dealers, manufacturers, and distributors. These rules establish minimal standards for snowmobile dealers as authorized under Iowa Code Supplement section 321G.21.  
[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.22(321G) Definitions.** For purposes of this division, the following definitions shall apply:

*“Consumer use”* means use of a snowmobile for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle in conformance with Iowa Code chapter 321G.

*“Dealer”* means a person engaged in the business of buying, selling, or exchanging snowmobiles required to be registered under Iowa Code chapter 321G and this chapter and who has an established place of business for that purpose in this state.

*“Designated location”* means the primary place of business of the dealer or a building actually occupied by a dealer where the public and the department may contact the dealer during regular business hours.

*“Distributor”* means a person, resident or nonresident, who sells or distributes snowmobiles to snowmobile dealers in this state or who maintains distributor representatives.

*“Engaged in the business,”* or similar wording, means doing any of the following acts for the purpose of selling snowmobiles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five snowmobiles during a 12-month period may be presumed to be engaged in the business.

*“Established place of business”* means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer’s or manufacturer’s business is primarily transacted.

*“Manufacturer”* means a person engaged in the business of constructing or assembling snowmobiles required to be registered under Iowa Code chapter 321G and this chapter and who has an established place of business for that purpose in this state.

*“Manufacturer’s certificate of origin”* means a certification signed by the manufacturer, distributor or importer that the snowmobile described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer’s certificate of origin may also be referred to as a manufacturer’s statement of origin.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.23(321G) Dealer’s established place of business.** A dealer’s established place of business shall include landline telephone service and an adequate office area for keeping business records, manufacturers’ certificates of origin, certificates of title or other evidence of ownership for all snowmobiles offered for sale.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.24(321G) Zoning.** Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer’s established place of business is located that the dealer’s established place of business complies with all applicable zoning provisions.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.25(321G) Sales tax permit.** A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.26(321G) Special registration certificates for manufacturers, distributors and dealers.**

**47.26(1)** A manufacturer, distributor, or dealer owning a snowmobile required to be registered under Iowa Code chapter 321G and this chapter may operate the unregistered snowmobile for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

*a.* The manufacturer, distributor, or dealer obtains from the department a special registration certificate and decal containing a general identification number in accordance with Iowa Code section 321G.21. An application for a special registration certificate shall be submitted on DNR Form 542-0846; and

*b.* The manufacturer, distributor, or dealer has the assigned decal attached to a removable sign which is temporarily but firmly attached to the snowmobile being used.

**47.26(2)** If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate, decal and general identification number for each place of business.

**47.26(3)** Duplicate special registration certificates and decals may be obtained pursuant to the conditions set forth in Iowa Code section 321G.21.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.27(321G) Information provided to purchasers.** At the time of sale, a dealer shall provide all purchasers of snowmobiles with both (1) a copy of current snowmobile laws and regulations governing the usage of snowmobiles in the state of Iowa, and (2) the most up-to-date list of public places open for snowmobile usage. The department shall provide this required information on its website, [www.iowadnr.gov](http://www.iowadnr.gov). Information provided on the department's website shall be deemed current and the most up-to-date information for purposes of this rule.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.28(321G) Right of inspection.** The department or any peace officer has the authority to inspect the following at any dealer location: (1) snowmobiles or component parts of vehicles, (2) business records, and (3) manufacturers' certificates of origin, certificates of title and other evidence of ownership for snowmobiles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321G.

[ARC 8879B, IAB 6/30/10, effective 8/4/10]

**571—47.29(321G) Denial or revocation.** The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this chapter or Iowa Code chapter 321G or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

[ARC 8879B, IAB 6/30/10, effective 8/4/10; ARC 1226C, IAB 12/11/13, effective 1/15/14]

The rules in this division are intended to implement Iowa Code section 321G.7.

DIVISION III  
SNOWMOBILE REGISTRATION REVENUE COST-SHARE PROGRAM

[Rescinded ARC 3983C, IAB 8/29/18, effective 10/3/18]

These rules are intended to implement Iowa Code chapter 321G.

[Filed ARC 8879B (Notice ARC 8731B, IAB 5/5/10), IAB 6/30/10, effective 8/4/10]

[Filed ARC 1226C (Notice ARC 1022C, IAB 9/18/13), IAB 12/11/13, effective 1/15/14]

[Filed ARC 3983C (Notice ARC 3828C, IAB 6/6/18), IAB 8/29/18, effective 10/3/18]



TITLE III  
LICENSING

## CHAPTER 10

## GENERAL REQUIREMENTS

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

**650—10.1(153) Licensed or registered personnel.** Persons engaged in the practice of dentistry in Iowa must be licensed by the board as a dentist, and persons performing services under Iowa Code section 153.15 must be licensed by the board as a dental hygienist. Persons engaged in the practice of dental assisting must be registered by the board pursuant to 650—Chapter 20.

This rule is intended to implement Iowa Code sections 147.2 and 153.17.

**650—10.2(147,153) Display of license, registration, permit, and renewal.** The license to practice dentistry or dental hygiene or the registration as a dental assistant and the current renewal must be prominently displayed by the licensee or registrant at each permanent practice location. A dentist who holds a permit to administer deep sedation/general anesthesia or conscious sedation, or a dental hygienist who holds a permit to administer local anesthesia, shall also prominently display the permit and the current renewal at each permanent practice location.

**10.2(1)** Additional certificates shall be obtained from the board whenever a licensee or registrant practices at more than one address.

**10.2(2)** Duplicate licenses, certificates of registration, or permits shall be issued by the board upon satisfactory proof of loss or destruction of the original license, certificate of registration, or permit.

This rule is intended to implement Iowa Code sections 147.7, 147.10 and 147.80(17).

**650—10.3(153) Authorized practice of a dental hygienist.**

**10.3(1)** “Practice of dental hygiene” as defined in Iowa Code section 153.15 as amended by 2017 Iowa Acts, Senate File 479, means the performance of the following educational, therapeutic, preventive and diagnostic dental hygiene services. Such services, except educational services, shall be delegated by and performed under the supervision of a dentist licensed pursuant to Iowa Code chapter 153.

*a.* Educational. Assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups; conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups and other agencies providing consultation and technical assistance for promotional, preventive and educational services.

*b.* Therapeutic. Identifying and evaluating factors which indicate the need for and performing (1) oral prophylaxis, which includes supragingival and subgingival debridement of plaque, and detection and removal of calculus with instruments or any other devices; (2) periodontal scaling and root planing; (3) removing and polishing hardened excess restorative material; (4) administering local anesthesia with the proper permit; (5) administering nitrous oxide inhalation analgesia in accordance with 650—subrules 29.6(4) and 29.6(5); (6) applying or administering medicaments prescribed by a dentist, including chemotherapeutic agents and medicaments or therapies for the treatment of periodontal disease and caries; (7) removal of adhesives.

*c.* Preventive. Applying pit and fissure sealants and other medications or methods for caries and periodontal disease control; organizing and administering fluoride rinse or sealant programs.

*d.* Diagnostic. Reviewing medical and dental health histories; performing oral inspection; indexing dental and periodontal disease; preliminary charting of existing dental restorations and teeth; making occlusal registrations for mounting study casts; testing pulp vitality; analyzing dietary surveys.

*e.* The following services may only be delegated by a dentist to a dental hygienist: administration of local anesthesia, placement of sealants, and the removal of any plaque, stain, calculus, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish.

**10.3(2)** All authorized services provided by a dental hygienist, except educational services, shall be performed under the general, direct, or public health supervision of a dentist currently licensed in the state of Iowa in accordance with 650—1.1(153) and 650—10.5(153).

**10.3(3)** Under the general or public health supervision of a dentist, a dental hygienist may provide educational services, assessment, screening, or data collection for the preparation of preliminary written records for evaluation by a licensed dentist. A dentist is not required to examine a patient prior to the provision of these dental hygiene services.

**10.3(4)** The administration of local anesthesia or nitrous oxide inhalation analgesia shall only be provided under the direct supervision of a dentist.

**10.3(5)** All other authorized services provided by a dental hygienist to a new patient shall be provided under the direct or public health supervision of a dentist. An examination by the dentist must take place during an initial visit by a new patient, except when hygiene services are provided under public health supervision.

**10.3(6)** Subsequent examination and monitoring of the patient, including definitive diagnosis and treatment planning, is the responsibility of the dentist and shall be carried out in a reasonable period of time in accordance with the professional judgment of the dentist based upon the individual needs of the patient.

**10.3(7)** General supervision shall not preclude the use of direct supervision when in the professional judgment of the dentist such supervision is necessary to meet the individual needs of the patient.

**10.3(8)** Expanded function requirements.

*a. Supervision requirements.* A dental hygienist may only perform expanded function procedures which are delegated by and performed under the supervision of a dentist licensed pursuant to Iowa Code chapter 153. The taking of occlusal registrations for purposes other than mounting study casts may be performed under general supervision; all other expanded function procedures shall be performed under direct supervision.

*b. Expanded function training required.* A dental hygienist shall not perform any expanded function procedures listed in this chapter unless the dental hygienist has successfully met the education and training requirements and is in compliance with the requirements of this chapter.

*c. Education and training requirements.* All expanded function training must be prior-approved by the board. The supervising dentist and the dental hygienist shall be responsible for maintaining in each office of practice documentation of successful completion of the board-approved training.

(1) Expanded function training for Level 1 procedures shall be eligible for board approval if the training is offered through a program accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or another program, which may include on-the-job training offered by a dentist licensed in Iowa. Training must consist of the following:

1. An initial assessment to determine the base entry level of all participants in the program;
2. A didactic component;
3. A laboratory component, if necessary;
4. A clinical component, which may be obtained under the personal supervision of the participant's supervising dentist while the participant is concurrently enrolled in the training program; and
5. A postcourse competency assessment at the conclusion of the training program.

(2) Expanded function training for Level 2 procedures shall be eligible for board approval if the training is offered through the University of Iowa College of Dentistry or a program accredited by the Commission on Dental Accreditation of the American Dental Association.

**10.3(9)** Expanded function providers.

*a. Basic expanded function provider.* Dental hygienists who do not wish to become certified as a Level 1 or Level 2 provider may perform select Level 1 expanded function procedures provided they have met the education and training requirements for those procedures and are in compliance with the requirements of this chapter. A dentist may delegate to a dental hygienist only those Level 1 procedures for which the dental hygienist has received the required expanded function training.

*b. Certified Level 1 provider.* A dental hygienist must successfully complete training for all Level 1 expanded function procedures before becoming a certified Level 1 provider.

(1) A dentist may delegate any of the Level 1 expanded function procedures to a dental hygienist who is a certified Level 1 provider.

(2) Level 1 procedures include:

1. Taking occlusal registrations for purposes other than mounting study casts;
2. Placement and removal of gingival retraction;
3. Fabrication and removal of provisional restorations;
4. Applying cavity liners and bases and bonding systems for restorative purposes; and
5. Taking final impressions.

*c. Certified Level 2 provider.* A dental hygienist must become a certified Level 1 provider and successfully pass a board-approved entrance examination with a score of at least 75 percent before beginning training to become a certified Level 2 provider. A dental hygienist must successfully complete training for all Level 2 expanded function procedures before becoming a certified Level 2 provider.

(1) A dentist may delegate any of the Level 1 or Level 2 expanded function procedures to a dental hygienist who is a certified Level 2 provider.

(2) Level 2 procedures include:

1. Placement and shaping of amalgam following preparation of a tooth by a dentist;
2. Placement and shaping of composite following preparation of a tooth by a dentist;
3. Forming and placement of stainless steel crowns;
4. Taking records for the fabrication of dentures and partial dentures; and
5. Tissue conditioning (soft reline only).

These procedures refer to both primary and permanent teeth.

This rule is intended to implement Iowa Code section 153.15.

[ARC 2141C, IAB 9/16/15, effective 10/21/15; ARC 3487C, IAB 12/6/17, effective 1/10/18]

**650—10.4(153) Unauthorized practice of a dental hygienist.** A dental hygienist who renders hygiene services, except educational services, that have not been delegated by a licensed dentist or that are not performed under the supervision of a licensed dentist as provided by rule shall be deemed to be practicing illegally.

**10.4(1)** The unauthorized practice of dental hygiene means allowing a person not licensed in dentistry or dental hygiene to perform dental hygiene services authorized in Iowa Code section 153.15 and rule 650—10.3(153).

**10.4(2)** The unauthorized practice of dental hygiene also means the performance of services by a dental hygienist that exceeds the scope of practice granted in Iowa Code section 153.15.

**10.4(3)** Students enrolled in dental hygiene programs. Students enrolled in an accredited dental hygiene program are not considered to be engaged in the unlawful practice of dental hygiene provided that such practice is in connection with their regular course of instruction and meets the following:

*a.* The practice of clinical skills on peers enrolled in the same program must be under the direct supervision of a program instructor with an active Iowa dental hygiene license, Iowa faculty permit, or Iowa dental license;

*b.* The practice of clinical skills on members of the public must be under the general supervision of a dentist with an active Iowa dental license;

*c.* The practice of clinical skills involving the administration or monitoring of nitrous oxide or the administration of local anesthesia must be under the direct supervision of a dentist with an active Iowa dental license.

This rule is intended to implement Iowa Code sections 147.10, 147.57 and 153.15.

[ARC 2592C, IAB 6/22/16, effective 7/27/16; ARC 3487C, IAB 12/6/17, effective 1/10/18; ARC 3987C, IAB 8/29/18, effective 10/3/18]

**650—10.5(153) Public health supervision allowed.** A dentist who meets the requirements of this rule may provide public health supervision to a dental hygienist if the dentist has an active Iowa license and the services are provided in public health settings.

**10.5(1) Public health settings defined.** For the purposes of this rule, public health settings are limited to schools; Head Start programs; programs affiliated with the early childhood Iowa (ECI) initiative authorized by Iowa Code chapter 256I; child care centers (excluding home-based child care centers); federally qualified health centers; public health dental vans; free clinics; nonprofit community health centers; nursing facilities; and federal, state, or local public health programs.

**10.5(2) Public health supervision defined.** “Public health supervision” means all of the following:

*a.* The dentist authorizes and delegates the services provided by a dental hygienist to a patient in a public health setting, with the exception that hygiene services may be rendered without the patient’s first being examined by a licensed dentist;

*b.* The dentist is not required to provide future dental treatment to patients served under public health supervision;

*c.* The dentist and the dental hygienist have entered into a written supervision agreement that details the responsibilities of each licensee, as specified in subrule 10.5(3); and

*d.* The dental hygienist has an active Iowa license with a minimum of one year of clinical practice experience.

**10.5(3) Licensee responsibilities.** When working together in a public health supervision relationship, a dentist and dental hygienist shall enter into a written agreement that specifies the following responsibilities.

*a.* The dentist providing public health supervision must:

(1) Be available to provide communication and consultation with the dental hygienist;

(2) Have age- and procedure-specific standing orders for the performance of dental hygiene services. Those standing orders must include consideration for medically compromised patients and medical conditions for which a dental evaluation must occur prior to the provision of dental hygiene services;

(3) Specify a period of time in which an examination by a dentist must occur prior to providing further hygiene services. However, this examination requirement does not apply to educational services, assessments, screenings, and fluoride if specified in the supervision agreement;

(4) Specify the location or locations where the hygiene services will be provided under public health supervision; and

(5) Complete board-approved training on silver diamine fluoride if the supervision agreement permits the use of silver diamine fluoride. The supervision agreement must specify guidelines for use of silver diamine fluoride and must follow board-approved protocols.

*b.* A dental hygienist providing services under public health supervision may provide assessments; screenings; data collection; and educational, therapeutic, preventive, and diagnostic services as defined in rule 650—10.3(153), except for the administration of local anesthesia or nitrous oxide inhalation analgesia, and must:

(1) Maintain contact and communication with the dentist providing public health supervision;

(2) Practice according to age- and procedure-specific standing orders as directed by the supervising dentist, unless otherwise directed by the dentist for a specific patient;

(3) Provide to the patient, parent, or guardian a written plan for referral to a dentist and assessment of further dental treatment needs;

(4) Have each patient sign a consent form that notifies the patient that the services that will be received do not take the place of regular dental checkups at a dental office and are meant for people who otherwise would not have access to services;

(5) Specify a procedure for creating and maintaining dental records for the patients that are treated by the dental hygienist, including where these records are to be located; and

(6) Complete board-approved training on silver diamine fluoride if the supervision agreement permits the use of silver diamine fluoride. The supervision agreement must specify guidelines for use of silver diamine fluoride and must follow board-approved protocols.

*c.* The written agreement for public health supervision must be maintained by the dentist and the dental hygienist and must be made available to the board upon request. The dentist and dental hygienist must review the agreement at least biennially.

*d.* A copy of the written agreement for public health supervision shall be filed with the Bureau of Oral and Health Delivery Systems, Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

**10.5(4) Reporting requirements.** Each dental hygienist who has rendered services under public health supervision must complete a summary report at the completion of a program or, in the case of an

ongoing program, at least annually. The report shall be filed with the bureau of oral and health delivery systems of the Iowa department of public health on forms provided by the department and shall include information related to the number of patients seen and services provided so that the department may assess the impact of the program. The department will provide summary reports to the board on an annual basis.

This rule is intended to implement Iowa Code section 153.15.

[ARC 7767B, IAB 5/20/09, effective 6/24/09; ARC 0629C, IAB 3/6/13, effective 4/10/13; ARC 2141C, IAB 9/16/15, effective 10/21/15; ARC 3987C, IAB 8/29/18, effective 10/3/18]

#### **650—10.6(147,153,272C) Other requirements.**

**10.6(1) *Change of name.*** Each person licensed or registered by the board must notify the board, by written correspondence, of a change of legal name within 60 days of such change. Proof of a legal name change, such as a copy of a notarized letter, marriage certificate, or other legal document establishing the change must accompany the request for a name change.

