

COLLEGE STUDENT AID COMMISSION[283]

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CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 8/10/88, see College Aid Commission, 245—Ch 12]

283—1.1(261) Purpose. This chapter describes the organization, operation, and location of the Iowa college student aid commission (hereinafter generally referred to as the commission, or the ICSAC) and describes the means by which any interested person may obtain information and make submittals or requests.

283—1.2(261) Organization and operations.

1.2(1) Location. The commission is located in the Clemens Building, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609; telephone (515)242-3344; Web site www.iowacollegeaid.org. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

1.2(2) The commission. The commission consists of 12 members and functions under the leadership of a chairperson elected by the membership. Eight members are appointed by the governor to serve four-year terms. Three of the governor's appointees represent the general public, one represents Iowa lending institutions, one represents Iowa independent colleges and universities, one represents Iowa community colleges, one represents the Iowa student loan liquidity corporation, and one represents Iowa postsecondary students. The board of regents, president of the senate, and speaker of the house each appoint a commission member. The director of the department of education serves as a continuous member of the commission and may appoint a designee to represent the department of education.

1.2(3) Meetings. The commission shall meet at regular intervals at least six times annually. Additional meetings may be called at the discretion of the chairperson.

a. The chairperson of the commission presides at each meeting. Members of the public may be recognized at the discretion of the chairperson. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

b. The commission shall give advance public notice of the time and place of each commission meeting. The notice will include the specific date, time, and place of the meeting.

c. A quorum shall consist of two-thirds of the voting members of the commission. When a quorum is present, a position is carried by an affirmative vote of the majority of commission members eligible to vote.

d. A specific time is set aside at each meeting for the public to address the commission. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission during this portion of the meeting are required to fill out a card, which is available upon request, that is to be given to the commission's confidential secretary prior to the meeting. The person's name and the subject of the person's remarks must be noted. To accommodate maximum public participation, members of the public are encouraged to submit the cards at least 72 hours in advance of the meeting.

1.2(4) Minutes. The minutes of all commission meetings are recorded and kept by the executive director in the commission office. Upon approval by the commission, minutes are posted on the commission's Web site.

1.2(5) Records. The records of all business transacted and other information with respect to the operation of the commission are public records and are on file in the commission office. All records, except statements specified as confidential under these rules, are available for inspection during regular business hours. (Copies of records up to ten pages in number may be obtained without charge. The cost of reproduction will be charged for pages in excess of ten. The charge may be waived by the executive director.)

1.2(6) Submission and requests. Inquiries, submissions, petitions, and other requests directed to the commission may be made by letter addressed to the executive director at the address listed in subrule 1.2(1). Any person may petition for a written or oral hearing before the commission. All requests for

a hearing must be in writing and state the specific subject to be discussed and the reasons a personal appearance is necessary if one is requested.

1.2(7) *Advisory councils.* An advisory council selected from officers of Iowa secondary schools, community colleges, Iowa independent colleges and universities, lending institutions, and state-supported universities shall be established by the commission. Members are appointed to serve four-year terms with the exception of the elected presidents of the Iowa Counseling Association, the Iowa Association for College Admission Counseling, and the Iowa Association of Student Financial Aid Administrators, who serve during their terms in office. The executive director of the Iowa student loan liquidity corporation is a permanent member. The council shall meet at least annually to review the state-supported student aid programs and make recommendations to the commission for revisions in policies and procedures.

This subrule provides schools with representation in the administration of student aid programs implemented under Iowa Code chapter 261.

These rules are intended to implement Iowa Code section 17A.3(1)“a” and “b” and chapter 261.

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CHAPTER 2
COMMISSION PROCEDURE FOR RULE MAKING
[Prior to 8/10/88, see College Aid Commission, 245—13.1 and 13.2]

283—2.1(17A) Applicability. Except to the extent otherwise expressly provided by statute, all rules adopted by the commission are subject to the provisions of Iowa Code chapter 17A, the Iowa administrative procedure Act, and the provisions of this chapter.

283—2.2(17A) Advice on possible rules before notice of proposed rule adoption. In addition to seeking information by other methods, the commission may, before publication of a Notice of Intended Action under Iowa Code section 17A.4(1)“a,” solicit comments from the public on a subject matter of possible rule making by the commission by causing notice to be published in the Iowa Administrative Bulletin of the subject matter and indicating where, when, and how persons may comment.

283—2.3(17A) Public rule-making docket.

2.3(1) Docket maintained. The commission shall maintain a current public rule-making docket.

2.3(2) Anticipated rule making. The rule-making docket shall list each anticipated rule-making proceeding. A rule-making proceeding is deemed “anticipated” from the time a draft of proposed rules is distributed for internal discussion within the commission. For each anticipated rule-making proceeding the docket shall contain a listing of the precise subject matter which may be submitted for consideration by the executive director for subsequent proposal under the provisions of Iowa Code section 17A.4(1)“a,” the name and address of commission personnel with whom persons may communicate with respect to the matter, and an indication of the present status within the commission of that possible rule. The commission also may include in the docket other subjects upon which public comment is desired.

2.3(3) Pending rule-making proceedings. The rule-making docket shall list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by publication in the Iowa Administrative Bulletin of a Notice of Intended Action pursuant to Iowa Code section 17A.4(1)“a,” to the time it is terminated, by publication of a Notice of Termination in the Iowa Administrative Bulletin or the rule becoming effective. For each rule-making proceeding, the docket shall indicate:

- a. The subject matter of the proposed rule;
- b. A citation to all published notices relating to the proceeding;
- c. Where written submissions on the proposed rule may be inspected;
- d. The time during which written submissions may be made;
- e. The names of persons who have made written requests for an opportunity to make oral presentations on the proposed rule, where those requests may be inspected, and where and when oral presentations may be made;
- f. Whether a written request for the issuance of a regulatory analysis, or a concise statement of reasons, has been filed, whether such an analysis or statement or a fiscal impact statement has been issued, and where any such written request, analysis, or statement may be inspected;
- g. The current status of the proposed rule and any commission determinations with respect thereto;
- h. Any known timetable for commission decisions or other action in the proceeding;
- i. The date of the rule’s adoption;
- j. The date of the rule’s filing, indexing, and publication;
- k. The date on which the rule will become effective; and
- l. Where the rule-making record may be inspected.

283—2.4(17A) Notice of proposed rule making.

2.4(1) Contents. At least 35 days before the adoption of a rule the commission shall cause Notice of Intended Action to be published in the Iowa Administrative Bulletin. The Notice of Intended Action shall include:

- a. A brief explanation of the purpose of the proposed rule;

- b. The specific legal authority for the proposed rule;
- c. Except to the extent impracticable, the text of the proposed rule;
- d. Where, when, and how views may be presented on the proposed rule; and
- e. Where, when, and how an oral proceeding may be demanded on the proposed rule if the notice does not already provide for one.

Where inclusion of the complete text of a proposed rule in the Notice of Intended Action is impracticable, the commission shall include in the notice a statement fully describing the specific subject matter of the omitted portion of the text of the proposed rule, the specific issues to be addressed by the omitted text of the proposed rule, and the range of possible choices being considered by the commission for the resolution of each of those issues.

2.4(2) *Incorporation by reference.* A proposed rule may incorporate other materials by reference only if it complies with all of the requirements applicable to the incorporation by reference of other materials in an adopted rule that are contained in subrule 2.12(2) of this chapter.

2.4(3) *Copies of notices.* Persons desiring to receive copies of all future Notices of Intended Action must file with the commission a written request indicating the name and address to which such notices should be sent. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail or electronically transmit a copy of that notice to those persons who have filed a written request for either mailing or electronic transmittal with the commission for Notices of Intended Action. The written request shall be accompanied by payment of the subscription price which may cover the full cost of the subscription service, including its administrative overhead and the cost of copying and mailing the Notices of Intended Action for a period of one year.

283—2.5(17A) Public participation.

2.5(1) *Written comments.* For at least 20 days after publication of Notice of Intended Action, arguments, data, and views may be submitted in writing on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to Executive Director, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609, or to the person designated in the Notice of Intended Action.

2.5(2) *Oral proceedings.* The commission may, at any time, schedule an oral proceeding on a proposed rule. The commission shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the commission by the administrative rules review committee, a governmental subdivision, an agency, an association having not less than 25 members, or at least 25 persons. That request must contain the following additional information:

- a. A request by one or more individual persons must be signed by each individual and must include the address and telephone number of each individual.
- b. A request by an association must be signed by an officer or designee of the association, must contain a statement that the association has at least 25 members, and must include the address and telephone number of the person signing the request.
- c. A request by an agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing the request.