**10.6(2) *Change of address.*** Each person licensed or registered by the board must notify the board within 60 days, through the board's online system, of changes in email and mailing addresses. Address changes shall be submitted as follows:

*a. Primary mailing address.* Licensees or registrants shall designate a primary mailing address. The primary mailing address may be a designated work or home address.

*b. Practice locations.* Licensees or registrants shall report addresses for all practice locations. Practice locations include full-time and part-time practice locations.

*c. Email address.* Each licensee or registrant shall report, when available, an email address for the purpose of electronic communications from the board.

**10.6(3) *Child and dependent adult abuse training.*** Licensees or registrants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting within six months of initial employment and subsequently every five years in accordance with 650—subrule 25.2(9).

**10.6(4) *Reporting requirements.*** Each licensee and registrant shall be responsible for reporting to the board, within 30 days, any of the following:

*a.* Every adverse judgment in a professional malpractice action to which the licensee or registrant was a party.

*b.* Every settlement of a claim against the licensee or registrant alleging malpractice.

*c.* Any license or registration revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country within 30 days of the final action by the licensing authority.

This rule is intended to implement Iowa Code sections 147.9, 232.69, 235B.16 and 272C.9.

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[Filed ARC 3987C (Notice ARC 3849C, IAB 6/20/18), IAB 8/29/18, effective 10/3/18]

<sup>1</sup> Effective date of 10.3(1) delayed until the end of the 2000 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held September 15, 1999.

†See HJR 2006 of 2006 Session of the Eighty-first General Assembly regarding nullification of subrule 10.6(4).

CHAPTER 16  
PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS  
[Prior to 5/18/88, Dental Examiners, Board of[320]]

**650—16.1(124,153,155A) Definitions.**

“*Controlled substance*” means a drug or other substance listed in division II of Iowa Code chapter 124.

“*Electronic signature*” means a confidential personalized digital key, code, or number used for secure electronic data transmissions which identifies and authenticates the signatory.

“*Electronic transmission*” means the transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment. Electronic transmission includes but is not limited to transmission by facsimile machine and transmission by computer link, modem, or other computer communication device.

“*Prescription drug*” means any of the following: (a) a substance for which federal or state law requires a prescription before it may be legally dispensed to the public; (b) a drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (1) Caution: Federal law prohibits dispensing without a prescription or (2) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian; or (c) a drug or device that is required by any applicable federal or state law or regulation to be dispensed on prescription only, or is restricted to use by a practitioner only.

**650—16.2(153) Scope of authority.**

**16.2(1)** A license to practice dentistry issued by this board permits the licensee to prescribe, administer, or dispense prescription drugs if the use is directly related to the practice of dentistry within the scope of the dentist-patient relationship. Registration with the Federal Drug Enforcement Administration and the Iowa board of pharmacy examiners further extends this privilege to controlled substances.

**16.2(2)** A dental examination must be conducted and a medical history taken before a dentist initially prescribes, administers, or dispenses medication to a patient, except for patients who receive fluoride or silver diamine fluoride dispensed under protocols approved by the bureau of oral and health delivery systems of the department of public health. The examination must focus on the patient’s dental problems, and the resulting diagnosis must relate to the patient’s specific complaint. The patient’s dental record must contain written evidence of the examination and medical history.

**16.2(3)** On each occasion when a medication is prescribed, administered, or dispensed to a patient an entry must be made in the patient’s dental record containing the following information: the name, quantity, and strength of the medication; the directions for its use; the date of issuance; and the condition for which the medication was used.

**16.2(4)** A patient’s dental record that contains an entry pertaining to the issuance of medications must be retained in accordance with 650—27.11(153,272C).

**16.2(5)** The prescribing, administering, and dispensing of prescription drugs shall be done in accordance with all applicable state and federal laws.

[ARC 3987C, IAB 8/29/18, effective 10/3/18]

**650—16.3(153) Purchasing, administering, and dispensing of controlled substances.**

**16.3(1)** When controlled substances are purchased, records must be maintained showing the date of receipt, the name and address of the supplier, the name and quantity of drugs received.

**16.3(2)** When controlled substances are administered or dispensed, including samples, records that are readily retrievable and separate and apart from the patient records must be maintained showing date of dispensing, name and address of person to whom the drugs were administered or dispensed, and the name, quantity, and strength of drugs administered or dispensed.

**16.3(3)** All controlled substance records must be retained for a period of two years from the date of the last entry. All records must be readily available for inspection by state or federal agents.

**16.3(4)** Every two years the dentist is required to perform a complete inventory of all controlled substances in stock.

**16.3(5)** Security of controlled substances must be maintained by storage in a securely locked, substantially constructed cabinet.

**16.3(6)** The dentist shall notify the board of pharmacy examiners of the loss or theft of controlled substances within two weeks of the discovery of the loss or theft.

**16.3(7)** A dentist shall not self-prescribe, self-administer, or self-dispense controlled substances or tramadol.

**16.3(8)** Prescribing, administering, or dispensing controlled substances or tramadol to members of the licensee's immediate family is not allowed except for an acute dental condition or on an emergency basis for a dental condition when the licensee conducts an examination, establishes a patient record, and maintains proper documentation.

[ARC 8369B, IAB 12/16/09, effective 1/20/10]

**650—16.4(153) Dispensing—requirements for containers and labeling.**

**16.4(1)** Containers. A prescription drug shall be dispensed in a container which meets the requirements of the Poison Prevention Packaging Act of 1970, 15 U.S.C. §§ 1471-1476 which relates to childproof closure, unless otherwise required by the patient. Containers must also meet the requirements of Section 502G of the Federal Food Drug and Cosmetic Act, 21 U.S.C. §301 et seq. which pertains to light resistance and moisture-resistance needs of the drug being dispensed.

**16.4(2)** Labeling. A label shall be affixed to the container in which a prescription drug is dispensed bearing the following information:

1. Name and address of the dentist.
2. Name of the patient.
3. Date dispensed.
4. Directions for use.
5. Name, quantity, and strength of medication.

6. If it is Schedule II, III, or IV controlled substance, the federal transfer warning statement must appear on the label as follows: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

7. Cautionary statements, if any.

**16.4(3)** Prescription sample drugs dispensed in the original container or package and provided without charge shall be deemed to conform to labeling and packaging requirements.

**650—16.5(153) Identifying information on prescriptions.**

**16.5(1)** Prescriptions for Schedule II, III, IV, and V controlled substances must include the name and address of the prescribing dentist and the dentist's federal DEA number. The name and address of the prescribing dentist may be preprinted. Proper security shall be maintained if prescription forms are preprinted.

**16.5(2)** The dentist's signature on a prescription must be original or an electronic signature, not a copy or stamp, except as the use of electronic signatures may be limited by federal or state law.

**16.5(3)** On each occasion when medication is prescribed to a patient, the prescription issued to the patient shall contain the following information: the name of the patient for whom the prescription is intended; the name, quantity, and strength of the medication; the directions for its use; the date of issuance; and the name, address, and signature of the dentist issuing the prescription.

**650—16.6(153) Transmission of prescriptions.** A prescription drug order may be transmitted to a pharmacy in written form, orally including telephone voice communication, or by electronic transmission in accordance with applicable federal and state laws and rules. A dentist shall take adequate measures to guard against the diversion of prescription drugs and controlled substances through prescription forgeries. The dentist may authorize an employee to transmit to the pharmacy a

prescription drug order orally or by electronic transmission provided that the identity of the transmitting employee is included in the order.

**16.6(1)** *Computer-to-computer transmission of a prescription.* Prescription drug orders, excluding orders for controlled substances, may be communicated directly from a dentist's computer to a pharmacy's computer by electronic transmission.

*a.* Orders shall be sent only to the pharmacy of the patient's choice with no unauthorized intervening person or other entity controlling, screening, or otherwise manipulating the prescription drug order or having access to it.

*b.* The electronically transmitted order shall identify the dentist's telephone number for verbal confirmation, the time and date of transmission, and the pharmacy intended to receive the transmission as well as any other information required by federal or state law or rules.

*c.* Orders shall be transmitted only by the dentist or the dentist's employee and shall include the dentist's electronic signature.

*d.* The electronic transmission shall be deemed the original prescription drug order provided it meets the requirements of this rule.

**16.6(2)** *Facsimile transmission of a prescription.* A dentist may request that a pharmacist dispense noncontrolled and controlled drugs, excluding Schedule II controlled substances, pursuant to a prescription transmitted to the pharmacy by the dentist or the dentist's employee. A dentist shall maintain the original prescription, if printed, in the patient's record.

**650—16.7(153) Emergency prescriptions.** If an emergency requires the issuance of a prescription, an appropriate prescription may be telephoned to a pharmacist. An emergency prescription for a Schedule II controlled substance must be covered by a written prescription within 72 hours. A dentist may not order a renewal or a refill of an emergency prescription unless the order is in writing and the dentist has given the patient a dental examination and has taken a medical history.

**16.7(1)** For the purpose of authorizing an oral prescription of a controlled substance listed in Schedule II of the uniform controlled substances Act, Iowa Code chapter 124, the term "emergency situation" means those situations in which the prescribing dentist determines:

*a.* That immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

*b.* That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under Schedule II of Iowa Code chapter 124;

*c.* That it is not reasonably possible for the prescribing dentist to provide a written prescription to be presented to the person dispensing the substance prior to dispensing.

**16.7(2)** Reserved.

These rules are intended to implement Iowa Code section 153.20.

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CHAPTER 10  
CONTROLLED SUBSTANCES  
[Prior to 2/10/88, see Pharmacy Examiners[620] Ch 8]

**657—10.1(124) Purpose and scope.** This chapter establishes the minimum standards for any activity that involves controlled substances. Any person or business that manufactures; distributes; dispenses; prescribes; conducts instructional activities, research, or chemical analysis with; or imports or exports controlled substances listed in Schedules I through V of Iowa Code chapter 124 in or into the state of Iowa, or that proposes to engage in such activities, shall obtain and maintain a registration issued by the board unless exempt from registration pursuant to rule 657—10.8(124). A person or business required to be registered shall not engage in any activity for which registration is required until the application for registration is granted and the board has issued a certificate of registration to such person or business. A registration is not transferable to any person or business.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.2(124) Definitions.** For the purposes of this chapter, the following definitions shall apply:

“*Authorized collection program*” means a program administered by a registrant that has modified its registration with DEA to collect controlled substances for the purpose of disposal. Federal regulations for such programs can be found at [www.deadiversion.usdoj.gov/drug\\_disposal/](http://www.deadiversion.usdoj.gov/drug_disposal/). Modification to the registrant’s Iowa controlled substances Act registration shall not be required.

“*Board*” means the Iowa board of pharmacy.

“*CSA*” means the Iowa uniform controlled substances Act.

“*CSA registration*” or “*registration*” means the registration issued by the board pursuant to the CSA that signifies the registrant’s authorization to engage in registered activities with controlled substances.

“*DEA*” means the United States Department of Justice, Drug Enforcement Administration.

“*Individual practitioner*” means a physician or surgeon (M.D.), osteopathic physician or surgeon (D.O.), dentist (D.D.S. or D.M.D.), doctor of veterinary medicine (D.V.M.), podiatric physician (D.P.M.), optometrist (O.D.), physician assistant (P.A.), resident physician, advanced registered nurse practitioner (A.R.N.P.), or prescribing psychologist.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.3(124) Who shall register.** The following persons or businesses shall register on forms provided by the board:

1. Manufacturers, distributors, importers, and exporters located in Iowa. Effective January 1, 2018, nonresident manufacturers, distributors, importers, and exporters distributing controlled substances into Iowa.

2. Reverse distributors located in Iowa. Effective January 1, 2018, nonresident reverse distributors engaging in the transfer of controlled substances with registrants located in Iowa.

3. Individual practitioners located in Iowa who are administering, dispensing, or prescribing controlled substances and individual practitioners located outside of Iowa who are dispensing or prescribing controlled substances via telehealth services to patients located in Iowa.

4. Pharmacies located in Iowa that are dispensing controlled substances. Effective January 1, 2018, pharmacies located outside of Iowa that are delivering controlled substances to patients located in Iowa.

5. Hospitals located in Iowa that are administering or dispensing controlled substances. Effective January 1, 2018, hospitals located outside of Iowa that are administering or dispensing controlled substances to patients located in Iowa.

6. Emergency medical service programs that are administering controlled substances to patients located in Iowa.

7. Care facilities that are located in Iowa.

8. Researchers, analytical laboratories, and teaching institutions that are located in Iowa.

9. Animal shelters and dog training facilities that are located in Iowa.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.4** Reserved.

**657—10.5(124) Application.** Applicants for initial registration, registration renewal pursuant to rule 657—10.6(124), or modifications pursuant to rule 657—10.9(124) shall complete the appropriate application and shall include all required information and attachments. Each registration application shall require submission of a \$90 registration fee except as provided in subrule 10.5(3).

**10.5(1) Signature requirements.** Each application, attachment, or other document filed as part of an application shall be signed by the applicant as follows:

*a.* If the applicant is an individual practitioner, the practitioner shall sign the application and supporting documents.

*b.* If the applicant is a business, the application and supporting documents shall be signed by the person ultimately responsible for the security and maintenance of controlled substances at the registered location.

**10.5(2) Submission of multiple applications.** Any person or business required to obtain more than one registration pursuant to rule 657—10.7(124) or 657—10.8(124) may submit all applications in one package. Each application shall be complete and shall not refer to any accompanying application or any attachment to an accompanying application for required information.

**10.5(3) Registration fee exemptions.** The registration fee is waived for federal, state, and local law enforcement agencies and for the following federal and state institutions: hospitals, health care or teaching institutions, and analytical laboratories authorized to possess, manufacture, distribute, and dispense controlled substances in the course of official duties. In order to enable law enforcement agency laboratories to obtain and transfer controlled substances for use as standards in chemical analysis, such laboratories shall maintain a registration to conduct chemical analysis (analytical laboratory). Such laboratories shall be exempt from any registration fee. Exemption from payment of any fees as provided in this subrule does not relieve the entity of registration or of any other requirements or duties prescribed by law.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.6(124) Registration renewal.** Each registration shall be renewed prior to its biennial expiration. A registrant may renew its registration up to 60 days prior to the registration expiration. The fee for registration renewal shall be \$90.

**10.6(1) Delinquent registration grace period.** A registration that is not renewed prior to the first day of the month following expiration shall be delinquent. A registrant may continue operations within the first 30 days following expiration while the license is delinquent if the registrant is in the process of renewing the registration. Failure to renew a registration prior to the first day of the month following expiration, but when submitting a completed renewal application within the 30 days following expiration, shall require payment of the renewal fee and a penalty fee of \$90.

**10.6(2) Delinquent registration reactivation beyond grace period.** If a registration renewal application is not postmarked or hand-delivered to the board office within 30 days following its expiration date, the registrant may not conduct operations that involve controlled substances until the registrant reactivates the registration. A registrant may apply for reactivation by submitting a registration application for reactivation and a \$360 fee. As part of the reactivation application, the registrant shall disclose the activities conducted with respect to controlled substances while the registration was expired. A registrant that continues to conduct activities with respect to controlled substances without an active registration may be subject to disciplinary sanctions.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.7(124) Separate registration for independent activities; coincident activities.** The following activities are deemed to be independent of each other and shall require separate registration. Any person or business engaged in more than one of these activities shall be required to separately register for each independent activity, provided, however, that registration in an independent activity shall authorize the registrant to engage in activities identified coincident with that independent activity.

**10.7(1) *Manufacturing controlled substances.*** A person or business registered to manufacture controlled substances in Schedules I through V may distribute any substances for which registration to manufacture was issued. A person or business registered to manufacture controlled substances in Schedules II through V may conduct chemical analysis and preclinical research, including quality control analysis, with any substances listed in those schedules for which the person or business is registered to manufacture.

**10.7(2) *Distributing controlled substances.*** This independent activity includes the delivery, other than by administering or dispensing, of controlled substances listed in Schedules I through V. No coincident activities are authorized.

**10.7(3) *Dispensing, administering, prescribing, or instructing with controlled substances.*** These independent activities include, but are not limited to, prescribing, administering, and dispensing by individual practitioners; dispensing by pharmacies and hospitals; and conducting instructional activities with controlled substances listed in Schedules II through V. A person or business registered for these independent activities may conduct research and instructional activities with those substances for which the person or business is registered to the extent authorized under state law. If an entity that engages in the distribution, administration, dispensing, or storing of controlled substances maintains multiple licenses, such as a hospital that has both inpatient and outpatient pharmacies, a separate registration shall be maintained for each license.

**10.7(4) *Conducting research with controlled substances listed in Schedule I.*** A researcher may manufacture or import the substances for which registration was issued provided that such manufacture or import is permitted under the federal DEA registration. A researcher may distribute the substances for which registration was issued to persons or businesses registered or authorized to conduct research with that class of substances or registered or authorized to conduct chemical analysis with controlled substances.

**10.7(5) *Conducting research with controlled substances listed in Schedules II through V.*** A researcher may conduct chemical analysis with controlled substances in those schedules for which registration was issued, may manufacture such substances if and to the extent such manufacture is permitted under the federal DEA registration, and may import such substances for research purposes. A researcher may distribute controlled substances in those schedules for which registration was issued to persons registered or authorized to conduct chemical analysis, instructional activities, or research with such substances, and to persons exempt from registration pursuant to Iowa Code section 124.302(3), and may conduct instructional activities with controlled substances.

**10.7(6) *Conducting chemical analysis with controlled substances.*** A person or business registered to conduct chemical analysis with controlled substances listed in Schedules I through V may manufacture and import controlled substances for analytical or instructional activities; may distribute such substances to persons registered or authorized to conduct chemical analysis, instructional activities, or research with such substances and to persons exempt from registration pursuant to Iowa Code section 124.302(3); may export such substances to persons in other countries performing chemical analysis or enforcing laws relating to controlled substances or drugs in those countries; and may conduct instructional activities with controlled substances.

**10.7(7) *Importing or exporting controlled substances.*** A person or business registered to import controlled substances listed in Schedules I through V may distribute any substances for which such registration was issued.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.8(124) Separate registrations for separate locations; exemption from registration.** A separate registration is required for each principal place of business or professional practice location where controlled substances are manufactured, distributed, imported, exported, dispensed, stored, or collected for the purpose of disposal unless the person or business is exempt from registration pursuant to Iowa Code section 124.302(3), this rule, or federal regulations.

**10.8(1) *Warehouse.*** A warehouse where controlled substances are stored by or on behalf of a registered person or business shall be exempt from registration except as follows:

a. Registration of the warehouse shall be required if such controlled substances are distributed directly from that warehouse to registered locations other than the registered location from which the substances were delivered to the warehouse.

b. Registration of the warehouse shall be required if such controlled substances are distributed directly from that warehouse to persons exempt from registration pursuant to Iowa Code section 124.302(3).

**10.8(2) Sales office.** An office used by agents of a registrant where sales of controlled substances are solicited, made, or supervised shall be exempt from registration. Such office shall not contain controlled substances, except substances used for display purposes or for lawful distribution as samples, and shall not serve as a distribution point for filling sales orders.

**10.8(3) Prescriber's office.** An office used by a prescriber who is registered at another location and where controlled substances are prescribed but where no supplies of controlled substances are maintained shall be exempt from registration. However, a prescriber who practices at more than one office location where controlled substances are administered or otherwise dispensed as a regular part of the prescriber's practice shall register at each location wherein the prescriber maintains supplies of controlled substances.

**10.8(4) Prescriber in hospital.** A prescriber who is registered at another location and who treats patients and may order the administration of controlled substances in a hospital other than the prescriber's registered practice location shall not be required to obtain a separate registration at the location of the hospital.

**10.8(5) Affiliated interns, residents, or foreign physicians.** An individual practitioner who is an intern, resident, or foreign physician may dispense and prescribe controlled substances under the registration of the hospital or other institution which is registered and by whom the practitioner is employed provided that:

a. The hospital or other institution by which the individual practitioner is employed has determined that the practitioner is permitted to dispense or prescribe drugs by the appropriate licensing board.

b. Such individual practitioner is acting only in the scope of employment or practice in the hospital, institution, internship program, or residency program.

c. The hospital or other institution authorizes the intern, resident, or foreign physician to dispense or prescribe under the hospital registration and designates a specific internal code number, letters, or combination thereof which shall be appended to the institution's DEA registration number, preceded by a hyphen (e.g., AP1234567-10 or AP1234567-12).

d. The hospital or institution maintains a current list of internal code numbers identifying the corresponding individual practitioner, available for the purpose of verifying the authority of the prescribing individual practitioner.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.9(124) Modification or termination of registration.** A registered individual or business shall apply to modify a current registration as provided by this rule.

**10.9(1) Change of substances authorized.** Any registrant shall apply to modify the substances authorized by the registration by submitting a written request to the board. The request shall include the registrant's name, address, telephone number, registration number, and the substances or schedules to be added to or removed from the registration and shall be signed by the same person who signed the most recent application for registration or registration renewal. No fee shall be required for the modification.

**10.9(2) Change of address of registered location.**

a. *Individual practitioner or researcher.* An entity registered as an individual practitioner or researcher shall apply to change the address of the registered location by submitting a written request to the board. The request shall include the registrant's name, current address, new address, telephone number, effective date of the address change, and registration number, and shall be signed by the registered individual practitioner or the same person who signed the most recent application for registration or registration renewal. No fee shall be required for the modification.

b. *Pharmacy, hospital, care facility, service program, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter.* An entity registered as a pharmacy, hospital, care

facility, service program, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter shall apply to change the address of the registered location by submitting a completed application and fee for registration as provided in rule 657—10.5(124).

**10.9(3) Change of registrant's name.**

*a. Individual practitioner or researcher.* An entity registered as an individual practitioner or researcher shall apply to change the registrant's name by submitting a written request to the board. The request shall include the registrant's current name, new name, address, telephone number, effective date of the name change, and registration number, and shall be signed by the registered individual practitioner or the same person who signed the most recent application for registration or registration renewal. No fee shall be required for the modification. Change of name, as used in this paragraph, refers to a change of the legal name of the registrant and does not authorize the transfer of a registration issued to an individual practitioner or researcher to another individual practitioner or researcher.

*b. Pharmacy, hospital, care facility, service program, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter.* An entity registered as a pharmacy, hospital, care facility, service program, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter shall apply to change the registrant name by submitting a completed application and fee for registration as provided in rule 657—10.5(124).

**10.9(4) Change of ownership of registered business entity.** A change of immediate ownership of a pharmacy, hospital, care facility, service program, manufacturer, distributor, analytical laboratory, teaching institution, importer, or exporter shall require the submission of a completed application and fee for registration as provided in rule 657—10.5(124).

**10.9(5) Change of responsible individual.** Any registrant, except an individual practitioner or researcher or a pharmacy or hospital, shall apply to change the responsible individual authorized by the registration by submitting a written request to the board. The request shall include the registrant's name, address, and telephone number; the name and title of the current responsible individual and of the new responsible individual; the effective date of the change; and the registration number and shall be signed by the new responsible individual. No fee shall be required for the modification.

*a. Individual practitioners and researchers.* Responsibility under a registration issued to an individual practitioner or researcher shall remain with the named individual practitioner or researcher. The responsible individual under such registration may not be changed or transferred.

*b. Pharmacies and hospitals.* The responsible pharmacist may execute a power of attorney for DEA order forms to change responsibility under the registration issued to the pharmacy or hospital. The power of attorney shall include the name, address, DEA registration number, and CSA registration number of the registrant. The power of attorney shall identify the current and new responsible individuals and shall authorize the new responsible individual to execute applications and official DEA order forms to requisition Schedule II controlled substances. The power of attorney shall be signed by both individuals, shall be witnessed by two adults, and shall be maintained by the registrant and available for inspection or copying by representatives of the board or other state or federal authorities. The responsible individual may be changed on the CSA registration by submission of a completed application and fee for registration as provided in rule 657—10.5(124).

**10.9(6) Termination of registration.** A registration issued to an individual or business shall terminate when the registered individual or business ceases legal existence, discontinues business, or discontinues professional practice. A registration issued to an individual shall terminate upon the death of the individual.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.10(124) Denial, modification, suspension, or revocation of registration.**

**10.10(1) Grounds for suspension or revocation.** The board may suspend or revoke any registration upon a finding that the registrant:

- a.* Has furnished false or fraudulent material information in any application filed under this chapter.
- b.* Has had the registrant's federal registration to manufacture, distribute, or dispense controlled substances suspended or revoked.

c. Has been convicted of a public offense under any state or federal law relating to any controlled substance. For the purpose of this rule only, a conviction shall include a plea of guilty, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court which forfeiture has not been vacated, or a finding of guilt in a criminal action even though entry of the judgment or sentence has been withheld and the individual has been placed on probation.

d. Has committed such acts as would render the registrant's registration under Iowa Code section 124.303 inconsistent with the public interest as determined by that section.

e. Has been subject to discipline by the registrant's respective professional licensing board and the discipline revokes or suspends the registrant's professional license or otherwise disciplines the registrant's professional license in a way that restricts the registrant's authority to handle or prescribe controlled substances. A copy of the record of licensee discipline or a copy of the licensee's surrender of the professional license shall be conclusive evidence.

**10.10(2) Limited suspension or revocation.** If the board finds grounds to suspend or revoke a registration, the board may limit revocation or suspension of the registration to the particular controlled substance, substances, or schedules with respect to which the grounds for revocation or suspension exist. If the revocation or suspension is limited to a particular controlled substance, substances, or schedules, the registrant shall be given a new certificate of registration reflecting the restrictions imposed by the revocation or suspension; no fee shall be required for the new certificate of registration. The registrant shall deliver the old certificate of registration to the board.

**10.10(3) Denial of registration or registration renewal.** If, upon examination of an application for registration or registration renewal, including any other information the board has or receives regarding the applicant, the board determines that the issuance of the registration would be inconsistent with the public interest, the board shall serve upon the applicant an order to show cause why the registration should not be denied.

**10.10(4) Considerations in denial of registration.** In determining the public interest, the board shall consider all of the following factors:

a. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

b. Compliance with applicable state and local law.

c. Any convictions of the applicant under any federal and state laws relating to any controlled substance.

d. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion.

e. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter.

f. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law.

g. Any other factors relevant to and consistent with the public health and safety.

**10.10(5) Order to show cause.** Before denying, modifying, suspending, or revoking a registration, the board shall serve upon the applicant or registrant an order to show cause why the registration should not be denied, modified, revoked, or suspended. The order to show cause shall contain a statement of the basis therefore and shall call upon the applicant or registrant to appear before an administrative law judge or the board at a time and place not less than 30 days after the date of service of the order. The order to show cause shall also contain a statement of the legal basis for such hearing and for the denial, revocation, suspension, or modification of registration and a summary of the matters of fact and law asserted. If the order to show cause involves the possible denial of registration renewal, the order shall be served not later than 30 days before the expiration of the registration. Proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing unless the board issues an order of immediate suspension pursuant to subrule 10.10(9).

**10.10(6) Hearing requested.** If an applicant or registrant that has received an order to show cause desires a hearing on the matter, the applicant or registrant shall file a request for a hearing within 30

days after the date of service of the order to show cause. If a hearing is requested, the board shall hold a hearing pursuant to 657—Chapter 35 at the time and place stated in the order and without regard to any criminal prosecution or other proceeding. Unless otherwise ordered by the board, an administrative law judge employed by the department of inspections and appeals shall be assigned to preside over the case and to draft a proposed decision for the board's consideration.

**10.10(7) *Waiver of hearing.*** If an applicant or registrant entitled to a hearing on an order to show cause fails to file a request for hearing, or if the applicant or registrant requests a hearing but fails to appear at the hearing, the applicant or registrant shall be deemed to have waived the opportunity for a hearing unless the applicant or registrant shows good cause for such failure.

**10.10(8) *Final board order when hearing waived.*** If an applicant or registrant entitled to a hearing waives or is deemed to have waived the opportunity for a hearing, the executive director of the board may cancel the hearing and issue, on behalf of the board, the board's final order on the order to show cause.

**10.10(9) *Order of immediate suspension.*** The board may suspend any registration simultaneously with the service upon the registrant of an order to show cause why such registration should not be revoked or suspended if the board finds there is an imminent danger to the public health or safety that warrants such action. If the board suspends a registration simultaneously with the service of the order to show cause upon the registrant, it shall serve upon the registrant with the order to show cause an order of immediate suspension containing a statement of its findings regarding the danger to public health or safety. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, under the provisions of the Iowa administrative procedure Act, unless sooner withdrawn by the board or dissolved by the order of the district court or an appellate court.

**10.10(10) *Disposition of controlled substances.*** If the board suspends or revokes a registration, the registrant shall promptly return the certificate of registration to the board. Also, upon service of the order of the board suspending or revoking the registration, the registrant shall deliver all affected controlled substances in the registrant's possession to the board or authorized agent of the board. Upon receiving the affected controlled substances from the registrant, the board or its authorized agent shall place all such substances under seal and retain the sealed controlled substances pending final resolution of any appeals or until a court of competent jurisdiction directs otherwise. No disposition may be made of the substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of proceeds of the sale with the court. Upon a revocation order's becoming final, all such controlled substances may be forfeited to the state.

**10.10(11) *Notifications.*** The board shall promptly notify the DEA and the Iowa department of public safety of all orders suspending or revoking registration and all forfeitures of controlled substances.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.11** Reserved.

**657—10.12(124) *Inspection.*** The board may inspect, or cause to be inspected, the establishment of an applicant or registrant. The board shall review the application for registration and other information regarding an applicant or registrant in order to determine whether the applicant or registrant has met the applicable standards of Iowa Code chapter 124 and these rules.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.13(124) *Security requirements.*** All registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances. In order to determine whether a registrant has provided effective controls against diversion, the board shall use the security requirements set forth in these rules as standards for the physical security controls and operating procedures necessary to prevent diversion.

**10.13(1) *Physical security.*** Physical security controls shall be commensurate with the schedules and quantity of controlled substances in the possession of the registrant in normal business operation. A

registrant shall periodically review and adjust security measures based on rescheduling of substances or changes in the quantity of substances in the possession of the registrant.

*a.* Controlled substances listed in Schedule I shall be stored in a securely locked, substantially constructed cabinet or safe.

*b.* Controlled substances listed in Schedules II through V may be stored in a securely locked, substantially constructed cabinet or safe. However, pharmacies and hospitals may disperse these substances throughout the stock of noncontrolled substances in a manner so as to obstruct the theft or diversion of the controlled substances.

*c.* Controlled substances collected via an authorized collection program for the purpose of disposal shall be stored pursuant to federal regulations, which can be found at [www.deadiversion.usdoj.gov/drug\\_disposal/](http://www.deadiversion.usdoj.gov/drug_disposal/).

**10.13(2) *Factors in evaluating physical security systems.*** In evaluating the overall security system of a registrant or applicant necessary to maintain effective controls against theft or diversion of controlled substances, the board may consider any of the following factors it deems relevant to the need for strict compliance with the requirements of this rule:

- a.* The type of activity conducted.
- b.* The type, form, and quantity of controlled substances handled.
- c.* The location of the premises and the relationship such location bears to security needs.
- d.* The type of building construction comprising the facility and the general characteristics of the building or buildings.
- e.* The type of vault, safe, and secure enclosures available.
- f.* The type of closures on vaults, safes, and secure enclosures.
- g.* The adequacy of key control systems or combination lock control systems.
- h.* The adequacy of electronic detection and alarm systems, if any.
- i.* The adequacy of supervision over employees having access to controlled substances, to storage areas, or to manufacturing areas.
- j.* The extent of unsupervised public access to the facility, including the presence and characteristics of perimeter fencing, if any.
- k.* The procedures for handling business guests, visitors, maintenance personnel, and nonemployee service personnel.
- l.* The availability of local police protection or of the registrant's or applicant's security personnel.
- m.* The adequacy of the registrant's or applicant's system for monitoring the receipt, manufacture, distribution, and disposition of controlled substances.

**10.13(3) *Manufacturing and compounding storage areas.*** Raw materials, bulk materials awaiting further processing, and finished products which are controlled substances listed in any schedule shall be stored pursuant to federal laws and regulations.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.14(124) *Accountability of controlled substances.*** The registrant shall maintain ultimate accountability of controlled substances and records maintained at the registered location.

**10.14(1) *Records.*** Pursuant to rule 657—10.36(124,155A), records shall be available for inspection and copying by the board or its authorized agents for two years from the date of the record.

**10.14(2) *Policies and procedures.*** The registrant shall have policies and procedures that identify, at a minimum:

- a.* Adequate storage for all controlled substances to ensure security and proper conditions with respect to temperature and humidity.
- b.* Access to controlled substances and records of controlled substances by employees of the registrant.
- c.* Proper disposition of controlled substances.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.15** Reserved.

**657—10.16(124) Receipt and disbursement of controlled substances.** Each transfer of a controlled substance between two registrants, to include a transfer between two separately registered locations regardless of any common ownership, except as provided in subrule 10.16(2), shall require a record of the transaction. Each registrant shall maintain a copy of the record for at least two years from the date of the transfer. Records of the transfer of Schedule II controlled substances shall be created and maintained separately from records of the transfer of Schedules III through V controlled substances pursuant to rule 657—10.36(124,155A). Upon receipt of a controlled substance, the individual responsible for receiving the controlled substance shall date and sign the receipt record.

**10.16(1) Record.** The record, unless otherwise provided in these rules or pursuant to federal law, shall include the following:

- a. The name of the substance.
- b. The strength and dosage form of the substance.
- c. The number of units or commercial containers acquired from other registrants, including the date of receipt and the name, address, and DEA registration number of the registrant from which the substances were acquired.
- d. The number of units or commercial containers distributed to other registrants, including the date of distribution and the name, address, and DEA registration number of the registrant to which the substances were distributed.
- e. The number of units or commercial containers disposed of in any other manner, including the date and manner of disposal and the name, address, and DEA registration number of the registrant to which the substances were distributed for disposal, if appropriate.

**10.16(2) Distribution of samples and other complimentary packages.** Complimentary packages and samples of controlled substances may be distributed to practitioners pursuant to federal and state law only if the person distributing the items provides to the practitioner a record that contains the information found in this subrule. The individual responsible for receiving the controlled substances shall sign and date the record.

- a. The name, address, and DEA registration number of the supplier.
- b. The name, address, and DEA registration number of the practitioner.
- c. The name, strength, dosage form, and quantity of the specific controlled substances delivered.
- d. The date of delivery.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.17(124) Ordering or distributing Schedule I or II controlled substances.**

**10.17(1) DEA Form 222.** Except as otherwise provided by subrule 10.17(2) and under federal law, a DEA Form 222 is required for each distribution of a Schedule I or II controlled substance. An order form may be executed only on behalf of the registrant named on the order form and only if the registrant's DEA and Iowa registrations for the substances being purchased have not expired or been revoked or suspended by the issuing agency.

- a. Order forms shall be obtained, executed, and filled pursuant to DEA requirements. Each form shall be complete, legible, and properly prepared, executed, and endorsed and shall contain no alteration, erasure, or change of any kind.
- b. The purchaser shall submit Copy 1 and Copy 2 of the order form to the supplier.
- c. The purchaser shall maintain Copy 3 of the order form in the files of the registrant. Upon receipt of the substances from the supplier, the purchaser shall record on Copy 3 of the order form the quantity of each substance received and the date of receipt.
- d. The supplier shall record on Copy 1 and Copy 2 of the order form the quantity of each substance distributed to the purchaser and the date on which the shipment is made. The supplier shall maintain Copy 1 of the order form in the files of the supplier and shall forward Copy 2 of the order form to the DEA district office.
- e. Order forms shall be maintained separately from all other records of the registrant.
- f. Each unaccepted, defective, or otherwise void order form and any attached statement or other documents relating to any order form shall be maintained in the files of the registrant.

g. If the registration of any purchaser of Schedule I or II controlled substances is terminated for any reason, or if the name or address of the registrant as shown on the registration is changed, the registrant shall return all unused order forms to the DEA district office.