2.5(3) *Conduct of oral proceedings.*

a. ***Applicability.*** This subrule applies only to those oral rule-making proceedings in which an opportunity to make oral presentations is authorized or required by Iowa Code section 17A.4(1) “b” as amended by 1998 Iowa Acts, chapter 1202, section 8, or this chapter.

b. ***Scheduling and notice.*** An oral proceeding on a proposed rule may be held in one or more locations and shall not be held earlier than 20 days after notice of its location and time is published in the Iowa Administrative Bulletin. That notice shall identify the proposed rule by ARC number and citation to the Iowa Administrative Bulletin.

c. Presiding officer. The commission, a member of the commission, or another person designated by the commission who will be familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule. If the commission does not preside, the presiding officer shall prepare a memorandum for consideration by the commission summarizing the contents of the presentations made at the oral proceeding unless the commission determines that such a memorandum is unnecessary because the commission will personally listen to or read the entire transcript of the oral proceeding.

d. Conduct of proceeding. At an oral proceeding on a proposed rule, oral statements and documentary and physical submissions may be made including data, views, comments, or arguments concerning the proposed rule. Persons wishing to make oral presentations at such a proceeding are encouraged to notify the commission at least one business day prior to the proceeding and indicate the general subject of the presentations. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they represent, and provide any other information relating to their participation deemed appropriate by the presiding officer. Oral proceedings shall be open to the public and shall be recorded by stenographic or electronic means.

(1) At the beginning of the oral proceeding, the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons for the commission decision to propose the rule. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(2) Persons making oral presentations are encouraged to avoid restating matters submitted in writing.

(3) To facilitate the exchange of information, the presiding officer may, where time permits, open the floor to questions or general discussion.

(4) The presiding officer shall have the authority to take any reasonable action necessary for the orderly conduct of the meeting.

(5) Physical and documentary submissions presented by participants in the oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the commission.

(6) The oral proceeding may be continued by the presiding officer to a later time without notice other than by announcement at the hearing.

(7) Participants in an oral proceeding shall not be required to take an oath or to submit to cross-examination. However, the presiding officer in an oral proceeding may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(8) The presiding officer in an oral proceeding may permit rebuttal statements and request the filing of written statements subsequent to the adjournment of the oral presentations.

2.5(4) Additional information. In addition to receiving written comments and oral presentations on a proposed rule according to the provisions of this rule, the commission may obtain information concerning a proposed rule through any other lawful means deemed appropriate.

2.5(5) Accessibility. The commission shall schedule oral proceedings in rooms accessible to, and functional for, persons with physical disabilities. Persons who have special requirements should contact the administrative secretary at College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609, or (515)242-3341 in advance to arrange access or other needed services.

283—2.6(17A) Regulatory analysis.

2.6(1) Definition of small business. A small business is defined in Iowa Code section 17A.4A(7).

2.6(2) Mailing list. Small businesses or organizations of small businesses may be registered on the commission's small business impact list by making a written application addressed to College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. The application for registration shall state:

a. The name of the small business or organization of small businesses;

- b. Its address;
- c. The name of a person authorized to transact business for the applicant;
- d. A description of the applicant's business or organization. An organization representing 25 or more persons who qualify as a small business shall indicate that fact.
- e. Whether the registrant desires copies of Notices of Intended Action at cost, or desires advance notice of the subject of all or some specific category of proposed rule making affecting small business.

The commission may, at any time, request additional information from the applicant to determine whether the applicant is qualified as a small business or as an organization of 25 or more small businesses. The commission may periodically send a letter to each registered small business or organization of small businesses asking whether that business or organization wants to remain on the registration list. The name of a small business or organization of small businesses will be removed from the list if a negative response is received or if no response is received within 30 days after the letter is sent.

2.6(3) *Time of mailing.* Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail to all registered small businesses or organizations of small businesses, in accordance with their request, either a copy of the Notice of Intended Action or notice of the subject of that proposed rule making. In the case of a rule that may have an impact on small business adopted in reliance upon Iowa Code section 17A.4(2), the commission shall mail notice of the adopted rule to registered businesses or organizations prior to the time the adopted rule is published in the Iowa Administrative Bulletin.

2.6(4) *Qualified requesters for regulatory analysis—economic impact.* The commission shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2a) after a proper request from:

- a. The administrative rules coordinator;
- b. The administrative rules review committee.

2.6(5) *Qualified requesters for regulatory analysis—business impact.* The commission shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2b) after a proper request from:

- a. The administrative rules review committee;
- b. The administrative rules coordinator;
- c. At least 25 or more persons who sign the request provided that each represents a different small business;
- d. An organization representing at least 25 small businesses. That organization shall list the names, addresses and telephone numbers of not less than 25 small businesses it represents.

2.6(6) *Time period for analysis.* Upon receipt of a timely request for a regulatory analysis the commission shall adhere to the time lines described in Iowa Code section 17A.4A(4).

2.6(7) *Contents of request.* A request for a regulatory analysis is made when it is mailed or delivered to the commission. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).

2.6(8) *Contents of concise summary.* The contents of the concise summary shall conform to the requirements of Iowa Code section 17A.4A(4,5).

2.6(9) *Publication of a concise summary.* The commission shall make available, to the maximum extent feasible, copies of the published summary in conformance with Iowa Code section 17A.4A(5).

2.6(10) *Regulatory analysis contents—rules review committee or rules coordinator.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee, or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2a), unless a written request expressly waives one or more of the items listed in the section.

2.6(11) *Regulatory analysis contents—substantial impact on small business.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee, the administrative rules coordinator, at least 25 persons signing that request who each qualify as representatives of a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2b).

283—2.7(17A,25B) Fiscal impact statement.

2.7(1) A proposed rule that mandates additional combined expenditures exceeding \$100,000 by all affected political subdivisions or agencies and entities which contract with political subdivisions to provide services must be accompanied by a fiscal impact statement outlining the costs associated with the rule. A fiscal impact statement must satisfy the requirements of Iowa Code section 25B.6.

2.7(2) If the commission determines, at the time it adopts a rule, that the fiscal impact statement upon which the rule is based contains errors, the commission shall, at the same time, issue a corrected fiscal impact statement and publish the corrected fiscal impact statement in the Iowa Administrative Bulletin.

283—2.8(17A) Time and manner of rule adoption.

2.8(1) *Time of adoption.* The commission shall not adopt a rule until the period for making written submissions and oral presentations has expired. Within 180 days after the later of the publication of the Notice of Intended Action, or the end of oral proceedings thereon, the commission shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by publication of a notice to that effect in the Iowa Administrative Bulletin.

2.8(2) *Consideration of public comment.* Before the adoption of a rule, the commission shall consider fully all of the written submissions and oral submissions received in that rule-making proceeding or any memorandum summarizing such oral submissions, and any regulatory analysis or fiscal impact statement issued in that rule-making proceeding.

2.8(3) *Reliance on commission expertise.* Except as otherwise provided by law, the commission may use its own experience, technical competence, specialized knowledge, and judgment in the adoption of a rule.

283—2.9(17A) Variance between adopted rule and published notice of proposed rule adoption.

2.9(1) The commission shall not adopt a rule that differs from the rule proposed in the Notice of Intended Action on which the rule is based unless:

- a.* The differences are within the scope of the subject matter announced in the Notice of Intended Action and are in character with the issues raised in that notice; and
- b.* The differences are a logical outgrowth of the contents of that Notice of Intended Action and the comments submitted in response thereto; and
- c.* The Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question.

2.9(2) In determining whether the Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question, the commission shall consider the following factors:

- a.* The extent to which persons who will be affected by the rule should have understood that the rule-making proceeding on which it is based could affect their interests;
- b.* The extent to which the subject matter of the rule or the issues determined by the rule are different from the subject matter or issues contained in the Notice of Intended Action; and
- c.* The extent to which the effects of the rule differ from the effects of the proposed rule contained in the Notice of Intended Action.

2.9(3) The commission shall commence a rule-making proceeding within 60 days of its receipt of a petition for rule making seeking the amendment or repeal of a rule that differs from the proposed rule contained in the Notice of Intended Action on which the rule is based, unless the commission finds that the differences between the adopted rule and the proposed rule are so insubstantial as to make such a rule-making proceeding unnecessary. A copy of any such finding and the petition to which it responds shall be sent to petitioner, the administrative rules coordinator, and the administrative rules review committee within three days of its issuance.

2.9(4) Concurrent rule-making proceedings. Nothing in this rule disturbs the discretion of the commission to initiate, concurrently, several different rule-making proceedings on the same subject with several different published Notices of Intended Action.

283—2.10(17A) Exemptions from public rule-making procedures.

2.10(1) *Omission of notice and comment.* To the extent the commission finds that public notice and participation are unnecessary, impracticable, or contrary to the public interest in the process of adopting a particular rule, the commission may adopt that rule without publishing advance Notice of Intended Action in the Iowa Administrative Bulletin and without providing for written or oral public submissions prior to its adoption. The commission shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

2.10(2) *Public proceedings on rules adopted without them.* The commission may, at any time, commence a standard rule-making proceeding for the adoption of a rule that is identical or similar to a rule it adopts in reliance upon subrule 2.10(1). Upon written petition by a governmental subdivision, the administrative rules review committee, an agency, the administrative rules coordinator, an association having not less than 25 members, or at least 25 persons, the commission shall commence a standard rule-making proceeding for any rule specified in the petition that was adopted in reliance upon subrule 2.10(1). Such a petition must be filed within one year of the publication of the specified rule in the Iowa Administrative Bulletin as an adopted rule. The rule-making proceeding on that rule must be commenced within 60 days of the receipt of such a petition. After a standard rule-making proceeding commenced pursuant to this subrule, the commission may either readopt the rule it adopted without benefit of all usual procedures on the basis of subrule 2.10(1), or may take any other lawful action, including the amendment or repeal of the rule in question, with whatever further proceedings are appropriate.

283—2.11(17A) Concise statement of reasons.

2.11(1) *General.* When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the commission shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

2.11(2) *Contents.* The concise statement of reasons shall contain:

- a. The reasons for adopting the rule;
- b. An indication of any change between the text of the proposed rule contained in the published Notice of Intended Action and the text of the rule as finally adopted, with the reasons for any such change;
- c. The principal reasons urged in the rule-making proceeding for and against the rule, and the commission's reasons for overruling the arguments made against the rule.

2.11(3) *Time of issuance.* After a proper request, the commission shall issue a concise statement of reasons by the later of the time the rule is adopted or 35 days after receipt of the request.

283—2.12(17A) Contents, style, and form of rule.

2.12(1) *Contents.* Each rule adopted by the commission shall contain the text of the rule and, in addition:

- a. The date the commission adopted the rule;
- b. A brief explanation of the principal reasons for the rule-making action if such reasons are required by Iowa Code section 17A.4(1b), or the commission in its discretion decides to include such reasons;
- c. A reference to all rules repealed, amended, or suspended by the rule;
- d. A reference to the specific statutory or other authority authorizing adoption of the rule;
- e. Any findings required by any provision of law as a prerequisite to adoption or effectiveness of the rule;
- f. A brief explanation of the principal reasons for the failure to provide for waivers to the rule if no waiver provision is included and a brief explanation of any waiver or special exceptions provided in the rule if such reasons are required by Iowa Code section 17A.4(1b), or the commission in its discretion decides to include such reasons; and

g. The effective date of the rule.

2.12(2) *Incorporation by reference.* The commission may incorporate by reference in a proposed or adopted rule, and without causing publication of the incorporated matter in full, all or any part of a code, standard, rule, or other matter if the commission finds that the incorporation of its text in the commission proposed or adopted rule would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in the commission proposed or adopted rule shall fully and precisely identify the incorporated matter by location, title, citation, date, and edition, if any; shall briefly indicate the precise subject and the general contents of the incorporated matter; and shall state that the proposed or adopted rule does not include any later amendments or editions of the incorporated matter. The commission may incorporate such matter by reference in a proposed or adopted rule only if the commission makes copies of it readily available to the public. The rule shall state how and where copies of the incorporated matter may be obtained at cost from the commission, and how and where copies may be obtained from the agency of the United States, this state, another state, or the organization, association, or persons, originally issuing that matter. The commission shall retain permanently a copy of any materials incorporated by reference in a rule of the commission.

If the commission adopts standards by reference to another publication, it shall provide a copy of the publication containing the standards to the administrative rules coordinator for deposit in the state law library and may make the standards available electronically.

2.12(3) *References to materials not published in full.* When the administrative code editor decides to omit the full text of a proposed or adopted rule because publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient, the commission shall prepare and submit to the administrative code editor for inclusion in the Iowa Administrative Bulletin and Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material. This summary statement shall include the title and a brief description sufficient to inform the public of the specific nature and subject matter of the proposed or adopted rules, and of significant issues involved in these rules. The summary statement also shall describe how a copy of the full text of the proposed or adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the commission. The commission will provide a copy of that full text at actual cost upon request and shall make copies of the full text available for review at the state law library and may make the standards available electronically.

At the request of the administrative code editor, the commission shall provide a proposed statement explaining why publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient.

2.12(4) *Style and form.* In preparing its rules, the commission shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.

283—2.13(17A) Agency rule-making record.

2.13(1) *Requirement.* The commission shall maintain an official rule-making record for each rule it proposes by publication in the Iowa Administrative Bulletin of a Notice of Intended Action, or adopts. The rule-making record and materials incorporated by reference must be available for public inspection.

2.13(2) *Contents.* The commission rule-making record shall contain:

a. Copies of all publications in the Iowa Administrative Bulletin with respect to the rule or the proceeding upon which the rule is based and any file-stamped copies of commission submissions to the administrative rules coordinator concerning that rule or the proceeding upon which it is based;

b. Copies of any portions of the commission's public rule-making docket containing entries relating to the rule or the proceeding upon which the rule is based;

c. All written petitions, requests, and submissions received by the commission, and all other written materials of a factual nature as distinguished from opinion that are relevant to the merits of the rule and that were created or compiled by the commission and considered by the executive director, in connection with the formulation, proposal, or adoption of the rule or the proceeding upon which the rule is based, except to the extent the commission is authorized by law to keep them confidential; provided, however, that when any such materials are deleted because they are authorized by law to be

kept confidential, the commission shall identify in the record the particular materials deleted and state the reasons for that deletion;

d. Any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, the stenographic record or electronic recording of those presentations, and any memorandum prepared by a presiding officer summarizing the contents of those presentations;

e. A copy of any regulatory analysis or fiscal impact statement prepared for the proceeding upon which the rule is based;

f. A copy of the rule and any concise statement of reasons prepared for that rule;

g. All petitions for amendments or repeal or suspension of the rule;

h. A copy of any objection to the issuance of that rule without public notice and participation that was filed pursuant to Iowa Code section 17A.4(2) by the administrative rules review committee, the governor, or the attorney general;

i. A copy of any objection to the rule filed by the administrative rules review committee, the governor, or the attorney general pursuant to Iowa Code section 17A.4(4), and any commission response to that objection;

j. A copy of any significant written criticism of the rule, including a separate file of any petitions for waiver of the rule; and

k. A copy of any executive order concerning the rule.

2.13(3) *Effect of record.* Except as otherwise required by a provision of law, the commission rule-making record required by this rule need not constitute the exclusive basis for commission action on that rule.

2.13(4) *Maintenance of files.* The commission shall maintain the rule-making file for a period of not less than five years from the later of the date the rule to which it pertains became effective, the date of the Notice of Intended Action, or the date of any written criticism as described in 2.13(2) “*g,*” “*h,*” “*i,*” or “*j.*”

283—2.14(17A) *Filing of rules.* The commission shall file each rule it adopts in the office of the administrative rules coordinator. The filing must be executed as soon after adoption of the rule as is practicable. At the time of filing, each rule must have attached to it any fiscal impact statement and any concise statement of reasons that was issued with respect to that rule. If a fiscal impact statement or statement of reasons for that rule was not issued until a time subsequent to the filing of that rule, the note or statement must be attached to the filed rule within five working days after the note or statement is issued. In filing a rule, the commission shall use the standard form prescribed by the administrative rules coordinator.

283—2.15(17A) *Effectiveness of rules prior to publication.*

2.15(1) *Grounds.* The commission may make a rule effective after its filing at any stated time prior to 35 days after its indexing and publication in the Iowa Administrative Bulletin if it finds that a statute so provides, the rule confers a benefit or removes a restriction on some segment of the public, or that the effective date of the rule is necessary to avoid imminent peril to the public health, safety, or welfare. The commission shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

2.15(2) *Special notice.* When the commission makes a rule effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2) “*b*” (3), the commission shall employ all reasonable efforts to make its contents known to the persons who may be affected by that rule prior to the rule’s indexing and publication. The term “all reasonable efforts” requires the commission to employ the most effective and prompt means of notice rationally calculated to inform potentially affected parties of the effectiveness of the rule that is justified and practical under the circumstances considering the various alternatives available for this purpose, the comparative costs to the commission of utilizing each of those alternatives, and the harm suffered by affected persons from any lack of notice concerning the contents of the rule prior to its indexing and publication. The means that may be used for providing notice of such rules prior to their indexing and publication include, but

are not limited to, any one or more of the following means: radio, newspaper, television, signs, mail, telephone, personal notice or electronic means.

A rule made effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2)“b”(3) shall include in that rule a statement describing the reasonable efforts that will be used to comply with the requirements of subrule 2.15(2).

283—2.16(17A) General statements of policy.

2.16(1) *Compilation, indexing, public inspection.* The commission shall maintain an official, current, and dated compilation that is indexed by subject, containing all of its general statements of policy within the scope of Iowa Code section 17A.2(11)“a,” “c,” “f,” “g,” “h,” “k.” Each addition to, change in, or deletion from the official compilation must also be dated, indexed, and a record thereof kept. Except for those portions containing rules governed by Iowa Code section 17A.2(11)“f,” or otherwise authorized by law to be kept confidential, the compilation must be made available for public inspection and copying.