**10.17(2) *Electronic ordering system.*** A registrant authorized to order or distribute Schedule I or II controlled substances via the DEA Controlled Substances Ordering System (CSOS) shall comply with the requirements of the DEA relating to that system, including the maintenance and security of digital certificates, signatures, and passwords and all record-keeping and reporting requirements.

a. For an electronic order to be valid, the purchaser shall sign the electronic order with a digital signature issued to the purchaser or the purchaser's agent by the DEA.

b. An electronic order may include controlled substances that are not in Schedule I or II and may also include noncontrolled substances.

c. A purchaser shall submit an order to a specific wholesale distributor appropriately licensed to distribute in Iowa.

d. Prior to filling an order, a supplier shall verify the integrity of the signature and the order, verify that the digital certificate has not expired, check the validity of the certificate, and verify the registrant's authority to order the controlled substances.

e. The supplier shall retain an electronic record of every order, including a record of the number of commercial or bulk containers furnished for each item and the date on which the supplier shipped the containers to the purchaser. The shipping record shall be linked to the electronic record of the order. Unless otherwise provided under federal law, a supplier shall ship the controlled substances to the registered location associated with the digital certificate used to sign the order.

f. If an order cannot be filled for any reason, the supplier shall notify the purchaser and provide a statement as to the reason the order cannot be filled. When a purchaser receives such a statement from a supplier, the purchaser shall electronically link the statement of nonacceptance to the original electronic order. Neither a purchaser nor a supplier may correct a defective order; the purchaser must issue a new order for the order to be filled.

g. When a purchaser receives a shipment, the purchaser shall create a record of the quantity of each item received and the date received. The record shall be electronically linked to the original order and shall identify the individual reconciling the order. A purchaser shall, for each order filled, retain the original signed order and all linked records for that order for two years. The purchaser shall also retain all copies of each unfilled or defective order and each linked statement.

h. A supplier shall retain each original order filled and all linked records for two years. A supplier shall, for each electronic order filled, forward to the DEA within two business days either a copy of the electronic order or an electronic report of the order in a format specified by the DEA.

i. Records of CSOS electronic orders and all linked records shall be maintained by a supplier and a purchaser for two years following the date of shipment or receipt, respectively. Records may be maintained electronically or in hard-copy format. Records that are maintained electronically shall be readily retrievable from all other records, shall be easily readable or easily rendered into a readable format, shall be readily retrievable at the registered location, and shall be made available to the board, to the board's agents, or to the DEA upon request. Records maintained in hard-copy format shall be maintained in the same manner as DEA Form 222.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.18(124) Schedule II perpetual inventory.** Each registrant located in Iowa that maintains Schedule II controlled substances shall maintain a perpetual inventory system for all Schedule II controlled substances pursuant to this rule. All records relating to the perpetual inventory shall be maintained at the registered location and shall be available for inspection and copying by the board or its representative for a period of two years from the date of the record.

**10.18(1) *Record format.*** The perpetual inventory record may be maintained in a manual or an electronic record format. Any electronic record shall provide for hard-copy printout of all transactions recorded in the perpetual inventory record for any specified period of time and shall state the current inventory quantities of each drug at the time the record is printed.

**10.18(2) Information included.** The perpetual inventory record shall identify all receipts for and disbursements of Schedule II controlled substances by drug or by national drug code (NDC) number. The record shall be updated to identify each receipt, disbursement, and current balance of each individual drug or NDC number. The record shall also include incident reports and reconciliation records pursuant to subrules 10.18(3) and 10.18(4).

**10.18(3) Changes to a record.** If a perpetual inventory record is able to be changed, the individual making a change to the record shall complete an incident report documenting the change. The incident report shall identify the specific information that was changed including the information before and after the change, shall identify the individual making the change, and shall include the date and the reason the record was changed. If the electronic record system documents within the perpetual inventory record all of the information that must be included in an incident report, a separate report is not required.

**10.18(4) Reconciliation.** The registrant shall be responsible for reconciling or ensuring the completion of a reconciliation of the perpetual inventory balance with the physical inventory of all Schedule II controlled substances at least annually. In case of any discrepancies between the physical inventory and the perpetual inventory, the registrant shall be notified immediately. The registrant shall determine the need for further investigation, and significant discrepancies shall be reported to the board pursuant to rule 657—10.21(124) and to the DEA pursuant to federal DEA regulations. Periodic reconciliation records shall be maintained and available for review and copying by the board or its authorized agents for a period of two years from the date of the record. The reconciliation process may be completed using either of the following procedures or a combination thereof:

*a.* The individual responsible for a disbursement verifies that the physical inventory matches the perpetual inventory following each disbursement and documents that reconciliation in the perpetual inventory record. If controlled substances are maintained on the patient care unit, the nurse or other responsible licensed health care provider verifies that the physical inventory matches the perpetual inventory following each dispensing and documents that reconciliation in the perpetual inventory record. If any Schedule II controlled substances in the registrant's current inventory have been disbursed and verified in this manner within the year and there are no discrepancies noted, no additional reconciliation action is required. A perpetual inventory record for a drug that has had no activity within the year shall be reconciled pursuant to paragraph 10.18(4) "b."

*b.* A physical count of each Schedule II controlled substance stocked by the registrant shall be completed at least once each year, and that count shall be reconciled with the perpetual inventory record balance. The physical count and reconciliation may be completed over a period of time not to exceed one year in a manner that ensures that the perpetual inventory and the physical inventory of Schedule II controlled substances are annually reconciled. The individual performing the reconciliation shall record the date, the time, the individual's initials or unique identification, and any discrepancies between the physical inventory and the perpetual inventory.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.19(124) Physical count and record of inventory.** Each registrant shall be responsible for taking a complete and accurate inventory of all stocks of controlled substances under the control of the registrant pursuant to this rule. The responsible individual may delegate the actual taking of any inventory.

**10.19(1) Record and procedure.** Each inventory record, except the periodic count and reconciliation required pursuant to subrule 10.18(4), shall comply with the requirements of this subrule and shall be maintained for a minimum of two years from the date of the inventory.

*a.* Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date and at the time the inventory is taken.

*b.* Each inventory shall be maintained in a handwritten, typewritten, or electronically printed form at the registered location. An inventory of Schedule II controlled substances shall be maintained separately from an inventory of all other controlled substances.

*c.* Controlled substances shall be deemed to be on hand if they are in the possession of or under the control of the registrant. Controlled substances on hand shall include prescriptions prepared for

dispensing to a patient but not yet delivered to the patient, substances maintained in emergency medical service programs, care facility or hospice emergency supplies, outdated or adulterated substances pending destruction, and substances stored in a warehouse on behalf of the registrant. Controlled substances obtained through an authorized collection program for the purpose of disposal shall not be examined, inspected, counted, sorted, inventoried, or otherwise handled.

*d.* A separate inventory shall be made for each registered location and for each independent activity registered except as otherwise provided under federal law.

*e.* The inventory shall be taken either prior to opening or following the close of business on the inventory date, and the inventory record shall identify either opening or close of business.

*f.* The inventory record, unless otherwise provided under federal law, shall include the following information:

(1) The name of the substance.

(2) The strength and dosage form of the substance.

(3) The quantity of the substance.

(4) Information required of authorized collection programs pursuant to federal regulations for such collection programs.

(5) The signature of the person or persons responsible for taking the inventory.

(6) The date and time (opening or closing) of the inventory.

*g.* For all substances listed in Schedule I or II, the quantity shall be an exact count or measure of the substance.

*h.* For all substances listed in Schedule III, IV, or V, the quantity may be an estimated count or measure of the substance unless the container has been opened and originally held more than 100 dosage units. If the opened commercial container originally held more than 100 dosage units, an exact count of the contents shall be made. Products packaged in nonincremented containers may be estimated to the nearest one-fourth container.

**10.19(2) *Initial inventory.*** A new registrant shall take an inventory of all stocks of controlled substances on hand on the date the new registrant first engages in the manufacture, distribution, storage, or dispensing of controlled substances. If the registrant commences business or the registered activity with no controlled substances on hand, the initial inventory shall record that fact.

**10.19(3) *Annual inventory.*** After the initial inventory is taken, a registrant shall take a new inventory of all stocks of controlled substances on hand at least annually. The annual inventory may be taken on any date that is within 372 days after the date of the previous annual inventory.

**10.19(4) *Change of ownership, pharmacist in charge, or registered location.*** When there is a change in ownership, pharmacist in charge, or location for a registration, an inventory shall be taken of all controlled substances in compliance with subrule 10.19(1). The inventory shall be taken following the close of business the last day under terminating ownership, terminating pharmacist in charge's employment, or at the location being vacated. The inventory shall serve as the ending inventory for the terminating owner, terminating pharmacist in charge, or location being vacated, as well as a record of the beginning inventory for the new owner, pharmacist in charge, or location.

**10.19(5) *Discontinuing registered activity.*** A registrant shall take an inventory of controlled substances at the close of business the last day the registrant is engaged in registered activities. If the registrant is selling or transferring the remaining controlled substances to another registrant, this inventory shall serve as the ending inventory for the registrant discontinuing business as well as a record of additional or starting inventory for the registrant to which the substances are transferred.

**10.19(6) *New or rescheduled controlled substances.*** On the effective date of the addition of a previously noncontrolled substance to any schedule of controlled substances or the rescheduling of a previously controlled substance to another schedule, any registrant who possesses the newly scheduled or rescheduled controlled substance shall take an inventory of all stocks of the substance on hand. That inventory record shall be maintained with the most recent controlled substances inventory record. Thereafter, the controlled substance shall be included in the appropriate schedule of each inventory made by the registrant.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.20** Reserved.

**657—10.21(124) Report of theft or loss.** A registrant shall report to the board and the DEA any theft or significant loss of controlled substances when the loss is attributable to other than inadvertent error. Thefts or other losses of controlled substances shall be reported whether or not the controlled substances are subsequently recovered or the responsible parties are identified and action taken against them.

**10.21(1) Immediate notice to board.** If the theft was committed by a registrant or licensee of the board, or if there is reason to believe that the theft was committed by a registrant or licensee of the board, the registrant from which the controlled substances were stolen shall notify the board immediately upon discovery of the theft and shall identify to the board the registrant or licensee suspected of the theft.

**10.21(2) Immediate notice to DEA.** A registrant shall deliver notice, immediately upon discovery of a reportable theft or loss of controlled substances, to the Des Moines DEA field office via telephone, facsimile, or a brief written message explaining the circumstances of the theft or loss.

**10.21(3) Timely report submission.** Within 14 calendar days of discovery of the theft or loss, a registrant shall submit directly to the DEA a Form 106 or alternate required form via the DEA website at [www.deadiversion.usdoj.gov/](http://www.deadiversion.usdoj.gov/). A copy of the report that was completed and submitted to the DEA shall be immediately submitted to the board via facsimile, email attachment, or personal or commercial delivery.

**10.21(4) Record maintained.** A copy of the report shall be maintained in the registrant's files for a minimum of two years following the date the report was completed.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.22(124) Disposal of registrant stock.** A registrant shall dispose of controlled substances pursuant to the requirements of this rule. Disposal records shall be maintained by the registrant for at least two years from the date of the record.

**10.22(1) Registrant stock supply.** Controlled substances shall be removed from current inventory and disposed of by one of the following procedures.

*a.* The registrant shall utilize the services of a DEA-registered and Iowa-licensed reverse distributor.

*b.* The board may authorize and instruct the registrant to dispose of the controlled substances in one of the following manners:

(1) By delivery to an agent of the board or to the board office.

(2) By destruction of the drugs in the presence of a board officer, agent, inspector, or other authorized individual.

(3) By such other means as the board may determine to ensure that drugs do not become available to unauthorized persons.

**10.22(2) Waste resulting from administration or compounding.** Except as otherwise specifically provided by federal or state law or rules of the board, the unused portion of a controlled substance resulting from administration to a patient from a registrant's stock or emergency supply or resulting from drug compounding operations may be destroyed or otherwise disposed of by the registrant or a pharmacist in witness of one other licensed health care provider or a registered pharmacy technician 18 years of age or older pursuant to this subrule. A written record of the wastage shall be made and maintained by the registrant for a minimum of two years following the wastage. The record shall include the following:

*a.* The controlled substance wasted.

*b.* The date of wastage.

*c.* The quantity or estimated quantity of the wasted controlled substance.

*d.* The source of the controlled substance, including identification of the patient to whom the substance was administered or the drug compounding process utilizing the controlled substance.

*e.* The reason for the waste.

*f.* The signatures of both individuals involved in the wastage.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.23(124) Disposal of previously dispensed controlled substances.** Except as provided in 657—Chapter 23 for care facilities, a registrant may not dispose of previously dispensed controlled substances unless the registrant has modified its registration with DEA to administer an authorized collection program. A registrant shall not take possession of a previously dispensed controlled substance except for reuse for the same patient.  
[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.24(124,126,155A) Prescription requirements.** All prescriptions for controlled substances shall be dated as of, and signed on, the day issued. Controlled substances prescriptions shall be valid for six months following date of issue. A prescription for a Schedule III, IV, or V controlled substance may include authorization to refill the prescription no more than five times within the six months following date of issue. A prescription for a Schedule II controlled substance shall not be refilled.

**10.24(1) Form of prescription.** All prescriptions for controlled substances shall bear the full name and address of the patient; the drug name, strength, dosage form, quantity prescribed, and directions for use; and the name, address, and DEA registration number of the prescriber. All prescriptions for controlled substances issued by individual prescribers shall include the legibly preprinted, typed, or hand-printed name of the prescriber as well as the prescriber's written or electronic signature.

*a.* When an oral order is not permitted, or when a prescriber is unable to prepare and transmit an electronic prescription in compliance with DEA requirements for electronic prescriptions, prescriptions shall be written with ink, indelible pencil, or typed print and shall be manually signed by the prescriber. If the prescriber utilizes an electronic prescription application that meets DEA requirements for electronic prescriptions, the prescriber may electronically prepare and transmit a prescription for a controlled substance to a pharmacy that utilizes a pharmacy prescription application that meets DEA requirements for electronic prescriptions.

*b.* A prescriber's agent may prepare a prescription for the review, authorization, and manual or electronic signature of the prescriber, but the prescribing practitioner is responsible for the accuracy, completeness, and validity of the prescription.

*c.* An electronic prescription for a controlled substance shall not be transmitted to a pharmacy except by the prescriber in compliance with DEA regulations.

*d.* A prescriber shall securely maintain the unique authentication credentials issued to the prescriber for utilization of the electronic prescription application and authentication of the prescriber's electronic signature. Unique authentication credentials issued to any individual shall not be shared with or disclosed to any other prescriber, agent, or individual.

*e.* A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by this rule.

**10.24(2) Verification by pharmacist.** The pharmacist shall verify the authenticity of the prescription with the individual prescriber or the prescriber's agent in each case when a written or oral prescription for a Schedule II controlled substance is presented for filling and neither the prescribing individual practitioner issuing the prescription nor the patient or patient's agent is known to the pharmacist. The pharmacist shall verify the authenticity of the prescription with the individual prescriber or the prescriber's agent in any case when the pharmacist questions the validity of, including the legitimate medical purpose for, the prescription. The pharmacist is required to record the manner by which the prescription was verified and include the pharmacist's name or unique identifier.

**10.24(3) Intern, resident, foreign physician.** An intern, resident, or foreign physician exempt from registration pursuant to subrule 10.8(5) shall include on all prescriptions issued the hospital's registration number and the special internal code number assigned by the hospital in lieu of the prescriber's registration number required by this rule. Each prescription shall include the stamped or legibly printed name of the prescribing intern, resident, or foreign physician as well as the prescriber's signature.

**10.24(4) Valid prescriber/patient relationship.** Once the prescriber/patient relationship is broken and the prescriber is no longer available to treat the patient or to oversee the patient's use of the controlled substance, a prescription shall lose its validity. A prescriber/patient relationship shall be deemed broken

when the prescriber dies, retires, or moves out of the local service area or when the prescriber's authority to prescribe is suspended, revoked, or otherwise modified to exclude authority for the schedule in which the prescribed substance is listed. The pharmacist, upon becoming aware of the situation, shall cancel the prescription and any remaining refills. However, the pharmacist shall exercise prudent judgment based upon individual circumstances to ensure that the patient is able to obtain a sufficient amount of the drug to continue treatment until the patient can reasonably obtain the service of another prescriber and a new prescription can be issued.

**10.24(5) Facsimile transmission of a controlled substance prescription.** With the exception of an authorization for emergency dispensing as provided in rule 657—10.26(124), a prescription for a controlled substance in Schedules II, III, IV and V may be transmitted via facsimile from a prescriber to a pharmacy only as provided in rule 657—21.9(124,155A).

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.25(124) Dispensing records.** Each registrant shall create a record of controlled substances dispensed to a patient or research subject.

**10.25(1) Record maintained and available.** The record shall be maintained for two years from the date of dispensing and be available for inspection and copying by the board or its authorized agents.