2.16(2) *Enforcement of requirements.* A general statement of policy subject to the requirements of this subsection shall not be relied on by the commission to the detriment of any person who does not have actual, timely knowledge of the contents of the statement until the requirements of subrule 2.16(1) are satisfied. This provision is inapplicable to the extent necessary to avoid imminent peril to the public health, safety, or welfare.

283—2.17(17A) Review by commission of rules.

2.17(1) Any interested person, association, agency, or political subdivision may submit a written request to the administrative rules coordinator requesting the commission to conduct a formal review of a specified rule. Upon approval of that request by the administrative rules coordinator, the commission shall conduct a formal review of a specified rule to determine whether a new rule should be adopted instead or the rule should be amended or repealed. The commission may refuse to conduct a review if it has conducted such a review of the specified rule within five years prior to the filing of the written request.

2.17(2) In conducting the formal review, the commission shall prepare within a reasonable time a written report summarizing its findings, its supporting reasons, and any proposed course of action. The report must include a concise statement of the commission’s findings regarding the rule’s effectiveness in achieving its objectives, including a summary of any available supporting data. The report shall also concisely describe significant written criticisms of the rule received during the previous five years, including a summary of any petitions for waiver of the rule received by the commission or granted by the commission. The report shall describe alternative solutions to resolve the criticisms of the rule, the reasons any were rejected, and any changes made in the rule in response to the criticisms as well as the reasons for the changes. A copy of the commission’s report shall be sent to the administrative rules review committee and the administrative rules coordinator. The report must also be available for public inspection.

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

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CHAPTER 3
DECLARATORY ORDERS

[Prior to 8/10/88, see College Aid Commission, 245—13.4 and 13.5]

283—3.1(17A) Petition for declaratory order. Any person may file a petition with the college student aid commission for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the commission, at 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. A petition is deemed filed when it is received by the commission. The commission shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

COLLEGE STUDENT AID COMMISSION	
Petition by (Name of Petitioner) for a Declaratory Order on (Cite provisions of law involved).	}
PETITION FOR DECLARATORY ORDER	

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by petitioner for a meeting provided for by 3.7(17A).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

283—3.2(17A) Notice of petition. Within 15 days after receipt of a petition for a declaratory order, the college student aid commission shall give notice of the petition to all persons not served by the petitioner pursuant to 3.6(17A) to whom notice is required by any provision of law. The commission may also give notice to any other persons.

283—3.3(17A) Intervention.

3.3(1) Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within 15 days of the filing of a petition for declaratory order (after time for notice under 3.2(17A) and before 30-day time for agency action under 3.8(17A)) shall be allowed to intervene in a proceeding for a declaratory order.

3.3(2) Any person who files a petition for intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the commission.

3.3(3) A petition for intervention shall be filed at 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. Such a petition is deemed filed when it is received by the commission. The commission will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides

an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

COLLEGE STUDENT AID COMMISSION	
Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law cited in original petition).	} PETITION FOR INTERVENTION

The petition for intervention must provide the following information:

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

The petition must be dated and signed by the intervenor or the intervenor's representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor's representative, and a statement indicating the person to whom communications should be directed.

283—3.4(17A) Briefs. The petitioner or any intervenor may file a brief in support of the position urged. The commission may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

283—3.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to Executive Director, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609.

283—3.6(17A) Service and filing of petitions and other papers.

3.6(1) When service required. Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served upon each of the parties of record to the proceeding, and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented, simultaneously with their filing. The party filing a document is responsible for service on all parties and other affected or interested persons.

3.6(2) Filing—when required. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the commission.

3.6(3) Method of service, time of filing, and proof of mailing. Method of service, time of filing, and proof of mailing shall be as provided by uniform rule on contested cases 3.12(17A).

283—3.7(17A) Consideration. Upon request by petitioner, the college student aid commission must schedule a brief and informal meeting between the original petitioner, all intervenors, and the commission, a member of the commission, or a member of the staff of the commission, to discuss the questions raised. The commission may solicit comments from any person on the questions raised. Comments on the questions raised may be submitted to the commission by any person.

283—3.8(17A) Action on petition.

3.8(1) Within the time allowed by Iowa Code section 17A.9(5) after receipt of a petition for a declaratory order, the executive director or designee shall take action on the petition as required by Iowa Code section 17A.9(5).

3.8(2) The date of issuance of an order or of a refusal to issue an order is as defined in contested case uniform rule 283—4.2(17A).

283—3.9(17A) Refusal to issue order.

3.9(1) The commission shall not issue a declaratory order where prohibited by Iowa Code section 17A.9(1) and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

1. The petition does not substantially comply with the required form.
2. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the commission to issue an order.
3. The commission does not have jurisdiction over the questions presented in the petition.
4. The questions presented by the petition are also presented in a current rule making, contested case, or other commission or judicial proceeding, that may definitively resolve them.
5. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
6. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
7. There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.
8. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a commission decision already made.
9. The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
10. The petitioner requests the commission to determine whether a statute is unconstitutional on its face.

3.9(2) A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final commission action on the petition.

3.9(3) Refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

283—3.10(17A) Contents of declaratory order—effective date. In addition to the order itself, a declaratory order must contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory order is effective on the date of issuance.

283—3.11(17A) Copies of orders. A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors.

283—3.12(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the commission, the petitioner, and any intervenors who consent to be bound and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was

based. As to all other persons, a declaratory order serves only as precedent and is not binding on the commission. The issuance of a declaratory order constitutes final commission action on the petition.

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

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CHAPTER 4
DUE PROCESS

[Prior to 8/10/88, see College Aid Commission, 245—Ch 11]

[Prior to 10/15/03, see 283—Ch 5]

283—4.1(261) Appeals. This chapter describes procedures for appeal to commission decisions covering student eligibility for state scholarship and grant awards, adjustment in award amounts, refunds of awards, and institutional eligibility for participation in state scholarship and grant programs.

4.1(1) Administrative staff of the commission shall make all decisions in accordance with established policies and published administrative rules approved by the commission and shall notify the concerned individual or institution of these decisions within a reasonable time after inquiry.

4.1(2) If an individual, institution, or any duly appointed representative thereof disagrees with a staff decision, written evidence setting forth the reasons for disagreement shall be presented to the executive director of the commission. The evidence must be presented within 60 days after notification of the staff decision, and the appellant may request a hearing.

a. If no hearing is requested, the executive director will consider all evidence provided and will notify the appellant within 30 days whether the decision is retracted, modified or upheld. The appellant will be advised of the appellant's right to carry the appeal to a meeting of the full commission or to an appeals panel appointed by the commission.

b. If a hearing is requested, the executive director will follow the contested case procedures in 283—Chapter 5.

This rule is intended to implement Iowa Code section 261.3.

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CHAPTER 5
CONTESTED CASES
[Prior to 10/15/03, see 283—Ch 4]

283—5.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the college student aid commission.

283—5.2(17A) Definitions. Except where otherwise specifically defined by law:

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

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

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

“*Presiding officer*” means the executive director.

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

283—5.3(17A) Time requirements.

5.3(1) Time shall be computed as provided in Iowa Code section 4.1(34).

5.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

283—5.4(17A) Requests for contested case proceeding. Any person claiming an entitlement to a contested case proceeding shall file a written request for such a proceeding within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the commission action in question.

The request for a contested case proceeding should state the name and address of the requester, identify the specific commission action which is disputed, and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved, and include a short and plain statement of the issues of material fact in dispute.

283—5.5(17A) Notice of hearing.

5.5(1) Delivery. Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

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

5.5(2) Contents. The notice of hearing shall contain the following information:

- a. A statement of the time, place, and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. A reference to the particular sections of the statutes and rules involved;
- d. A short and plain statement of the matters asserted. If the commission or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished;
- e. Identification of all parties including the name, address and telephone number of the person who will act as advocate for the commission or the state and of parties’ counsel where known;
- f. Reference to the procedural rules governing conduct of the contested case proceeding;

- g.* Reference to the procedural rules governing informal settlement;
- h.* Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer (e.g., agency head, members of multimembered agency head, administrative law judge from the department of inspections and appeals); and
- i.* Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11(1) and rule 5.6(17A), that the presiding officer be an administrative law judge.

283—5.6(17A) Presiding officer.

5.6(1) Any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections and appeals must file a written request within 20 days or such other time period the commission designates after service of a notice of hearing which identifies or describes the presiding officer as the executive director or members of the commission.

5.6(2) The commission or its designee may deny the request only upon a finding that one or more of the following apply:

- a.* Neither the commission nor any officer of the commission under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.
- b.* There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.
- c.* A qualified administrative law judge is unavailable to hear the case within a reasonable time.
- d.* The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.
- e.* The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.
- f.* Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.
- g.* The request was not timely filed.
- h.* The request is not consistent with a specified statute.

5.6(3) The commission or its designee shall issue a written ruling specifying the grounds for its decision within 20 days or such other time period the commission designates after a request for an administrative law judge is filed. The parties shall be notified at least 10 days prior to hearing if a qualified administrative law judge will not be available.

5.6(4) Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the commission. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

5.6(5) Unless otherwise provided by law, agency heads and members of multimembered agency heads, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

283—5.7(17A) Waiver of procedures. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the commission, in its discretion, may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

283—5.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen.

283—5.9(17A) Disqualification.

5.9(1) A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a.* Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

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

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

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

f. Has a spouse or relative within the third degree of relationship that: (1) is a party to the case, or an officer, director or trustee of a party; (2) is a lawyer in the case; (3) is known to have an interest that could be substantially affected by the outcome of the case; or (4) is likely to be a material witness in the case; or

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

5.9(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other commission functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17(3) and subrules 5.9(3) and 5.23(9).

5.9(3) In a situation where a presiding officer or other person knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

5.9(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 5.9(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 5.25(17A) and seek a stay under rule 5.29(17A).

283—5.10(17A) Consolidation—severance.

5.10(1) Consolidation. The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where: (a) the matters at issue involve common parties or common questions of fact or law; (b) consolidation would expedite and simplify consideration of the issues involved; and (c) consolidation would not adversely affect the rights of any of the parties to those proceedings.

5.10(2) Severance. The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

283—5.11(17A) Pleadings.

5.11(1) Pleadings may be required by rule, by the notice of hearing, or by order of the presiding officer.

5.11(2) Petition.

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

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

- (1) The persons or entities on whose behalf the petition is filed;
- (2) The particular provisions of statutes and rules involved;
- (3) The relief demanded and the facts and law relied upon for such relief; and
- (4) The name, address and telephone number of the petitioner and the petitioner's attorney, if any.

5.11(3) Answer. An answer shall be filed within 20 days of service of the petition unless otherwise ordered. A party may move to dismiss or apply for a more definite and detailed statement when appropriate.

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

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

Any allegation in the petition not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

5.11(4) Amendment. Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

283—5.12(17A) Service and filing of pleadings and other papers.

5.12(1) *When service required.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding shall be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the commission, simultaneously with their filing. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

5.12(2) *Service—how made.* Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

5.12(3) *Filing—when required.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the college student aid commission.

5.12(4) *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the college student aid commission, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

5.12(5) *Proof of mailing.* Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609, and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).

(Date) (Signature)

283—5.13(17A) Discovery.

5.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

5.13(2) Any motion relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 5.13(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

5.13(3) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

283—5.14(17A) Subpoenas.

5.14(1) Issuance.

a. An agency subpoena shall be issued to a party on request. Such a request must be in writing. In the absence of good cause for permitting later action, a request for a subpoena must be received at least three days before the scheduled hearing. The request shall include the name, address, and telephone number of the requesting party.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

5.14(2) Motion to quash or modify. The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

283—5.15(17A) Motions.

5.15(1) No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

5.15(2) Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the commission or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

5.15(3) The presiding officer may schedule oral argument on any motion.

5.15(4) Motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the commission or an order of the presiding officer.

5.15(5) Motions for summary judgment. Motions for summary judgment shall comply with the requirements of Iowa Rule of Civil Procedure 1.981 and shall be subject to disposition according to the requirements of that rule to the extent such requirements are not inconsistent with the provisions of this rule or any other provision of law governing the procedure in contested cases.

Motions for summary judgment must be filed and served at least 45 days prior to the scheduled hearing date, or other time period determined by the presiding officer. Any party resisting the motion shall file and serve a resistance within 15 days, unless otherwise ordered by the presiding officer, from the date a copy of the motion was served. The time fixed for hearing or nonoral submission shall be not less than 20 days after the filing of the motion, unless a shorter time is ordered by the presiding officer. A summary judgment order rendered on all issues in a contested case is subject to rehearing pursuant to 5.28(17A) and appeal pursuant to 5.27(17A).

283—5.16(17A) Prehearing conference.

5.16(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be scheduled not less than three business days prior to the hearing date.

Written notice of the prehearing conference shall be given by the executive director to all parties. For good cause the presiding officer may permit variances from this rule.

5.16(2) Each party shall bring to the prehearing conference:

a. A final list of the witnesses who the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

b. A final list of exhibits which the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

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

5.16(3) In addition to the requirements of subrule 5.16(2), the parties at a prehearing conference may:

a. Enter into stipulations of law or fact;

b. Enter into stipulations on the admissibility of exhibits;

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

d. Enter into stipulations for waiver of any provision of law; and

e. Consider any additional matters which will expedite the hearing.

5.16(4) Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.

283—5.17(17A) Continuances. Unless otherwise provided, applications for continuances shall be made to the presiding officer.

5.17(1) A written application for a continuance shall:

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

b. State the specific reasons for the request; and

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

An oral application for a continuance may be made if the presiding officer waives the requirement for a written motion. However, a party making such an oral application for a continuance must confirm that request by written application within five days after the oral request unless that requirement is waived by the presiding officer. No application for continuance shall be made or granted without notice to all parties except in an emergency where notice is not feasible. The commission may waive notice of such requests for a particular case or an entire class of cases.

5.17(2) In determining whether to grant a continuance, the presiding officer may consider:

a. Prior continuances;

b. The interests of all parties;

c. The likelihood of informal settlement;

d. The existence of an emergency;

e. Any objection;

f. Any applicable time requirements;

g. The existence of a conflict in the schedules of counsel, parties, or witnesses;

h. The timeliness of the request; and

i. Other relevant factors.

The presiding officer may require documentation of any grounds for continuance.

283—5.18(17A) Withdrawals. A party requesting a contested case proceeding may withdraw that request prior to the hearing only in accordance with commission rules. Unless otherwise provided, a withdrawal shall be with prejudice.

283—5.19(17A) Intervention.

5.19(1) Motion. A motion for leave to intervene in a contested case proceeding shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. A proposed answer or petition in intervention shall be attached to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

5.19(2) When filed. Motion for leave to intervene shall be filed as early in the proceeding as possible to avoid adverse impact on existing parties or the conduct of the proceeding. Unless otherwise ordered, a motion for leave to intervene shall be filed before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner. Unless inequitable or unjust, an intervenor shall be bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances which would delay the proceeding will ordinarily be denied.

5.19(3) Grounds for intervention. The movant shall demonstrate that: (a) intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties; (b) the movant is likely to be aggrieved or adversely affected by a final order in the proceeding; and (c) the interests of the movant are not adequately represented by existing parties.

5.19(4) Effect of intervention. If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues that may be raised by the intervenor or otherwise condition the intervenor's participation in the proceeding.

283—5.20(17A) Hearing procedures.

5.20(1) The presiding officer presides at the hearing, and may rule on motions, require briefs, issue a proposed decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

5.20(2) All objections shall be timely made and stated on the record.

5.20(3) Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, or associations may be represented by any member, officer, director, or duly authorized agent. Any party may be represented by an attorney or another person authorized by law.

5.20(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

5.20(5) The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

5.20(6) Witnesses may be sequestered during the hearing.

5.20(7) The presiding officer shall conduct the hearing in the following manner:

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

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

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

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

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

283—5.21(17A) Evidence.

5.21(1) The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

5.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

5.21(3) Evidence in the proceeding shall be confined to the issues as to which the parties received notice prior to the hearing unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to amend pleadings and to prepare on the additional issue.

5.21(4) The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties.

All exhibits admitted into evidence shall be appropriately marked and be made part of the record.

5.21(5) Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

5.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

283—5.22(17A) Default.

5.22(1) If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

5.22(2) Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

5.22(3) Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final commission action unless, within 15 days or other period of time specified by statute or rule after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 5.27(17A). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

5.22(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

5.22(5) Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days or other time specified by the commission to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

5.22(6) “Good cause” for purposes of this rule shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

5.22(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 5.25(17A).

5.22(8) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

5.22(9) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues but, unless the defaulting party has appeared, it cannot exceed the relief demanded.

5.22(10) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 5.29(17A).

283—5.23(17A) Ex parte communication.

5.23(1) Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the commission or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 5.9(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

5.23(2) Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

5.23(3) Written, oral or other forms of communication are “ex parte” if made without notice and opportunity for all parties to participate.

5.23(4) To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall be provided in compliance with rule 5.12(17A) and may be supplemented by telephone, facsimile, electronic mail or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

5.23(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

5.23(6) The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under any provision of law and they comply with subrule 5.23(1).

5.23(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 5.17(17A).