**10.25(2) Record contents.** The record shall include the following information:

- a. The name and address of the person to whom dispensed.
- b. The date of dispensing.
- c. The name or NDC number, strength, dosage form, and quantity of the substance dispensed.
- d. The name of the prescriber, unless dispensed by the prescriber.
- e. The unique identification of each technician, pharmacist, pharmacist-intern, prescriber, or prescriber's agent involved in dispensing.
- f. The serial number or unique identification number of the prescription.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.26(124) Schedule II emergency prescriptions.**

**10.26(1) Emergency situation defined.** For the purposes of authorizing an oral or facsimile transmission of a prescription for a Schedule II controlled substance listed in Iowa Code section 124.206, the term "emergency situation" means those situations in which the prescribing practitioner determines that all of the following apply:

- a. Immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user.
- b. No appropriate alternative treatment is available, including administration of a drug that is not a Schedule II controlled substance.
- c. It is not reasonably possible for the prescribing practitioner to provide a manually signed written prescription to be presented to the pharmacy before the pharmacy dispenses the controlled substance, or the prescribing practitioner is unable to provide a DEA-compliant electronic prescription to the pharmacy before the pharmacy dispenses the controlled substance.

**10.26(2) Requirements of emergency prescription.** In the case of an emergency situation as defined in subrule 10.26(1), a pharmacist may dispense a controlled substance listed in Schedule II pursuant to a facsimile transmission or upon receiving oral authorization of a prescribing individual practitioner provided that:

- a. The quantity prescribed and dispensed is limited to the smallest available quantity to meet the needs of the patient during the emergency period. Dispensing beyond the emergency period requires a written prescription manually signed by the prescribing individual practitioner or a DEA-compliant electronic prescription.
- b. If the pharmacist does not know the prescribing individual practitioner, the pharmacist shall make a reasonable effort to determine that the authorization came from an authorized prescriber. The pharmacist shall record the manner by which the authorization was verified and include the pharmacist's name or unique identification.

c. The pharmacist shall prepare a temporary written record of the emergency prescription. The temporary written record shall consist of a hard copy of the facsimile transmission or a written record of the oral transmission authorizing the emergency dispensing. A written record is not required to consist of a handwritten record and may be a printed facsimile or a print of a computer-generated record of the prescription if the printed record includes all of the required elements for the prescription. If the emergency prescription is transmitted by the practitioner's agent, the record shall include the first and last names and title of the individual who transmitted the prescription.

d. If the emergency prescription is transmitted via facsimile transmission, the means of transmission shall not obscure or render the prescription information illegible due to security features of the paper utilized by the prescriber to prepare the written prescription, and the hard-copy record of the facsimile transmission shall not be obscured or rendered illegible due to such security features.

e. Within seven days after authorizing an emergency prescription, the prescribing individual practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of rule 657—10.24(124,126,155A), the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the emergency order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it must be postmarked within the seven-day period. The written prescription shall be attached to and maintained with the temporary written record prepared pursuant to paragraph 10.26(2)"c."

f. The pharmacist shall notify the board and the DEA if the prescribing individual fails to deliver a written prescription. Failure of the pharmacist to so notify the board and the DEA, or failure of the prescribing individual to deliver the required written prescription as herein required, shall void the authority conferred by this subrule.

g. Pursuant to federal law and subrule 10.27(3), the pharmacist may fill a partial quantity of an emergency prescription so long as the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed and that the remaining portions are filled no later than 72 hours after the prescription is issued.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.27(124) Schedule II prescriptions—partial filling.** The partial filling of a prescription for a controlled substance listed in Schedule II is permitted as provided in this rule and federal regulations.

**10.27(1) *Insufficient supply on hand.*** If the pharmacist is unable to supply the full quantity authorized in a prescription and makes a notation of the quantity supplied on the prescription record, a partial fill of the prescription is permitted. The remaining portion of the prescription must be filled within 72 hours of the first partial filling. If the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall so notify the prescriber. No further quantity may be supplied beyond 72 hours without a new prescription.

**10.27(2) *Long-term care or terminally ill patient.*** A prescription for a Schedule II controlled substance written for a patient in a long-term care facility (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units as provided by this subrule.

a. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the practitioner prior to partially filling the prescription. Both the pharmacist and the practitioner have a corresponding responsibility to ensure that the controlled substance is for a terminally ill patient.

b. The pharmacist shall record on the prescription whether the patient is "terminally ill" or an "LTCF patient." For each partial filling, the dispensing pharmacist shall record on the back of the prescription or on another appropriate uniformly maintained and readily retrievable record, the date of the partial filling, the quantity dispensed, the remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist.

c. The total quantity of Schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed. Schedule II prescriptions for patients in an LTCF or for patients

with a medical diagnosis documenting a terminal illness shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of the drug.

*d.* Information pertaining to current Schedule II prescriptions for patients in an LTCF or for patients with a medical diagnosis documenting a terminal illness may be maintained in a computerized system pursuant to rule 657—21.4(124,155A).

**10.27(3) Patient or prescriber request.** At the request of the patient or prescriber, a prescription for a Schedule II controlled substance may be partially filled pursuant to this subrule and federal law. The total quantity dispensed in all partial fillings shall not exceed the total quantity prescribed. Except as provided in paragraph 10.26(2) “g,” the remaining portion of a prescription partially filled pursuant to this subrule may be filled within 30 days of the date the prescription was issued.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.28(124) Schedule II medication order.** Schedule II controlled substances may be administered or dispensed to institutionalized patients pursuant to a medication order as provided in 657—subrule 7.13(1) or rule 657—23.9(124,155A), as applicable.

[ARC 3345C, IAB 9/27/17, effective 11/1/17; ARC 3859C, IAB 6/20/18, effective 7/25/18]

**657—10.29(124) Schedule II—issuing multiple prescriptions.** An individual prescriber may issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance pursuant to the provisions and limitations of this rule.

**10.29(1) Refills prohibited.** The issuance of refills for a Schedule II controlled substance is prohibited. The use of multiple prescriptions for the dispensing of Schedule II controlled substances, pursuant to this rule, ensures that the prescriptions are treated as separate dispensing authorizations and not as refills of an original prescription.

**10.29(2) Legitimate medical purpose.** Each separate prescription issued pursuant to this rule shall be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of the prescriber’s professional practice.

**10.29(3) Dates and instructions.** Each prescription issued pursuant to this rule shall be dated as of and manually signed by the prescriber on the day the prescription is issued. Each separate prescription, other than the first prescription if that prescription is intended to be filled immediately, shall contain written instructions indicating the earliest date on which a pharmacist may fill each prescription.

**10.29(4) Authorized fill date unalterable.** Regardless of the provisions of rule 657—10.30(124), when a prescription contains instructions from the prescriber indicating that the prescription shall not be filled before a certain date, a pharmacist shall not fill the prescription before that date. The pharmacist shall not contact the prescriber for verbal authorization to fill the prescription before the fill date originally indicated by the prescriber pursuant to this rule.

**10.29(5) Number of prescriptions and authorized quantity.** An individual prescriber may issue for a patient as many separate prescriptions, to be filled sequentially pursuant to this rule, as the prescriber deems necessary to provide the patient with adequate medical care. The cumulative effect of the filling of each of these separate prescriptions shall result in the receipt by the patient of a quantity of the Schedule II controlled substance not exceeding a 90-day supply.

**10.29(6) Prescriber’s discretion.** Nothing in this rule shall be construed as requiring or encouraging an individual prescriber to issue multiple prescriptions pursuant to this rule or to see the prescriber’s patients once every 90 days when prescribing Schedule II controlled substances. An individual prescriber shall determine, based on sound medical judgment and in accordance with established medical standards, how often to see patients and whether it is appropriate to issue multiple prescriptions pursuant to this rule.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.30(124) Schedule II—changes to a prescription.** With appropriate verification, a pharmacist may add information provided by the patient or patient’s agent, such as the patient’s address, to a Schedule II controlled substance prescription.

**10.30(1) *Changes prohibited.*** A pharmacist shall never change the patient's name, the controlled substance prescribed except for generic substitution, or the name or signature of the prescriber.

**10.30(2) *Changes authorized.*** After consultation with the prescriber or the prescriber's agent and documentation of such consultation, a pharmacist may change or add the following information on a Schedule II controlled substance prescription:

- a. The drug strength.
  - b. The dosage form.
  - c. The drug quantity.
  - d. The directions for use.
  - e. The date the prescription was issued.
  - f. The prescriber's address or DEA registration number.
  - g. The name of the supervising prescriber if the prescription was issued by a physician assistant.
- [ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.31** Reserved.

**657—10.32(124) Schedule III, IV, or V prescription.** No prescription for a controlled substance listed in Schedule III, IV, or V shall be filled or refilled more than six months after the date on which it was issued nor be refilled more than five times.

**10.32(1) *Record.*** Each filling and refilling of a prescription shall be entered in a uniformly maintained and readily retrievable record in accordance with rule 657—10.25(124). If the pharmacist merely initials or affixes the pharmacist's unique identifier and dates the back of the prescription, it shall be deemed that the full face amount of the prescription has been dispensed.

**10.32(2) *Oral refill authorization.*** The prescribing practitioner may authorize additional refills of Schedule III, IV, or V controlled substances on the original prescription through an oral refill authorization transmitted to an authorized individual at the pharmacy provided the following conditions are met:

- a. The total quantity authorized, including the amount of the original prescription, does not exceed five refills nor extend beyond six months from the date of issuance of the original prescription.
- b. The pharmacist, pharmacist-intern, or technician who obtains the oral authorization from the prescriber who issued the original prescription documents, on or with the original prescription, the date authorized, the quantity of each refill, the number of additional refills authorized, and the unique identification of the authorized individual.
- c. The quantity of each additional refill is equal to or less than the quantity authorized for the initial filling of the original prescription.
- d. The prescribing practitioner must execute a new and separate prescription for any additional quantities beyond the five-refill, six-month limitation.

**10.32(3) *Partial fills.*** The partial filling of a prescription for a controlled substance listed in Schedule III, IV, or V is permissible provided that each partial fill is recorded in the same manner as a refill pursuant to subrule 10.32(1). The total quantity dispensed in all partial fills shall not exceed the total quantity prescribed.

**10.32(4) *Medication order.*** A Schedule III, IV, or V controlled substance may be administered or dispensed to institutionalized patients pursuant to a medication order as provided in 657—subrule 7.13(1) or rule 657—23.9(124,155A), as applicable.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.33(124,155A) Dispensing Schedule V controlled substances without a prescription.** A controlled substance listed in Schedule V, which substance is not a prescription drug as determined under the federal Food, Drug, and Cosmetic Act, and excepting products containing ephedrine, pseudoephedrine, or phenylpropanolamine, may be dispensed or administered without a prescription by a pharmacist to a purchaser at retail pursuant to the conditions of this rule.

**10.33(1) *Who may dispense.*** Dispensing shall be by a licensed Iowa pharmacist or by a registered pharmacist-intern under the direct supervision of a pharmacist preceptor. This subrule does not prohibit,

after the pharmacist has fulfilled the professional and legal responsibilities set forth in this rule and has authorized the dispensing of the substance, the completion of the actual cash or credit transaction or the delivery of the substance by a nonpharmacist.

**10.33(2) *Frequency and quantity.*** Dispensing at retail to the same purchaser in any 48-hour period shall be limited to no more than one of the following quantities of a Schedule V controlled substance:

- a. 240 cc (8 ounces) of any controlled substance containing opium.
- b. 120 cc (4 ounces) of any other controlled substance.
- c. 48 dosage units of any controlled substance containing opium.
- d. 24 dosage units of any other controlled substance.

**10.33(3) *Age of purchaser.*** The purchaser shall be at least 18 years of age.

**10.33(4) *Identification.*** The pharmacist shall require every purchaser under this rule who is not known by the pharmacist to present a government-issued photo identification, including proof of age when appropriate.

**10.33(5) *Record.*** A bound record book (i.e., with pages sewn or glued to the spine) for dispensing of Schedule V controlled substances pursuant to this rule shall be maintained by the pharmacist. The book shall contain the name and address of each purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or unique identification of the pharmacist or pharmacist-intern who approved the dispensing of the substance to the purchaser.

**10.33(6) *Prescription not required under other laws.*** No other federal or state law or regulation requires a prescription prior to distributing or dispensing the Schedule V controlled substance.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.34(124) Dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine without a prescription.** A product containing ephedrine, pseudoephedrine, or phenylpropanolamine, which substance is a Schedule V controlled substance and is not listed in another controlled substance schedule, may be dispensed or administered without a prescription by a pharmacist, pharmacist-intern, or certified pharmacy technician to a purchaser at retail pursuant to the conditions of this rule.

**10.34(1) *Who may dispense.*** Dispensing shall be by a licensed Iowa pharmacist, by a registered pharmacist-intern under the direct supervision of a pharmacist preceptor, or by a registered certified pharmacy technician under the direct supervision of a pharmacist, except as authorized in 657—Chapter 100. This subrule does not prohibit, after the pharmacist, pharmacist-intern, or certified pharmacy technician has fulfilled the professional and legal responsibilities set forth in this rule and has authorized the dispensing of the substance, the completion of the actual cash or credit transaction or the delivery of the substance by another pharmacy employee.

**10.34(2) *Packaging of nonliquid forms.*** A nonliquid form of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine includes gel caps. Nonliquid forms of these products to be sold pursuant to this rule shall be packaged either in blister packaging with each blister containing no more than two dosage units or, if blister packs are technically infeasible, in unit dose packets or pouches.

**10.34(3) *Frequency and quantity.*** Dispensing without a prescription to the same purchaser within any 30-day period shall be limited to products collectively containing no more than 7,500 mg of ephedrine, pseudoephedrine, or phenylpropanolamine; dispensing without a prescription to the same purchaser within a single calendar day shall not exceed 3,600 mg.

**10.34(4) *Age of purchaser.*** The purchaser shall be at least 18 years of age.

**10.34(5) *Identification.*** The pharmacist, pharmacist-intern, or certified pharmacy technician shall require every purchaser under this rule to present a current government-issued photo identification, including proof of age when appropriate. The pharmacist, pharmacist-intern, or certified pharmacy technician shall be responsible for verifying that the name on the identification matches the name provided by the purchaser and that the photo image depicts the purchaser.

**10.34(6) *Record.*** Purchase records shall be recorded in the real-time electronic pseudoephedrine tracking system (PTS) established and administered by the governor's office of drug control policy

pursuant to 657—Chapter 100. If the PTS is unavailable for use, the purchase record shall be recorded in an alternate format and submitted to the PTS as provided in 657—subrule 100.3(4).

*a. Alternate record contents.* The alternate record shall contain the following:

- (1) The name, address, and signature of the purchaser.
- (2) The name and quantity of the product purchased, including the total milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine contained in the product.
- (3) The date and time of the purchase.
- (4) The name or unique identification of the pharmacist, pharmacist-intern, or certified pharmacy technician who approved the dispensing of the product.

*b. Alternate record format.* The record shall be maintained using one of the following options:

- (1) A hard-copy record.
- (2) A record in the pharmacy's electronic prescription dispensing record-keeping system that is capable of producing a hard-copy printout of a record.
- (3) A record in an electronic data collection system that captures each of the data elements required by this subrule and that is capable of producing a hard-copy printout of a record.

*c. PTS records retrieval.* Pursuant to 657—subrule 100.4(6), the pharmacy shall be able to produce a hard-copy printout of transactions recorded in the PTS by the pharmacy for one or more specific products for a specified period of time upon request by the board or its representative or to such other persons or governmental agencies authorized by law to receive such information.

**10.34(7) Notice required.** The pharmacy shall ensure that the following notice is provided to purchasers of ephedrine, pseudoephedrine, or phenylpropanolamine products and that the notice is displayed with or on the electronic signature device or is displayed in the dispensing area and visible to the public:

“Warning: Section 1001 of Title 18, United States Code, states that whoever, with respect to the logbook, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than \$250,000 if an individual or \$500,000 if an organization, imprisoned not more than five years, or both.”

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.35** Reserved.

**657—10.36(124,155A) Records.** Every record required to be kept under this chapter or under Iowa Code chapter 124 shall be kept by the registrant and be available for inspection and copying by the board or its representative for at least two years from the date of such record except as otherwise required in these rules. Controlled substances records shall be maintained in a readily retrievable manner that establishes the receipt and distribution of all controlled substances. Original records more than 12 months old may be maintained in a secure remote storage area unless such remote storage is prohibited under federal law. If the secure storage area is not located within the same physical structure as the registrant, the records must be retrievable within 48 hours of a request by the board or its authorized agent.

**10.36(1) Schedule I and II records.** Records of controlled substances listed in Schedules I and II shall be maintained separately from all other records of the registrant.

**10.36(2) Schedule III, IV, and V records.** Records of controlled substances listed in Schedules III, IV, and V shall be maintained either separately from all other records of the registrant or in such form that the required information is readily retrievable from the ordinary business records of the registrant.

**10.36(3) Date of record.** The date on which a controlled substance is actually received, imported, distributed, exported, disposed of, or otherwise transferred shall be used as the date of receipt, importation, distribution, exportation, disposal, or transfer.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.37** Reserved.

**657—10.38(124) Revision of controlled substances schedules.**

**10.38(1)** *Designation of new controlled substance.* The board may designate any new substance as a controlled substance to be included in any of the schedules in Iowa Code chapter 124 no sooner than 30 days following publication in the Federal Register of a final order so designating the substance under federal law. Designation of a new controlled substance under this subrule shall be temporary as provided in Iowa Code section 124.201(4).

**10.38(2)** *Objection to designation of a new controlled substance.* The board may object to the designation of any new substance as a controlled substance within 30 days following publication in the Federal Register of a final order so designating the substance under federal law. The board shall file objection to the designation of a substance as controlled, shall afford all interested parties an opportunity to be heard, and shall issue the board's decision on the new designation as provided in Iowa Code section 124.201(4).

**10.38(3)** *Cannabidiol investigational product.* If a cannabidiol investigational product approved as a prescription drug medication by the United States Food and Drug Administration is eliminated from or revised in the federal schedule of controlled substances by the DEA and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances. Such action by the board shall be immediately effective upon the date of publication of the final regulation containing the elimination or revision in the Federal Register.

[ARC 3345C, IAB 9/27/17, effective 11/1/17; ARC 3743C, IAB 4/11/18, effective 5/16/18]

**657—10.39(124) Temporary designation of controlled substances.**

**10.39(1)** Amend Iowa Code section 124.206(7) by adding the following new paragraph "c":

c. Dronabinol [(-)-delta-9-trans-tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

**10.39(2)** Amend Iowa Code section 124.204(9) by adding the following new paragraphs:

t. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 5F-ADB; 5F-MDMB-PINACA.

u. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: 5F-AMB.

v. N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 5F-APINACA, 5F-AKB48.

w. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: ADB-FUBINACA.

x. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: MDMB-CHMICA, MMB-CHMINACA.

y. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: MDMB-FUBINACA.

z. N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl.

aa. N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: ortho-fluorofentanyl or 2-fluorofentanyl.

ab. N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide. Other name: tetrahydrofuran fentanyl.

ac. 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Other name: methoxyacetyl fentanyl.

ad. N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide. Other names: acryl fentanyl or acryloylfentanyl.

*ae.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA.

*af.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopropyl fentanyl.

*ag.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: valeryl fentanyl.

*ah.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-fluorobutyryl fentanyl.

*ai.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-methoxybutyryl fentanyl.

*aj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-chloroisobutyryl fentanyl.

*ak.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: isobutyryl fentanyl.

*al.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: cyclopentyl fentanyl.

*am.* N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: ocfentanil.

*an.* Any fentanyl-related substance that is not currently listed in any schedule of the Controlled Substances Act (CSA) and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers.

**10.39(3)** Amend Iowa Code section 124.204(2) by adding the following new paragraph:

*be.* MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).

[ARC 3345C, IAB 9/27/17, effective 11/1/17; ARC 3860C, IAB 6/20/18, effective 7/25/18; ARC 3984C, IAB 8/29/18, effective 10/3/18]

**657—10.40(124) Excluded and exempt substances.** The Iowa board of pharmacy hereby excludes from all schedules the current list of “Excluded Nonnarcotic Products” identified in Title 21, CFR Part 1308, Section 22, and the list of “Exempted Prescription Products” described in Title 21, CFR Part 1308, Section 32. Copies of such lists may be obtained by written request to the board office at 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.41(124) Anabolic steroid defined.** Anabolic steroid, as defined in Iowa Code section 126.2(2), includes any substance identified as such in Iowa Code section 124.208(6) or 126.2(2).

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.42(124B) Additional precursor substances.** Pursuant to Iowa Code section 124B.2(2), the list of precursor substances identified in Iowa Code section 124B.2(1) is amended by adding the following new paragraph:

*ab.* Alpha-phenylacetonitrile and its salts, optical isomers, and salts of optical isomers. Other name: APAAN.

[ARC 3860C, IAB 6/20/18, effective 7/25/18]

**657—10.43(124) Reporting discipline and criminal convictions.** A registrant shall provide written notice to the board of any disciplinary or enforcement action imposed by any licensing or regulatory authority on any license or registration held by the registrant no later than 30 days after the final action. Discipline may include, but is not limited to, fine or civil penalty, citation or reprimand, probationary period, suspension, revocation, and voluntary surrender. A registrant shall provide written notice to the board of any criminal conviction of the registrant or of any owner that is related to the operation of the registered location no later than 30 days after the conviction. The term criminal conviction includes instances when the judgment of conviction or sentence is deferred.

[ARC 3345C, IAB 9/27/17, effective 11/1/17]

**657—10.44(124) Discipline.** Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on a registration for any of the following:

1. Any violation of the federal Food, Drug, and Cosmetic Act or federal regulations promulgated under the Act.
2. Any conviction of a crime related to controlled substances committed by the registrant, or if the registrant is an association, joint stock company, partnership, or corporation, by any managing officer.
3. Refusing access to the registered location or registrant records to an agent of the board for the purpose of conducting an inspection or investigation.
4. Failure to maintain registration pursuant to 657—Chapter 10.
5. Any violation of Iowa Code chapter 124, 124B, 126, 155A, or 205, or any rule of the board, including the disciplinary grounds set forth in 657—Chapter 36.

[ARC 3345C, IAB 9/27/17, effective 11/1/17; ARC 3857C, IAB 6/20/18, effective 7/25/18]

These rules are intended to implement Iowa Code sections 124.201, 124.301 to 124.308, 124.402, 124.403, 124.501, 126.2, 126.11, 147.88, 155A.13, 155A.17, 155A.26, 155A.37, and 205.3.

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<sup>0</sup> Two or more ARCs

<sup>1</sup> Effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 1991.



CHAPTER 18  
CENTRALIZED PRESCRIPTION FILLING AND PROCESSING

**657—18.1(155A) Purpose and scope.** The purpose of this chapter is to provide standards for centralized prescription drug order filling or centralized prescription processing by a pharmacy. Any facility established for the purpose of filling or processing prescription drug orders on behalf of other pharmacies shall be licensed as a pharmacy and shall hold all necessary registrations. A hospital pharmacy may participate in centralized prescription filling only of prescription drug orders for noncontrolled substances pursuant to these rules. A hospital pharmacy may engage in centralized prescription processing pursuant to the requirements of rule 657—7.7(155A). Except as specifically identified in the rules, the requirements of these rules for centralized prescription filling or centralized prescription processing are in addition to the requirements of 657—Chapters 6, 7, and 8, and other rules of the board relating to services provided by pharmacies.

**657—18.2(155A) Definitions.** For the purposes of this chapter, the following definitions shall apply:

*“Central fill pharmacy”* means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription drug order filling on behalf of the originating pharmacy pursuant to these rules.

*“Centralized prescription drug order filling”* or *“centralized filling”* means the filling of a prescription drug order by a pharmacy on behalf of another pharmacy. “Centralized filling” does not include the processing or dispensing of a prescription drug order but may include any of the following filling functions:

1. Receiving prescription drug orders from the originating pharmacy;
2. Interpreting or clarifying prescription drug orders;
3. Entering prescription drug order information into a pharmacy’s prescription record system;
4. Selecting, counting, and placing the prescribed drug into an appropriate prescription container;
5. Affixing the prescription label, including any auxiliary labels, to the prescription container;
6. Obtaining refill and substitution authorizations;
7. Verifying all filling processes performed by the central fill pharmacy.

*“Centralized prescription drug order processing”* or *“centralized processing”* means the processing of a prescription drug order by a pharmacy on behalf of another pharmacy. “Centralized processing” does not include the filling or dispensing of a prescription drug order but may include any of the following processing functions:

1. Interpreting or clarifying prescription drug orders;
2. Entering prescription drug order information into a pharmacy’s prescription record system;
3. Interpreting clinical data for prior authorization for dispensing;
4. Performing formulary-directed therapeutic interchange.

*“Central processing pharmacy”* means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription drug order processing on behalf of the originating pharmacy pursuant to these rules.

*“DEA”* means the U.S. Department of Justice, Drug Enforcement Administration.

*“Dispense”* means the delivery of a prescription drug or device to an ultimate user or the ultimate user’s agent by or pursuant to the lawful order of a practitioner. “Dispense” includes:

1. Receiving the prescription drug order from the patient, the patient’s agent, or the prescriber;
2. Delivering the filled prescription to the patient or the patient’s agent;
3. Providing drug information concerning a patient’s drug therapy;
4. Providing patient counseling;
5. Providing medication therapy management.

*“Hospital”* means a facility licensed pursuant to Iowa Code chapter 135B.

*“Hospital pharmacy”* means and includes a pharmacy licensed by the board and located within any hospital, health system, institution, or establishment which maintains and operates organized facilities

for the diagnosis, care, and treatment of human illnesses to which persons may or may not be admitted for overnight stay at the facility.

“*Mail order pharmacy*” means a pharmacy located within a United States jurisdiction whose primary business is to dispense a prescription drug or device pursuant to a valid prescription drug order and to deliver the drug or device to a patient, including a patient in this state, via the United States Postal Service, a common carrier, or a delivery service. “Mail order pharmacy” includes a pharmacy that does business via the Internet or other electronic media.

“*Medication therapy management*” means the review of drug therapy regimens of a patient by a pharmacist for the purpose of evaluating and rendering advice to a practitioner, or for the purpose of evaluating and modifying the drug regimen in accordance with a collaborative drug therapy management protocol pursuant to rule 657—39.13(155A).

“*Originating pharmacy*” means a pharmacy that receives a prescription drug order from a patient, the patient’s agent, or a prescriber, outsources prescription filling or processing functions to another pharmacy, and ultimately dispenses the prescription drug or device to the patient or the patient’s agent. [ARC 3858C, IAB 6/20/18, effective 7/25/18]

### **657—18.3(155A) General requirements.**

**18.3(1) Essential qualifications.** An originating pharmacy may outsource prescription drug filling to a central fill pharmacy or prescription drug order processing to a central processing pharmacy provided the pharmacies:

- a. Have the same owner or have entered into a written contract or agreement, which is available for inspection and copying by the board or its authorized agent, that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and
- b. Share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to perform the contracted functions.

**18.3(2) Legal compliance.** An originating pharmacy, a central fill pharmacy, and a central processing pharmacy shall comply with all provisions applicable to the pharmacy contained in federal and state laws, rules, and regulations to the extent applicable for the specific filling or processing activity and these rules, including but not limited to the following:

- a. Each pharmacy located within Iowa shall maintain Iowa pharmacy licensure and, if the pharmacy dispenses controlled substances, the pharmacy shall maintain DEA and Iowa controlled substances registrations.
- b. Each pharmacy located outside Iowa shall maintain Iowa nonresident pharmacy licensure in addition to the licensure requirements of the pharmacy’s home state.
- c. Each pharmacist providing centralized prescription drug order processing or filling functions as an employee or agent of a central processing or central fill pharmacy located within Iowa shall maintain active licensure to practice pharmacy in Iowa.
- d. Pharmacies shall comply with Iowa board rules relating to the duties that must be performed by a pharmacist.
- e. Pharmacies shall comply with Iowa requirements for supervision of pharmacy technicians and pharmacy support persons.

**18.3(3) Originating pharmacy responsibility.** Except as specifically provided by this subrule, the originating pharmacy shall be responsible for all dispensing functions as the term “dispense” is defined in rule 657—18.2(155A). An originating pharmacy contracting only for centralized filling shall retain responsibility for all processing functions, and an originating pharmacy contracting only for centralized processing shall retain responsibility for all filling functions.

- a. A mail order pharmacy engaged in the centralized filling of prescription drug orders may deliver a filled prescription directly to the patient and shall not be required to return the filled prescription to the originating pharmacy.
- b. A central fill or a central processing pharmacy that shares a common central processing unit with the originating pharmacy may perform prospective drug use review (DUR) pursuant to

rule 657—8.21(155A). Only a pharmacist shall perform the DUR, and such review shall not be delegated. The pharmacist performing the DUR shall document in the shared patient record all concerns, recommendations, observations, and comments resulting from that review. The pharmacist at the originating pharmacy shall utilize the DUR notes in counseling the patient pursuant to rule 657—6.14(155A).

**18.3(4) Central fill label requirements.** The label affixed to the prescription container filled by a central fill pharmacy on behalf of an originating pharmacy shall include the following:

- a. A unique identifier indicating that the prescription was filled at the central fill pharmacy;
- b. Serial number (a unique identification number of the prescription) as assigned by the originating pharmacy;
- c. The name, address, and telephone number of the originating pharmacy;
- d. Except as provided in 657—subrule 8.19(7) for epinephrine auto-injectors or 657—subrule 8.19(8) for opioid antagonists, the name of the patient or, if such drug is prescribed for an animal, the species of the animal and the name of its owner;
- e. The name of the prescribing practitioner;
- f. The date the prescription is filled by the central fill pharmacy;
- g. The directions or instructions for use, including precautions to be observed;
- h. Unless otherwise directed by the prescriber, the name, strength, and quantity of the drug dispensed.

(1) If a pharmacist selects an equivalent drug product for a brand name drug product prescribed by a practitioner, the prescription container label shall identify the generic drug and may identify the brand name drug for which the selection is made, such as “(generic name) Generic for (brand name product)”;

(2) If a pharmacist selects a brand name drug product for a generic drug product prescribed by a practitioner, the prescription container label shall identify the brand name drug product dispensed and may identify the generic drug product ordered by the prescriber, such as “(brand name product) for (generic name)”;

(3) If a pharmacist selects an interchangeable biological product for the biological product prescribed by a practitioner, the prescription container label shall identify the interchangeable biological product dispensed and may identify the biological product prescribed by the practitioner, such as “(interchangeable biological product) for (biological product)”;

i. The initials or other unique identification of the pharmacist who performed drug use review.  
[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 3863C, IAB 6/20/18, effective 7/25/18; ARC 3985C, IAB 8/29/18, effective 10/3/18]

**657—18.4** Reserved.

**657—18.5(155A) Patient notification and authorization.**

**18.5(1) Prior notification and authorization.** A pharmacy that outsources prescription drug order filling or prescription drug order processing to another pharmacy shall, prior to outsourcing a patient’s prescription:

- a. Notify the patient or the patient’s agent that prescription filling or processing may be outsourced to another pharmacy.
- b. Provide the name of the pharmacy that will be filling or processing the prescription or, if the pharmacy is part of a network of pharmacies under common ownership and any of the network pharmacies may fill or process the prescription, the patient shall be notified of this fact. Notification shall be provided through a notice to the patient or the patient’s agent by means of a sign prominently displayed in the originating pharmacy and through written notice provided to the patient or the patient’s agent prior to implementation of the program or upon commencement of services to a new patient, as applicable.
- c. If a patient provides the originating pharmacy with notification that the patient no longer authorizes the originating pharmacy to outsource the patient’s prescription drug orders, the originating pharmacy shall discontinue outsourcing the filling or processing of the patient’s prescription drug orders.

**18.5(2) Exception.** The provisions of this rule do not apply to a patient in a facility, such as a hospital or care facility, where Iowa law requires that drugs be administered to the patient by a health care professional.

[ARC 3863C, IAB 6/20/18, effective 7/25/18]

**657—18.6 to 18.9** Reserved.

**657—18.10(155A) Policy and procedures.** Pursuant to rule 657—8.3(155A), a policy and procedure manual relating to centralized filling or centralized processing activities shall be maintained at all pharmacies involved in centralized filling or centralized processing and shall be available for inspection and copying by the board or its authorized agent. The manual shall:

1. Outline the responsibilities of each of the pharmacies;
2. Include a list of the names, addresses, telephone numbers, and all license and registration numbers of the pharmacies involved in centralized filling or centralized processing; and
3. Include, but not necessarily be limited to, policies and procedures for:
  - Protecting the confidentiality and integrity of patient information;
  - Protecting each patient's freedom of choice of pharmacy services;
  - Maintaining appropriate records to identify the name, the initials or unique identification code, and the specific activities of each pharmacist or pharmacy technician who performed any centralized filling or centralized processing function; and
  - Operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

[ARC 1961C, IAB 4/15/15, effective 5/20/15; ARC 3863C, IAB 6/20/18, effective 7/25/18]

**657—18.11 to 18.14** Reserved.

**657—18.15(155A) Records.** Central fill or central processing pharmacies shall maintain appropriate records that identify, by prescription drug order, the initials or unique identification code of each pharmacist or pharmacy technician who performs a centralized filling or centralized processing function for a prescription drug order. Originating pharmacies shall maintain appropriate records that identify, by prescription drug order, the initials or unique identification code of the pharmacist who performed drug use review. These records may be maintained separately by each pharmacy or in a common electronic file as long as the data processing system is capable of producing a printout that lists the functions performed by each pharmacy and pharmacist or technician and identifies the pharmacist or technician who performed each function.

[ARC 3863C, IAB 6/20/18, effective 7/25/18]

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CHAPTER 22  
UNIT DOSE, ALTERNATIVE PACKAGING, AND EMERGENCY BOXES

**657—22.1(155A) Unit dose dispensing systems.**

**22.1(1) Definitions.** For the purpose of this rule, the following definitions shall apply:

“*Single unit package*” means a package that contains one discrete pharmaceutical dosage form.

“*Unit dose dispensing system*” means a drug distribution system utilizing single unit, unit dose, or unit of issue packaging in a manner that helps reduce or remove traditional drug stocks from resident care areas and enables the selection and distribution of drugs to be pharmacy-based and controlled.

“*Unit dose package*” means a package that contains that particular dose of a drug ordered for the patient for one administration time. A unit dose package is not always a single unit package. “Unit dose package” does not include a strip pack prepared utilizing an automated medication distribution system (AMDS). A strip pack is a patient med pak subject to the requirements of rule 657—22.5(126,155A).

“*Unit of issue package*” means a package that provides multiple units or doses attached to each other but separated in a card or specifically designed container.

**22.1(2) General procedures.** The following will apply when a unit dose dispensing system is employed:

*a.* The pharmacist shall be responsible for determining the classification for containers, as set by USP General Chapter 671, used by the pharmacy to repackage nonsterile drugs into single unit, unit dose, or unit of issue packaging. This classification shall be used to determine maximum expiration dating for repackaging set forth in subrule 22.1(4).

*b.* Established written policies and procedures shall be available in the pharmacy for inspection by the board or its agents which specify the drug categories, specific drugs, or dosage forms which will not be dispensed under the particular unit dose dispensing system employed.

*c.* Those drugs not dispensed under a unit dose dispensing system shall be dispensed in accordance with the packaging requirements of the federal Food and Drug Administration (FDA).

**22.1(3) Labeling requirements.**

*a.* Labeling for single unit or unit dose packaging shall comply with the following:

(1) Doses packaged by the manufacturer or distributor shall be properly labeled according to federal Food and Drug Administration (FDA) requirements.

(2) Doses packaged by the pharmacy for use beyond a 24-hour period shall be labeled and packaged according to the prepackaging requirements established in subrule 22.3(2).