5.23(8) Disclosure of prohibited communications. A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written

responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order or disclosed. If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

5.23(9) Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

5.23(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the commission. Violation of ex parte communication prohibitions by commission personnel shall be reported to the executive director for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

283—5.24(17A) Recording costs. Upon request, the college student aid commission shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of that recordation, unless otherwise provided by law.

283—5.25(17A) Interlocutory appeals. Upon written request of a party or on its own motion, the commission may review an interlocutory order of the executive director. In determining whether to do so, the commission shall weigh the extent to which its granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the commission at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first.

283—5.26(17A) Final decision.

5.26(1) When the commission presides over the reception of evidence at the hearing, its decision is a final decision.

5.26(2) When the commission does not preside at the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the commission without further proceedings unless there is an appeal to, or review on motion of, the commission within the time provided in rule 5.27(17A).

283—5.27(17A) Appeals and review.

5.27(1) Appeal by party. Any adversely affected party may appeal a proposed decision to the commission within 30 days after issuance of the proposed decision.

5.27(2) Review. The commission may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

5.27(3) Notice of appeal. An appeal of a proposed decision is initiated by filing a timely notice of appeal with the college student aid commission. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought;

e. The grounds for relief.

5.27(4) Requests to present additional evidence. A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 14 days of service of the notice of appeal. The commission may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

5.27(5) Scheduling. The college student aid commission shall issue a schedule for consideration of the appeal.

5.27(6) Briefs and arguments. Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs. The commission may resolve the appeal on the briefs or provide an opportunity for oral argument. The commission may shorten or extend the briefing period as appropriate.

283—5.28(17A) Applications for rehearing.

5.28(1) By whom filed. Any party to a contested case proceeding may file an application for rehearing from a final order.

5.28(2) Content of application. The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the commission decision on the existing record and whether, on the basis of the grounds enumerated in subrule 5.27(4), the applicant requests an opportunity to submit additional evidence.

5.28(3) Time of filing. The application shall be filed with the college student aid commission within 20 days after issuance of the final decision.

5.28(4) Notice to other parties. A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the commission shall serve copies on all parties.

5.28(5) Disposition. Any application for a rehearing shall be deemed denied unless the commission grants the application within 20 days after its filing.

283—5.29(17A) Stays of commission actions.

5.29(1) When available.

a. Any party to a contested case proceeding may petition the college student aid commission for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the commission. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The commission may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the college student aid commission for a stay or other temporary remedies pending judicial review, of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

5.29(2) When granted. In determining whether to grant a stay, the presiding officer or commission shall consider the factors listed in Iowa Code section 17A.19(5c).

5.29(3) Vacation. A stay may be vacated by the issuing authority upon application of the college student aid commission or any other party.

283—5.30(17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties

may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable. If the parties cannot agree, any party may file and serve a motion for summary judgment pursuant to the rules governing such motions.

283—5.31(17A) Emergency adjudicative proceedings.

5.31(1) Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the commission may issue a written order in compliance with Iowa Code section 17A.18 to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the commission by emergency adjudicative order. Before issuing an emergency adjudicative order, the commission shall consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to ensure that the commission is proceeding on the basis of reliable information;
- b. Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and
- e. Whether the specific action contemplated by the commission is necessary to avoid the immediate danger.

5.31(2) Issuance of order.

a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the commission's decision to take immediate action.

b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

- (1) Personal delivery;
- (2) Certified mail, return receipt requested, to the last address on file with the commission;
- (3) Certified mail to the last address on file with the commission;
- (4) First-class mail to the last address on file with the commission; or
- (5) Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that commission orders be sent by fax and has provided a fax number for that purpose.

c. To the degree practicable, the commission shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

5.31(3) Oral notice. Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the commission shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

5.31(4) Completion of proceedings. After the issuance of an emergency adjudicative order, the commission shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

Issuance of a written emergency adjudicative order shall include notification of the date on which commission proceedings are scheduled for completion. After issuance of an emergency adjudicative

order, continuance of further commission proceedings to a later date will be granted only in compelling circumstances upon application in writing.

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

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CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

283—6.1(17A,22) Definitions. As used in this chapter:

“*Commission*” means the Iowa college student aid commission.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the commission is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

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

“*Open record*” means a record other than a confidential record.

“*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 the commission.

“*Record system*” means any group of records under the control of the commission 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.

283—6.2(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 commission determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. The commission is committed to the policies set forth in Iowa Code chapter 22; commission staff shall cooperate with members of the public in implementing the provisions of that chapter.

283—6.3(17A,22) Requests for access to records.

6.3(1) Location of record. A request for access to a record should be directed to the Executive Director, Iowa College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609. If a request for access to a record is misdirected, commission personnel will promptly forward the request to the appropriate person.

6.3(2) Office hours. Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. Monday through Friday, except holidays.

6.3(3) Request for access. Requests for access to open records may be made in writing, in person, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone 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.

6.3(4) Response to requests. Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public

to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 6.4(17A,22) and other applicable provisions of law.

6.3(5) Security of record. No person may, without permission from the custodian, search or remove any record from commission files. Examination and copying of commission records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

6.3(6) Copying. A reasonable number of copies of an open record may be made in the commission's office. If photocopy equipment is not available in the commission office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

6.3(7) Fees.

a. When charged. The commission 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 commission shall be prominently posted in commission offices. Copies of records may be made by or for members of the public on commission photocopy machines or from electronic storage systems at cost as determined and posted in commission offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. Supervisory fee. An hourly fee may be charged for actual commission expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one hour. The custodian shall prominently post in commission 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 a commission clerical 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 the requester.

283—6.4(17A,22) Access to confidential records. Under 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 rule 6.3(17A,22).

6.4(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.

6.4(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.

6.4(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.

6.4(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.

6.4(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.

283—6.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

6.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

6.5(2) *Request.* A request that a record be treated as a confidential record and be withheld from public inspection shall be in writing and shall be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record, and the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request. A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts. Requests for treatment of a record as such a confidential record for a limited time period shall also specify the precise period of time for which that treatment is requested.

A person filing such a request shall, if possible, accompany the request with a copy of the record in question from which those portions for which such confidential record treatment has been requested have been deleted. If the original record is being submitted to the commission by the person requesting such confidential treatment at the time the request is filed, the person shall indicate conspicuously on the original record that all or portions of it are confidential.

6.5(3) *Failure to request.* Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record. However, if a person who has submitted business information to the commission does not request that it be withheld from public inspection under Iowa Code sections 22.7(3) and 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

6.5(4) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed, or when the custodian receives a request for access to the record by a member of the public.

6.5(5) *Request granted or deferred.* If a request for such 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 made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

6.5(6) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify the requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

283—6.6(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 commission proceeding. The 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 Iowa college student aid commission. 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 the requester, and shall include the current address and telephone number of the requester or the requester's representative.

283—6.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed (and, where applicable, the time period during which the record may be disclosed). The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity. (Additional requirements may be necessary for special classes of records.) Appearance of counsel before the commission on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the commission to disclose records about that person to the person's attorney.

283—6.8(17A,22) Notice to suppliers of information. When the commission requests a person to supply information about that person, the commission shall notify the person of the use that will be made of the information, which persons outside the commission might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

283—6.9(17A,22) Routine use.

6.9(1) Defined. "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

6.9(2) To the extent allowed by law, the following are considered routine uses of all commission records:

a. Disclosure of officers, employees, and agents of the commission who have a need for the record in the performance of their duties. The custodian of the record may, upon request of an officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals regarding matters in which it performs services or functions on behalf of the commission.

d. Transfers of information within the commission, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or to determine whether the commission is lawfully operating a program.

f. Any disclosure specifically authorized by the statute under which the record is collected or maintained.

283—6.10(17A,22) Consensual disclosure of confidential records.

6.10(1) *Consent to disclosure by a subject.* The subject may consent in writing to commission disclosure of confidential records as provided in rule 6.7(17A,22).

6.10(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 commission may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

283—6.11(17A,22) Release to subject. The subject of a confidential record may file a written request to review the subject's confidential records. However, the commission need not release the following records to the subject:

1. The identity of a person providing information to the commission when the information is authorized as confidential pursuant to Iowa Code subsection 22.7(18).
2. The work product of an attorney or otherwise privileged information.
3. Peace officers' investigative reports, except as required by Iowa Code subsection 22.7(5).
4. Those otherwise authorized by law.