*b.* Labeling for unit of issue packages shall contain the following information:

(1) Name, strength, and expiration date of drug when the packages are utilized for floor stock in an institutional setting.

(2) Name and room or bed number of patient, the name of prescribing practitioner, the name and strength of drug, directions for use, and name and address of the dispensing pharmacy, when the packages are utilized for patients in an institutional setting. Room or bed number, the name of prescribing practitioner, and the name and address of the dispensing pharmacy are not required if this information appears on a medication administration record used by the institution.

(3) Unit of issue packages dispensed to patients on an outpatient basis or in a noninstitutional setting shall be considered prescription containers and shall be labeled in accordance with 657—subrule 6.10(1).

*c.* If a pharmacist selects a generically equivalent drug product for a brand name drug product prescribed by a practitioner, the label must identify the generic drug and may identify the brand name drug for which the selection is made. The dual identification allowed under this paragraph must take the form of the following statement on the label: “(generic name) Generic for (brand name product)”. If a pharmacist selects an interchangeable biological product for the biological product prescribed by a practitioner, the label shall identify the interchangeable biological product dispensed and may identify the biological product prescribed by the practitioner, such as “(interchangeable biological product) for (biological product)”.

*d.* The labeling requirements of paragraphs “*a*” and “*b*” of this subrule shall not apply to the special circumstances identified in rule 657—23.13(124,155A).

*e.* Those drugs not dispensed under a unit dose dispensing system shall be labeled in accordance with the requirements of subrule 22.5(5) or 657—subrule 6.10(1) as appropriate.

**22.1(4) Expiration dating.** Expiration dating for nonsterile drugs repackaged by the pharmacy into single unit, unit dose, or unit of issue packages shall meet the following conditions:

*a.* Not exceed 90 days from the date of repackaging except as provided in paragraph 22.1(4)“*c.*”  
*b.* Not exceed the manufacturer’s original expiration date.  
*c.* May exceed 90 days from the date of repackaging provided that each of the following conditions is met:

(1) The container is classified according to USP General Chapter 671 as being Class A or Class B for oral solid dosage forms or is a tight container for liquid dosage forms.

(2) The container is light resistant when the manufacturer has labeled the product “sensitive to light.”

(3) The expiration date is not greater than 12 months.

*d.* Drugs or dosage forms having known stability problems are assigned an expiration date of less than 90 days or are not repackaged as determined by policies developed by the pharmacy.

**22.1(5) Packaging requirements.** Packaging for all nonsterile drugs stored and dispensed in single unit, unit dose, or unit of issue packages shall:

*a.* Preserve and protect the identity and integrity of the drug from the point of packaging to the point of patient administration.

*b.* When packaged by the manufacturer or distributor, be in accordance with federal Food and Drug Administration (FDA) requirements.

*c.* When in single unit and unit dose packages prepackaged by the pharmacy for use beyond 24 hours, be in accordance with rule 657—22.3(126).

*d.* Be clean and free of extraneous matter.

**22.1(6) Return of drugs.** Under no circumstances shall a pharmacist accept for reuse, except to the same patient, any previously dispensed controlled substances. Drugs, excluding controlled substances, dispensed in single unit, unit dose, or unit of issue packaging in compliance with subrules 22.1(2) to 22.1(5) may be returned to the pharmacy stock and reissued provided that:

*a.* The expiration dating information is retrievable and identifiable.

*b.* Drugs returned from unit of issue packaging are kept separate according to manufacturer’s lot number and the repackaged expiration date assigned pursuant to subrule 22.1(4). If, however, the pharmacy’s recall policy states that all lots of a drug shall be considered part of the recall due to unknown manufacturer’s lot numbers, drugs returned to stock from unit of issue packaging shall be kept separate according to the pharmacy’s repackaged expiration date.

*c.* The drugs were stored under proper storage conditions.

*d.* The drugs are returned to the pharmacy in the original packaging as when dispensed.

*e.* The pharmacy includes in written policies and procedures the manner in which returned drugs will be recorded or identified.

This rule is intended to implement Iowa Code section 155A.36.

[ARC 1309C, IAB 2/5/14, effective 3/12/14; ARC 3985C, IAB 8/29/18, effective 10/3/18]

**657—22.2** Reserved.

**657—22.3(126) Prepackaging.**

**22.3(1) Control record.** Pharmacies may prepackage and label drugs in convenient quantities for subsequent labeling and dispensing. Such drugs shall be prepackaged by or under the direct supervision of a pharmacist. The supervising pharmacist shall be responsible for the preparation and maintenance of a packaging control record containing the following information:

*a.* Date.

*b.* Identification of drug.

(1) Name of drug.

(2) Dosage form.

- (3) Manufacturer.
- (4) Manufacturer's lot number.
- (5) Strength.
- (6) Expiration date.
- c. Container specification.
- d. Copy of a sample label.
- e. Initials or unique identification of the packager.
- f. Initials or unique identification of the supervising pharmacist.
- g. Quantity per container.
- h. Internal control number or date.

**22.3(2) Label information.** Each prepackaged container shall bear a label containing the following information:

- a. Name of drug.
- b. Strength.
- c. Internal control number or date.
- d. Expiration date consistent with USP standards.
- e. Auxiliary labels, as needed.

**22.3(3) Labeling for delivery.** Prior to the delivery of a prepackaged drug to a patient, an appropriate label shall be affixed to the drug container pursuant to the labeling requirements of the appropriate pharmacy practice rules.

This rule is intended to implement Iowa Code sections 126.10 and 126.11.

**657—22.4** Reserved.

**657—22.5(126,155A) Patient med paks.** In lieu of dispensing prescribed drug products in conventional prescription containers, a pharmacist may, with the consent of the patient, the patient's caregiver, or the prescriber, provide a customized patient medication package (patient med pak) pursuant to the requirements of this rule.

**22.5(1) Definition.** A patient med pak is a customized patient medication package prepared for a specific patient which comprises a series of immediate containers containing prescribed solid oral dosage forms, each container being labeled with the time or the appropriate period for the patient to take its contents. A patient med pak includes but is not limited to a strip pack prepared utilizing an automated medication distribution system (AMDS).

**22.5(2) General procedures.** The following shall apply when patient med paks are employed:

a. The pharmacist shall be responsible for determining the classification, as directed by USP General Chapter 671, for containers used by the pharmacy to repackage nonsterile drugs into patient med paks.

b. Packaging for all nonsterile solid oral dosage forms stored and dispensed in patient med paks shall:

(1) Preserve and protect the identity and integrity of the drug from the point of packaging to the point of administration, and

(2) Be clean and free of extraneous matter when the drugs are placed into the package.

c. Drugs dispensed in patient med paks to patients may not be returned to the pharmacy stock and reissued except to the same patient as provided in subrule 22.5(4).

d. There is no special exemption for patient med paks from the requirements of the Poison Prevention Packaging Act. Thus, the patient med pak, if it does not meet child-resistant standards, shall be placed in an outer package that does comply, or the necessary consent of the purchaser or physician to dispense in a container not intended to be child-resistant shall be obtained.

**22.5(3) Reuse of containers.** Notwithstanding requirements that all prescription drugs be dispensed in a new container conforming with standards established in the official compendia, a pharmacist may dispense and refill a prescription for nonliquid oral products in a clean patient med pak provided:

- a. A patient med pak is reused only for the same patient; and

b. No more than a one-month supply is dispensed at one time.

**22.5(4) *Repackaging of patient med paks.*** In the event a drug is added to or discontinued from a patient's drug regimen, the pharmacist may repackage the patient's med pak and either add to or remove from the patient's drugs packaged as ordered by the prescriber. Drugs returned by the patient for repackaging may be reused by the pharmacist in the design of the new patient med pak, and any drug removed from the new drug regimen shall either be disposed of in compliance with board rules or returned, properly labeled, to the patient. Under no circumstances shall a drug within a container of a patient med pak be returned to the pharmacy stock or returned to an automated medication distribution system (AMDS) component unless the drug was dispensed as a single dose and was not commingled with other patient medications in a single package or container.

**22.5(5) *Labeling requirements.***

a. Except as provided in subrule 22.5(6), the patient med pak shall be labeled with the following:

(1) The name of the patient;  
(2) The unique identification number for the patient med pak itself and a separate unique identification number for each of the prescription drug orders for each of the drug products contained therein;

(3) The name, strength, dosage form, and total quantity of each drug product contained therein;

(4) The directions for use for each drug product contained therein;

(5) The name of the prescriber of each drug product;

(6) The date of preparation of the patient med pak and the beyond-use date assigned to the patient med pak;

(7) The name, address, and telephone number of the pharmacy; and

(8) The initials or unique identification of the responsible pharmacist.

b. The patient med pak shall be accompanied by a patient package insert, in the event that any drug contained therein is required to be dispensed with such insert as accompanying labeling. Alternatively, such required information may be incorporated into a single, overall educational insert provided by the pharmacist for the total patient med pak.

c. If the patient med pak allows for the removal or separation of the intact containers therefrom, each individual container shall bear a label identifying the patient, the unique identification number for the patient med pak, and the name and telephone number of the dispensing pharmacy.

d. If a pharmacist selects a generically equivalent drug product for a brand name drug product prescribed by a practitioner, the label must identify the generic drug and may identify the brand name drug for which the selection is made. The dual identification allowed under this paragraph must take the form of the following statement on the label: "(generic name) Generic for ( brand name product)". If a pharmacist selects an interchangeable biological product for the biological product prescribed by a practitioner, the label shall identify the interchangeable biological product dispensed and may identify the biological product prescribed by the practitioner, such as "(interchangeable biological product) for (biological product)".

**22.5(6) *Alternate labeling.*** If the patient med pak container is not of sufficient size to accommodate the label information as required in subrule 22.5(5) in a legible font, a patient package insert shall be prepared and delivered with the patient med pak. The patient package insert shall contain all label information required in subrule 22.5(5). In such case, the label affixed to the patient med pak shall minimally include:

a. The name of the patient;

b. The unique identification number for the patient med pak;

c. The beyond-use date assigned to the patient med pak;

d. A statement directing the patient or patient's caregiver to the patient package insert; and

e. The name and telephone number of the dispensing pharmacy.

**22.5(7) *Expiration/beyond-use dating.*** Beyond-use date or period of time shall be not longer than the shortest recommended beyond-use date for any dosage form included therein or not longer than 60 days from the date of preparation of the patient med pak, whichever is shorter. In no event shall the beyond-use date exceed the shortest expiration date on the original manufacturer's bulk containers for

the dosage forms included in the patient med pak. Alternatively, the package label shall state the date of the prescriptions or the date of preparation of the patient med pak, provided the package is accompanied by a record indicating the start date and the beyond-use date.

**22.5(8) Record keeping.** The record of each patient med pak shall contain, at a minimum:

- a. The name and address of the patient;
- b. The unique identification number for each of the current prescription drug orders for each of the drug products contained therein;
- c. A unique identification number for the patient med pak;
- d. Information identifying or describing the design, characteristics, or specifications of the patient med pak sufficient to allow subsequent preparation of an identical patient med pak for the patient;
- e. The date of preparation of the patient med pak and the beyond-use date that was assigned;
- f. Any special labeling instructions; and
- g. The name, unique identification, or initials of the responsible pharmacist.

This rule is intended to implement Iowa Code sections 126.10, 126.11, and 155A.28.

[ARC 1309C, IAB 2/5/14, effective 3/12/14; ARC 2406C, IAB 2/17/16, effective 3/23/16; ARC 3985C, IAB 8/29/18, effective 10/3/18]

**657—22.6** Reserved.

**657—22.7(124,155A) Emergency/first dose drug supply.** In any facility registered with the board under Iowa Code chapter 124 that does not have an institutional pharmacy, drugs may be supplied in one or more emergency/first dose drug supply containers located at the facility, provided that the emergency/first dose drug supply meets the requirements of this rule. The use of drugs from the emergency/first dose drug supply shall be limited to authorized personnel. The pharmacy supplying the emergency/first dose drug supply is responsible for verifying the qualifications of the facility.

**22.7(1) Emergency/first dose drug supplies.** Contents of the emergency/first dose drug supply shall be provided by a primary provider pharmacy designated by the facility, and the drug supply shall be available to meet the needs of all patients of the facility, without penalty or discrimination. If the primary provider pharmacy does not supply or is unable to supply all drugs and products needed for the emergency care of facility patients, a second provider pharmacy may provide an emergency/first dose drug supply consisting only of drugs and products not stocked or available from the primary provider pharmacy including, but not limited to, parenteral or compounded drug products. The provider pharmacies shall be properly registered with the federal Drug Enforcement Administration (DEA) and the board and shall be currently licensed by the board. The provider pharmacist or pharmacists, the consultant pharmacist, the director of nursing of the facility, and the medical director of the facility, or their respective designees, shall jointly determine and prepare a list of drugs necessary for prompt use in patient care that will be available in each emergency/first dose drug supply. Drugs shall be listed by identity and quantity, shall be limited to drugs necessary to meet the emergency needs of the patients served, and shall be periodically reviewed pursuant to policy. Careful patient planning should be a cooperative effort between the pharmacies and the facility to make drugs available, and emergency/first dose drug supplies shall only be used for emergency or unanticipated needs. The intent of the emergency/first dose drug supply is not to relieve a pharmacy of the responsibility for timely provision of a patient's routine drug needs and is not intended to relieve any provider pharmacy from the provider pharmacy's responsibility to provide 24-hour services to facility patients; the intent is to ensure that a supply of drugs is available to each patient in case of urgent need. The drugs in emergency/first dose drug supplies are the responsibility of the respective provider pharmacy and, therefore, shall not be used or altered in any way except as provided in this rule.

**22.7(2) Storage.** The emergency/first dose drug supply shall be stored in an area suitable to prevent unauthorized access and to ensure a proper environment for preservation of drugs contained therein as required in official compendia. The provider pharmacist is responsible for establishing procedures to maintain the security of the emergency/first dose drug supply.

**22.7(3) Labeling—exterior.** The exterior of an emergency/first dose drug supply shall be labeled clearly and shall unmistakably indicate that it is an emergency/first dose drug supply. Such label shall

also contain a listing of the name, strength, and quantity of each drug contained therein and an expiration date of the supply based upon the earliest expiration date of any drug contained in the supply.

**22.7(4) Labeling—interior.** All drugs contained in the emergency/first dose drug supply shall be labeled in accordance with subrule 22.3(2) or 22.1(3), as appropriate.

**22.7(5) Removal of drugs.** A drug shall be removed from the emergency/first dose drug supply only pursuant to a valid prescription order and by authorized personnel or by the provider pharmacist. The patient's dispensing pharmacy shall be notified, prior to the administration of a second dose, that a drug was administered to a specific patient. Upon notification, the dispensing pharmacist shall perform drug use review to assess the appropriateness of the drug therapy for the patient. If the emergency/first dose drug supply contains a multidose package of a drug product that is removed from the supply for administration of one or more doses of the product to a patient and if following that administration the package contains one or more additional doses of the drug product and if the prescriber authorizes continuation of the drug product for that patient, the provider pharmacy shall complete either of the following processes.

*a.* Prepare and affix to the multidose package a label in compliance with rule 657—23.11(124,155A). The label shall be prepared and affixed to the package within 24 hours of administration of the emergency dose or doses.

*b.* Dispense, pursuant to a valid prescription order and in compliance with rule 657—23.11(124,155A), an appropriately labeled supply of the drug for the patient. The new prescription shall be delivered to the facility within 24 hours of administration of the emergency dose or doses.

**22.7(6) Notifications.** Whenever an emergency/first dose drug supply is opened or has expired, the provider pharmacy shall be notified and the pharmacist shall be responsible for replacing the drug within 72 hours to prevent risk of harm to patients. Pursuant to rule 657—8.3(155A), established policies and procedures shall address notification, record keeping, and documentation procedures for use of the supply.

**22.7(7) Procedures.**

*a.* The pharmacy, in communication with the director of nursing of the facility and the medical director of the facility, or their respective designees, and as provided in rule 657—8.3(155A), shall have written policies and procedures to ensure compliance with this rule.

*b.* The provider pharmacy shall keep a record of each prescription drug stored in the emergency/first dose drug supply and the number of doses provided.

*c.* The facility shall keep a complete record of the use of prescription drugs from the emergency/first dose drug supply for two years following such use. The record shall include the patient's name, the date of use, the name of the drug used, the strength of the drug, the number of doses used, the name of the prescriber authorizing the administration, and the initials or unique identification of the person administering the dose.

*d.* The drugs maintained in the emergency/first dose drug supply shall be available for the emergency pharmaceutical care of all facility patients, without penalty or discrimination. If a service charge is assessed for the administration of a drug from the emergency/first dose drug supply, the same reasonable service charge shall be assessed to each patient to whom a drug from the emergency/first dose drug supply is administered, regardless of the patient's choice of pharmacy for pharmaceutical services.

This rule is intended to implement Iowa Code sections 124.301, 124.306, 155A.13, and 155A.15.  
[ARC 0749C, IAB 5/29/13, effective 7/3/13; ARC 1961C, IAB 4/15/15, effective 5/20/15]

**657—22.8** Reserved.

**657—22.9(155A) Home health agency/hospice emergency drugs.** Recognizing the emergency and unanticipated need for drugs to be available to qualified individuals authorized to administer drugs and employed by a home health agency or hospice, an Iowa-licensed pharmacy may provide an emergency drug supply pursuant to this rule. Such qualified individuals may carry the emergency drug supply. An

inpatient hospice facility may have an emergency drug supply provided by an Iowa-licensed pharmacy pursuant to rule 657—22.7(124,155A), which supply may be maintained within the facility.

**22.9(1) Contract.** A written contract shall exist between the home health agency or hospice and the pharmacist in charge of the Iowa-licensed pharmacy. This contract shall be available for review by the board or its authorized agent upon request.

**22.9(2) Ownership retained.** The drugs included in this emergency supply shall remain the property of and under the responsibility of the Iowa-licensed provider pharmacy.

*a.* The pharmacist shall ensure that each portable container of emergency drugs is sealed in such a manner that a tamperproof seal must be broken to gain access to the drugs.

*b.* Each portable container of emergency drugs shall be labeled on the outside of the container with a list of the contents and the earliest expiration date.

**22.9(3) Removal of drugs.** All drugs shall be administered only on prior prescribers' order or by protocol approved by the agency's medical director or appropriate committee. Drugs administered from the emergency supply shall be replaced by submitting a prescription or medication order for the used item to the provider pharmacy within a reasonable time of administration.

**22.9(4) Records.** All records of drugs administered from the emergency supply shall be maintained as required by law. If a container of an injectable product is opened and partially used, any unused portion shall be immediately discarded and appropriately documented.

**22.9(5) Drugs included.** The provider pharmacist and the director of the home health agency or hospice, or their respective designees, shall jointly determine a list of drugs necessary for prompt use in the care of patients served by the home health agency or hospice and that will be available in the emergency drug supply. Drugs shall be listed by identity and quantity and shall be periodically reviewed in accordance with policy.

**22.9(6) Policies and procedures.** The pharmacy, pursuant to rule 657—8.3(155A) and in coordination with the home health agency or hospice, shall have policies and procedures to address storage conditions and security for drugs and kit maintenance. Outdated, expired drugs shall be properly disposed of by the pharmacy.

**22.9(7) Responsibility for compliance.** The pharmacist in charge and staff pharmacists shall share responsibility for compliance with this rule, and any abuse or misuse of the intent of this rule shall be immediately reported to the board.

This rule is intended to implement Iowa Code sections 155A.4, 155A.13, and 155A.15.

[ARC 1961C, IAB 4/15/15, effective 5/20/15]

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CHAPTER 1  
ADMISSION RULES COMMON TO THE THREE STATE UNIVERSITIES  
[Prior to 4/20/88, Regents, Board of[720]]

PREAMBLE

The state board of regents has adopted the following requirements governing admission of students to the three state universities.

Each university is expected to describe in its catalog the requirements and other information necessary to make the admission process operate within the framework of these requirements.

Amendments and changes in these requirements normally are proposed by the universities to the regent committee on educational relations, which examines the proposals and makes specific recommendations through the council of provosts to the state board of regents, which is empowered by law to establish the admission requirements.

The regent universities recognize that the traditional measures of academic performance do not adequately describe some students' potential for success. Therefore, the regent universities strongly encourage all interested students to apply for admission. Applicants who feel their academic record is not an accurate reflection of their potential for success are encouraged to provide supplemental information explaining their circumstances, in addition to the application, academic transcripts, and test scores.

[ARC 2051C, IAB 7/8/15, effective 8/12/15]

**681—1.1(262) Admission of undergraduate students directly from high school.** Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

**1.1(1) Application.** Applicants must submit a formal application for admission, together with the appropriate application fee as approved by the state board of regents pursuant to Iowa Code subsection 262.9(3) and detailed in rule 681—1.7(262), and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class (when available), and certification of graduation. Applicants must also submit SAT Reasoning Test or ACT scores. Applicants whose primary language is not English must also meet the English language proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

**1.1(2) Admission criteria.**

*a. Effective for students who seek admission prior to fall 2009.* Graduates of approved Iowa high schools who have the subject matter background required by each university and who rank in the upper one-half of their graduating class will be admitted to any regent university. Applicants who are not in the upper one-half of their graduating class may, after an individual review of their academic and test records, and at the discretion of the admissions officers:

- (1) Be admitted unconditionally,
- (2) Be admitted conditionally,
- (3) Be required to enroll for a tryout period during a preceding summer session, or
- (4) Be denied admission.

*b. Effective for students who seek admission in fall 2009 and thereafter.*

(1) Decisions on admission to a regent university are based on the following four factors: performance on standardized tests (SAT Reasoning Test or ACT); high school grade point average (GPA); high school percentile rank in class (when available); and number of high school courses completed in the core subject areas. A primary regent admission index (RAI) will be calculated for each freshman applicant using the formula below when the high school has provided a class rank.

$$\text{RAI} = \frac{(2 \times \text{ACT composite score})}{1} + \frac{(1 \times \text{high school rank expressed as a percentile})}{1} + \frac{(20 \times \text{high school grade point average})}{1} + \frac{(5 \times \text{number of high school courses completed in the core subject areas})}{1}$$

NOTE: For purposes of calculating the primary regent admission index, the ACT composite score has a top value of 36 (SAT scores will be converted to ACT composite equivalents); high school rank is expressed as a percentile with 99 percent as the top value; high school GPA is expressed in a four-point scale; and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

(2) Graduates of approved Iowa high schools who have the subject matter background required by each university and who meet the regent admission index of 245 required for automatic admission will be admitted to any regent university. Applicants who do not meet the regent admission index of 245 for automatic admission or for whom a regent admission index cannot be calculated may, after an individual review of their academic and test records, and at the discretion of the admissions officers:

1. Be admitted unconditionally,
2. Be admitted conditionally,
3. Be required to enroll for a tryout period during a preceding summer session, or
4. Be denied admission.

The regent universities recognize that the traditional measures of academic performance do not adequately describe some students' potential for success. Therefore, the regent universities strongly encourage all interested students to apply for admission. Applicants who feel their academic record is not an accurate reflection of their potential for success are encouraged to provide supplemental information explaining their circumstances, in addition to the application, academic transcripts, and test scores.

An alternative regent admission index (RAI) will be calculated for each freshman applicant using the equation below when the high school has not provided a class rank.

$$\text{RAI} = \frac{(3 \times \text{ACT composite score})}{1} + \frac{(30 \times \text{high school grade point average})}{1} + \frac{(5 \times \text{number of high school courses completed in the core subject areas})}{1}$$

NOTE: For purposes of calculating the alternative regent admission index, the ACT composite score has a top value of 36 (SAT scores will be converted to ACT composite equivalents); high school GPA is expressed on a four-point scale; and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

Freshman applicants from Iowa high schools who have an RAI of at least 245 and who meet the minimum number of high school courses required by the regent universities will qualify for automatic admission to any of the three regent universities. Freshman applicants who have an RAI below 245 may also be admitted to a specific regent university; however, each regent university will review these applications on an individual basis, and admission decisions will be specific to each institution.

**1.1(3)** Graduates of approved high schools in other states may be held to higher academic standards, but must meet at least the same requirements as graduates of Iowa high schools. The options for conditional admission or summer tryout enrollment may not necessarily be offered to these students.

**1.1(4)** Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

**1.1(5)** Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. These applicants will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations which will demonstrate that they are adequately prepared for academic study.

**1.1(6)** Early admission.

a. Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

b. In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate level study. Each university will specify requirements and conditions for early admission.

This rule is intended to implement Iowa Code section 262.9(3).  
[ARC 2051C, IAB 7/8/15, effective 8/12/15]

**681—1.2(262) Admission of undergraduate students by transfer from other colleges.** Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with the appropriate application fee as approved by the state board of regents pursuant to Iowa Code subsection 262.9(18) and detailed in rule 681—1.7(262), and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL) is required of foreign students whose first language is not English.

**1.2(1)** Transfer applicants with a minimum of 24 semester hours of graded credit from regionally accredited colleges or universities, who have achieved for all college work previously attempted the grade point required by each university for specific programs, will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records, and at the discretion of the admissions officers:

- a. Be admitted unconditionally,
- b. Be admitted conditionally,
- c. Be required to enroll for a tryout period during a preceding summer session, or
- d. Be denied admission.

**1.2(2)** Admission of students with fewer than 24 semester hours of college credit will be based on high school academic and standardized test records in addition to review of the college record.

**1.2(3)** Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.

**1.2(4)** Transfer applicants from colleges and universities not regionally accredited will be considered for admission on an individual basis taking into account all available academic information.

This rule is intended to implement Iowa Code section 262.9(3).

**681—1.3(262) Transfer credit practices.** The regent universities endorse the Joint Statement on Transfer and Award of Academic Credit approved in 1978 by the American Council on Education (ACE), the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and the Council on Postsecondary Accreditation (COPA). The current issue of Transfer Credit Practices of Selected Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and publications of the Council on Postsecondary Accreditation (COPA) are examples of references used by the universities in determining transfer credit. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

**1.3(1)** *Students from regionally accredited colleges and universities.* Credit earned at regionally accredited colleges and universities is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature, or credit in courses or programs in which the institution granting the credit is not directly involved, may not be accepted, or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university. This policy becomes effective September 29, 1993.

**1.3(2)** *Students from colleges and universities which have candidate status.* Credit earned at colleges and universities which have become candidates for accreditation by a regional association is acceptable for transfer in a manner similar to that from regionally accredited colleges and universities if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college which has received approval by a regional accrediting association for change to a four-year college may be accepted by a regent university.

**1.3(3)** *Students from colleges and universities not regionally accredited.* When students are admitted from colleges and universities not regionally accredited, they may validate portions or all of their transfer credit by satisfactory academic study in residence, or by examination. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

In determining the acceptability of transfer credit from private colleges in Iowa which do not have regional accreditation, the regent committee on educational relations, upon request from the institutions, evaluates the nature and standards of the academic program, faculty, student records, library, and laboratories.

In determining the acceptability of transfer credit from colleges in states other than Iowa which are not regionally accredited, acceptance practices indicated in the current issue of Transfer Credit Practices of Selected Educational Institutions will be used as a guide. For institutions not listed in the publication, guidance is requested from the designated reporting institution of the appropriate state.

**1.3(4)** *Students from foreign colleges and universities.* Transfer credit from foreign educational institutions may be granted after a determination of the type of institution involved and after an evaluation of the content, level, and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses, but is frequently assigned to general areas of study. Extensive use is made of professional journals and references which describe the education systems and programs of individual countries.

This rule is intended to implement Iowa Code section 262.9(3).

#### **681—1.4(262) Classification of residents and nonresidents for admission, tuition, and fee purposes.**

##### **1.4(1) General.**

*a.* A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information.

*b.* In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. For example, it may be possible that an individual could qualify as a resident of Iowa for such purposes as voting, or holding an Iowa driver's license, and not meet the residency requirements as established by the board of regents for admission, tuition, and fee purposes.

*c.* The registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

A student may be required to file any or all of the following:

- (1) A statement from the student describing employment and expected sources of support;
- (2) A statement from the student's employer;
- (3) A statement from the student's parents verifying nonsupport and the fact that the student was not listed as a dependent on tax returns for the past year and will not be so listed in future years;
- (4) A statement from the student's spouse related to sources of family support, length of residence in Iowa, and reasons for being in the state of Iowa;
- (5) Supporting statements from persons who might be familiar with the family situation;

(6) Iowa state income tax return.

d. Applications for resident classification for a given semester or session are due no later than the fifteenth class day of that semester or session. Applications received after the fifteenth class day of that semester or session will be considered for the next semester or session. Appeals of any nonresident classification decision resulting from applications for resident classifications are due no later than midterm of that semester or session. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

e. A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the nonresident fees for each term previously attended.

f. Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a university review committee. The decision of the review committee may be appealed to the state board of regents.

**1.4(2) Guidelines.**

a. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished. If the absence from the state is for a period exceeding 12 months, a student may be considered a resident if evidence can be presented showing that the student has long-term ties to Iowa and reestablishes an Iowa domicile.

A person or the dependent of a person whose domicile is permanently established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile as evidence that the person:

1. Has not acquired a domicile in another state,
2. Has maintained a continuous voting record in Iowa, and
3. Has filed regular Iowa resident income tax returns during absence from the state.

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (6 credits for an undergraduate or professional student, 5 credits for a graduate student) in any academic year term, is not enrolled for more than 4 credits in a summer term for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the Iowa state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of proof of establishment of Iowa residency.

(7) An alien who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent institutions, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Otoe, Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (Ho Chunk), will be assessed Iowa resident tuition and fees.

*b.* Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and other qualified individuals for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the child or spouse/domestic partner of such person, is entitled to resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. The child or spouse/domestic partner may be required to submit appropriate documentation to the university.

(2) The rules for classification of veterans and qualified individuals shall be in full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act). The qualified individual may be required to submit appropriate documentation to the university.

(3) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the child or spouse/domestic partner of such a person, is entitled to resident status. The child or spouse/domestic partner may be required to submit appropriate documentation to the university. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

**1.4(3) Facts.**

*a.* The following circumstances, although not necessarily conclusive, have probative value in support of a claim for resident classification:

(1) Reside in Iowa for 12 consecutive months, and be primarily engaged in activities other than those of a full-time student, immediately prior to the beginning of the term for which resident classification is sought.

(2) Reliance upon Iowa resources for financial support.

(3) Domicile in Iowa of persons legally responsible for the student.

(4) Former domicile in the state and maintenance of significant connections therein while absent.

(5) Acceptance of an offer of permanent employment in Iowa.

(6) Military orders, if for other than educational purposes.

(7) Other facts indicating the student's domicile will be considered by the universities in classifying the student.

*b.* The following circumstances, standing alone, do not constitute sufficient evidence of domicile to effect classification of a student as a resident under these regulations:

(1) Voting or registration for voting.

(2) Employment in any position normally filled by a student.

(3) The lease of living quarters.

(4) Admission to a licensed practicing profession in Iowa.

(5) Automobile registration.

(6) Public records, for example, birth and marriage records, Iowa driver's license.

(7) Continuous presence in Iowa during periods when not enrolled in school.

(8) Ownership of property in Iowa, or the payment of Iowa taxes.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 7911B, IAB 7/1/09, effective 7/1/09; ARC 1991C, IAB 5/13/15, effective 6/17/15; ARC 2332C, IAB 12/23/15, effective 12/23/15]

**681—1.5(262) Registration and transcripts—general.** A person may not be permitted to register for a course or courses at a state board of regents institution until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent have been paid.

A state board of regents institution may withhold official transcripts of the academic record of a person until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent have been paid.

This rule is intended to implement Iowa Code section 262.9.

**681—1.6(262) College-bound program.**

**1.6(1) Definitions.**

*“Accredited private institution”* means an institution of higher education as defined in Iowa Code section 261.9, subsection 5.

*“Commission”* means the college aid commission.

*“Financial need”* means the difference between the student’s financial resources, including resources available from the student’s parents and the student, as determined by a completed parents’ financial statement and including any non-campus-administered federal or state grants and scholarships, and the student’s estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa minority academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

*“Full-time student”* means an individual who is enrolled at an accredited private institution or board of regents university for at least 12 semester hours or the trimester or quarter equivalent.

*“Minority person”* means an individual who is black, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

*“Part-time student”* means an individual who is enrolled at an accredited private institution or board of regents university in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours.

*“Program”* means the Iowa minority academic grants for economic success program established in this division.

**1.6(2) Policy on college-bound program.**

a. The regent institutions will cooperate with other state and local agencies, including the department of education, the college aid commission, and educational institutions in implementing the college-bound program.

b. The universities will develop programs for elementary, middle and secondary school students and their families in the following areas:

- (1) Encouragement to consider attending a postsecondary institution;
- (2) Enrichment and academic preparation;
- (3) Information about how to apply for admission.

c. College-bound program vouchers will be awarded to students on the basis of the participation of the student and the student’s family in the college-bound program. One voucher will be awarded for participation in each college-bound program sponsored by a university.

(1) Each university will maintain records concerning those students who participate in the college-bound program, according to its established policies and procedures. The records will include information on those students who have received college-bound program vouchers which are described in Iowa Code section 262.92(2). The University of Iowa will maintain a central record on all students who have received college-bound program vouchers on behalf of all regent institutions and will make appropriate information available to the college aid commission.

(2) College-bound program vouchers may be used by students enrolled at a regent institution or at a private college or university in Iowa.

(3) A student holding vouchers and enrolling at a regent institution will receive priority in the award of funds under the Iowa minority academic grants for economic success (IMAGES) program. Awards under the IMAGES program are made on the basis of financial need. A student may be eligible for an additional award from the institution in which the student is enrolled.

(4) A student holding vouchers and enrolling at a private college or university in Iowa will receive priority in the award of funds under the Iowa minority academic grants for economic success program as provided by the rules of the college aid commission.

(5) The presidents, or their designees, will administer and coordinate the college-bound program at the universities. As part of the coordination, they will establish liaison with the appropriate state and local agencies, serve as the university contact and promote collaborative efforts among the regent universities and other appropriate agencies and institutions. Annual reports to the board of regents shall be prepared by each regent university. The reports shall contain relevant information as to the accomplishments of the program in the past year and a plan of action with goals and objectives for the forthcoming year. Reports shall be submitted to the board of regents on October 1 of each year.

This rule is intended to implement Iowa Code section 262.92.

**681—1.7(262) Application fees.** Application fees required for admission to the University of Iowa, Iowa State University and the University of Northern Iowa are as follows:

University of Iowa

|  |       |
|--|-------|
| Undergraduate domestic student and nondegree student                 | \$40  |
| Undergraduate international student                                  | \$85  |
| Graduate/professional domestic student                               | \$60  |
| Graduate/professional international student                          | \$100 |
| PharmD student   | \$50  |
| Reentry fee  | \$20  |
| Iowa dental advanced standing program<br>(international DDS student) | \$250 |

Iowa State University

|  |       |
|--|-------|
| Undergraduate domestic student and nondegree student | \$40  |
| Undergraduate international student                  | \$50  |
| Graduate/professional domestic student               | \$60  |
| Graduate/professional international student          | \$100 |
| Veterinary Medicine                                  | \$75  |

## University of Northern Iowa

|  |      |
|--|------|
| Undergraduate domestic student and nondegree student | \$40 |
| Undergraduate international student                  | \$50 |
| Graduate/professional domestic student               | \$60 |
| Graduate/professional international student          | \$75 |
| Reentry fee  | \$20 |

This rule is intended to implement Iowa Code section 262.9(3).

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