283—6.12(17A,22) Availability of records. This rule lists the commission records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

The chart indicates whether the record contains personally identifiable information, and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	PI	Personally identifiable information.
		NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rule Making	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications <ul style="list-style-type: none"> • General • GSL • Scholarship 	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3 and 22.7	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records				
• Guaranteed Student Loans (GSL)	C	Iowa Code 22.7	Yes	P.L. 89-329
• Parents Loans for Students (PLUS)	C	Iowa Code 22.7	Yes	Sec. 428[b-c]
• Supplementary Loans to Students	C	Iowa Code 22.7	Yes	Sec. 488[c]
• Iowa Tuition Grants	C	Iowa Code 22.7	Yes	Iowa Code 261.10
• State of Iowa Scholarship	C	Iowa Code 22.7	Yes	Iowa Code 261.2(4)
• Iowa Vocational-Technical Tuition Grant	C	Iowa Code 22.7	Yes	Iowa Code 261.17
• Paul Douglas Scholarship	C	Iowa Code 22.7	Yes	34 CFR Part 653.31
• Teacher Shortage Forgivable Loan	C	Iowa Code 22.7	Yes	Iowa Code 261.111
• Iowa Grant	C	Iowa Code 22.7	Yes	Iowa Code 261.97
• Osteopathic Physician Recruitment	C	Iowa Code 22.7	Yes	Iowa Code 261.19
• Accelerated Career Education Grant	C	Iowa Code 22.7	Yes	Iowa Code 261.22
• Iowa National Guard Educational Assistance	C	Iowa Code 22.7	Yes	Iowa Code 261.86
• Chiropractic Graduate Student Forgivable Loan	C	Iowa Code 22.7	Yes	Iowa Code 261.71
• Gov. Terry E. Branstad Iowa State Fair Scholarship	C	Iowa Code 22.7	Yes	Iowa Code 261.24
• Claims	C	Iowa Code 22.7	Yes	P.L. 89-329
• Collections	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
Program Records				
• Iowa Work-Study	O	NA	No	NA
• Iowa Tuition Grant	O	NA	No	NA
• State of Iowa Scholarship	O	NA	No	NA
• Iowa Vocational-Technical Tuition Grant	O	NA	No	NA
• GSL (EAGLE)	O	NA	No	NA
• Paul Douglas Scholarship	O	NA	No	NA
• Teacher Shortage Forgivable Loan	O	NA	No	NA
• Iowa Grant	O	NA	No	NA
• Osteopathic Physician Recruitment	O	NA	No	NA

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
• Accelerated Career Education Grant	O	NA	No	NA
• Iowa National Guard Educational Assistance	O	NA	No	NA
• Chiropractic Graduate Student Forgivable Loan	O	NA	No	NA
• Gov. Terry E. Branstad Iowa State Fair Scholarship	O	NA	No	NA
Applicant/Recipient Records may contain information from restricted sources:				
• Federal Tax Returns	C	Iowa Code 422.20	Yes	P.L. 89-329
• Iowa Dept. of Revenue	C	Iowa Code 422.20	Yes	Sec. 428[b-c]
• Education Records	C	Iowa Code 22.7	Yes	Sec. 488[c]

These rules are intended to implement Iowa Code section 261.3.

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CHAPTER 7
UNIFORM RULES FOR WAIVERS

283—7.1(261,ExecOrd11,17A) Waiver process. This chapter outlines a uniform process for granting waivers from rules adopted by the commission.

7.1(1) *Commission authority.* A waiver from rules adopted by the commission may be granted in accordance with this chapter if:

a. The commission has exclusive rule-making authority to promulgate the rule from which a waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and

b. No statute or rule otherwise controls the granting of a waiver from the rule for which a waiver is requested.

7.1(2) *Interpretive rules.* These uniform waiver rules shall not apply to rules defining a statute or other provisions of law or precedent if the commission does not have delegated authority to bind the courts with its definition.

7.1(3) *Compliance with statute.* No waiver shall be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.

283—7.2(261,ExecOrd11,17A) Definition. For purposes of this chapter, a waiver means action by the commission which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

283—7.3(261,ExecOrd11,17A) Scope of chapter. This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules adopted by the commission in situations where no other more specific applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.

283—7.4(261,ExecOrd11,17A) Applicability of chapter. The commission may grant a waiver from a rule only if the commission has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The commission may not waive requirements created or duties imposed by statute.

283—7.5(261,ExecOrd11,17A) Criteria for waiver. The commission may issue an order, in response to a completed petition or on its own motion, granting a waiver from a rule adopted by the commission, in whole or in part, as applied to the circumstances of a specified person if the commission finds, based on clear and convincing evidence, that:

7.5(1) Application of the rule would impose an undue hardship or injustice on the person for whom the waiver is requested; and

7.5(2) A waiver of the rule on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and

7.5(3) A waiver of the rule in the specific case would not prejudice the substantial legal rights of any person.

283—7.6(261,ExecOrd11,17A) Mandatory waivers. In response to the timely filing of a completed petition requesting a waiver, the commission shall grant a waiver from a rule, in whole or in part, as applied to the particular circumstances of a specified person, if the commission finds that the application of all or a portion of the circumstances of that specified person would not, to any extent, advance or serve any of the purposes of the rule.

283—7.7(261,ExecOrd11,17A) Burden of persuasion. The petitioner shall assume the burden of persuasion to demonstrate clear and convincing evidence when a petition is filed for a waiver from a commission rule.

283—7.8(261,ExecOrd11,17A) Special waiver rule not precluded. This uniform waiver rule shall not preclude the commission from granting waivers in other contexts or on the basis of other standards if a statute or other commission rule authorizes the commission to do so and the commission deems it appropriate to do so.

283—7.9(261,ExecOrd11,17A) Administrative deadlines. When the rule from which a waiver is sought establishes administrative deadlines, the commission shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all persons participating in a particular program offered by the commission.

283—7.10(261,ExecOrd11,17A) Filing of petition. A petition for a waiver must be submitted in writing to the commission's Executive Director, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609.

283—7.11(261,ExecOrd11,17A) Contested case. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

283—7.12(261,ExecOrd11,17A) Contents of petition. A petition for waiver shall include the following information where applicable and known to the petitioner:

7.12(1) The name, address, telephone number, and social security number of the person or entity for whom a waiver is being requested and the case number of any related contested case, whether pending or closed.

7.12(2) A description and citation of the specific rule from which a waiver is requested.

7.12(3) The specific waiver requested, including the precise scope and duration.

7.12(4) The relevant facts that the petitioner believes would justify a waiver. This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

7.12(5) A history of any prior contacts between the commission and the petitioner. The historical summary shall include:

a. A list of all of the programs, contracts, allocations, bond issues, loans, grants, or other activities in which the petitioner has participated or from which the petitioner has received a benefit and which are affected by the proposed waiver.

b. A description of each instance when the petitioner has participated in or benefited from any of the commission's programs or contracts, including but not limited to allocations, grants, or loans held by the petitioner, any notices of noncompliance, other administrative events, whether federal or state, contested case hearings, or investigative reports relating to the program, allocation, grant, or loan.

7.12(6) Any information known to the petitioner about the commission's treatment of similar cases.

7.12(7) The name, address, and telephone number of any person or entity, inside or outside state government, who would be adversely affected by the granting of a petition.

7.12(8) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

7.12(9) Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information pertaining to the waiver.

283—7.13(261,ExecOrd11,17A) Additional information. If the petition for waiver is not filed in a contested case and prior to issuing an order granting or denying a waiver, the executive director may request additional information from the petitioner relative to the petition and circumstances relating to the request for waiver. The request may be in the form of written questions or oral interview. The executive director may interview or direct written questions to other persons in connection with the waiver requested. If the petition was not filed in a contested case, the commission, or its executive director, may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

283—7.14(261,ExecOrd11,17A) Notice. The commission shall acknowledge a petition upon receipt. The commission shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required and provide a written statement that notice has been provided.

283—7.15(261,ExecOrd11,17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver filed within a contested case, and shall otherwise apply to commission proceedings for a waiver of a rule only when the commission so provides by rule or order or is required by statute to do so.

283—7.16(261,ExecOrd11,17A) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to that particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

283—7.17(261,ExecOrd11,17A) Commission discretion. The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the commission, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the commission based on the unique, individual circumstances set out in the petition.

283—7.18(261,ExecOrd11,17A) Narrowly tailored exception. A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

283—7.19(261,ExecOrd11,17A) Conditions. The commission may condition the granting of a waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

283—7.20(261,ExecOrd11,17A) Time period of waiver. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

283—7.21(261,ExecOrd11,17A) Timing for ruling. The commission shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case proceeding, the commission shall grant or deny the petition no later than the time at which the final decision in the contested case is issued.

283—7.22(261,ExecOrd11,17A) When deemed denied. Failure of the commission to grant or deny a petition within the required time period shall be deemed a denial of that petition by the commission. However, the commission shall remain responsible for issuing an order denying a waiver.

283—7.23(261,ExecOrd11,17A) Service of order. Within seven days of its issuance, any order issued under these uniform rules shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

283—7.24(261,ExecOrd11,17A) Public availability. Subject to the provisions of Iowa Code section 17A.3(1)“e,” the commission shall maintain a record of all orders granting and denying waivers under these uniform rules. All records pertaining to waivers shall be indexed and available to members of the public at the commission’s office. Some petitions may contain information the commission is authorized

or required to keep confidential. The commission may accordingly edit confidential information from petitions or orders prior to public inspection.

283—7.25(261,ExecOrd11,17A) Voiding or cancellation. A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The commission may, at any time, cancel a waiver upon appropriate notice and hearing if the commission finds that the facts as stated in the petition are not true, material facts have been withheld, the alternative means of compliance provided in the waiver have failed to achieve the objectives of the statute or rule, or the petitioner has failed to comply with the conditions of the order.

283—7.26(261,ExecOrd11,17A) Violations. Violation of conditions in a waiver shall be treated as a violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

283—7.27(261,ExecOrd11,17A) Defense. After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked. The order is not assignable, and it shall not inure to the benefit of the heirs or successors in interest of the person first obtaining the waiver.

283—7.28(261,ExecOrd11,17A) Judicial review. Judicial review of a commission decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapter 17A and Executive Order Number 11.

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CHAPTER 8
ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

283—8.1(261) Basis of aid. Tuition assistance available under the all Iowa opportunity scholarship program is based on the financial need of Iowa residents enrolled at eligible Iowa colleges and universities.

283—8.2(261) Definitions. As used in this chapter:

“Eligible college or university” means an Iowa community college, an institution of higher education governed by the state board of regents, or an accredited private institution located in Iowa that meets all eligibility requirements set forth in Iowa Code section 261.9. All eligible colleges and universities must submit annual reports which include student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

“Expected family contribution (EFC)” is the means by which the commission ranks the relative need of an applicant for financial assistance. Expected family contribution shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine expected family contribution. Relative need will be ranked based on the applicant’s expected family contribution (EFC) provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified in the application instructions.

“Full-time” means enrollment at an eligible college or university in a course of study including at least 12 semester hours or the trimester or quarter equivalent.

“Iowa resident” means a person who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262) or a person who meets the criteria defined by the Iowa department of education’s “Iowa community college uniform policy on student residency status.”

“Part-time” means enrollment at an eligible college or university in a course of study including at least three semester hours or the trimester or quarter equivalent.

283—8.3(261) Eligibility requirements.

8.3(1) Applicants for the all Iowa opportunity scholarship program must complete the Free Application for Federal Student Aid (FAFSA) by the date specified in the application instructions and any additional applications or documents required by the commission. In addition to completing the FAFSA, an applicant must be:

- a. An Iowa resident who begins his or her initial period of postsecondary enrollment within two academic years of graduation from high school;
- b. An Iowa high school graduate who graduated from high school with at least a 2.5 cumulative grade point average on a 4.0 grade scale or its equivalent; and
- c. Enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program eligible for federal student aid under Title IV of the federal Higher Education Act leading to an undergraduate degree, diploma, or certificate from an eligible college or university.

8.3(2) To maintain eligibility, recipients must maintain satisfactory academic progress as defined by the eligible college or university.

8.3(3) Individuals who have military obligations may delay the initial period of enrollment for up to four academic years beyond high school graduation or must begin postsecondary enrollment within two academic years of discharge. Exceptions for health or other personal reasons for delaying the initial period of enrollment will be reviewed by commission staff on a case-by-case basis.

283—8.4(261) Awarding of funds.

8.4(1) Selection criteria. All applicants who submit applications that are received on or before the published deadline will be considered for funding.

8.4(2) Priority for grants. Only applicants with expected family contributions (EFCs) at or below the average tuition and fees for regent university students for the academic year for which awards are being made will be considered for awards.

a. All eligible renewal applicants will be funded prior to new applicants. In the event that all renewal applicants cannot be funded, applicants will be awarded based on EFC and application date.

b. Priority will be given to students who participated in federal TRIO programs or alternative programs in high school and to students who graduated from alternative high schools. Awards will be made to students in this category based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached.

c. If sufficient funding is not available to make awards to all remaining eligible applicants, awards will be made only to those students whose EFCs combined with federal Pell grants, Iowa vocational-technical tuition grants, and Iowa tuition grants total less than the designated EFC level. Students will be awarded by EFC level beginning with the lowest EFC levels until all funds have been expended.

8.4(3) Maximum award. The maximum award for full-time students will be the average tuition and fees for regent university students for the award year or the tuition and fees paid by the student, whichever is less. The maximum award for a full-time recipient will not be affected by the ranking system used to prioritize grants. A part-time recipient will receive a prorated award, as defined by the commission, based on the number of hours for which the student is enrolled.

8.4(4) Awarding process.

a. College and university officials will provide information about eligible students to the commission in a format specified by the commission.

b. The commission will designate recipients until all funding has been expended.

c. The commission will notify recipients and college and university officials of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that funding is contingent on the availability of state funds.

d. The college or university will apply awards directly to student accounts to cover tuition and fees.

e. The college or university is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The college or university will report changes in student eligibility to the commission.

8.4(5) Award transfers and adjustments. Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

8.4(6) Academic-year awards. All Iowa opportunity scholarships are provided during the traditional nine-month academic year, which is generally defined as September through May. Students attending eligible community colleges may receive no more than four semesters of full-time all Iowa opportunity scholarships or eight part-time semesters. Students attending eligible regent universities and other eligible colleges and universities may receive no more than two semesters of full-time all Iowa opportunity scholarships or four part-time semesters.

8.4(7) Renewal. Applicants must complete and file annual applications (FAFSAs) for the all Iowa opportunity scholarship program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications. To be eligible for renewal, a recipient must maintain satisfactory academic progress as defined by the eligible college or university and must not have exceeded the funding limit as described in 8.4(6).

283—8.5(261) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant

assistance or state award shall be ineligible for assistance under the all Iowa opportunity scholarship program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for funding.

These rules are intended to implement Iowa Code Supplement section 261.87.

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CHAPTER 9
ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

283—9.1(261) Basis of aid. Financial assistance under the all Iowa opportunity foster care grant program is available to students who have been in Iowa foster care, who demonstrate financial need, and who are enrolled at eligible Iowa colleges and universities.

283—9.2(261) Definitions. As used in this chapter:

“Adopted youth” means a youth who was adopted after the age of 16.

“Aged out” means youth who leave foster care at age 18 or older.

“Eligible child” means a child who meets the definition of “aged out” of foster care or who was adopted on or after the child’s sixteenth birthday.

“Eligible college or university” means an Iowa community college, an institution of higher education governed by the state board of regents, or an accredited private institution located in Iowa that meets all eligibility requirements set forth in Iowa Code section 261.9. All eligible colleges and universities must submit annual reports which include student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

“Financial need” means the need of an applicant for financial assistance. Need shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

“Foster care” means substitute care furnished on a 24-hour-a-day basis to an eligible child, in a licensed foster care facility or approved shelter care facility, by a person or agency other than the child’s parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of less than 30 days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

“Full-time” means enrollment at an eligible college or university in a course of study including at least 12 semester hours or the trimester or quarter equivalent.

“Iowa resident” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262).

“Part-time” means enrollment at an eligible college or university in a course of study including at least three semester hours or the trimester or quarter equivalent.

283—9.3(261) Eligibility requirements.

9.3(1) Applicants for the all Iowa opportunity foster care grant program must complete the Free Application for Federal Student Aid (FAFSA) and an application specific to the program as provided by the commission. The applicant’s initial application date must be subsequent to the applicant’s reaching the age of 17, and the start date of the education or training program must be subsequent to the applicant’s reaching the age of 18 and prior to the applicant’s reaching the age of 23. In addition to completing the required applications, a recipient must be:

- a. An Iowa resident;
- b. A youth who has either a general equivalency diploma (GED) or a high school diploma;
- c. A youth who is at least 18 years of age and who has not yet reached 24 years of age and:
 - (1) Was in a licensed foster care placement under a court order as described in Iowa Code chapter 232 under the care and custody of the department of human services or juvenile court services on the date the youth reached the age of 18 or during the 30 calendar days before or after that date;
 - (2) Was under court order under Iowa Code chapter 232 to live with a relative or other suitable person on the date the youth reached the age of 18 or during the 30 calendar days before or after that date;

(3) Was in a licensed foster care placement under an order entered under Iowa Code chapter 232 prior to being legally adopted after reaching the age of 16; or

(4) Was in the state training school or the Iowa juvenile home under court order under Iowa Code chapter 232 under the care and custody of the department of human services on the date the youth reached the age of 18 or during the 30 calendar days before or after that date; and

d. A student enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree or certificate from an eligible college or university.

9.3(2) To maintain eligibility, recipients must maintain satisfactory academic progress as defined by the eligible institution.

283—9.4(261) Awarding of funds.

9.4(1) *Selection criteria.* All applicants who submit FAFSAs and program applications will be considered for funding.

9.4(2) *Priority for grants.* Awards will first be made to returning students who submit renewal applications by the application deadline. After all on-time renewals have been funded, awards will be made to new students and renewal students based on the application receipt date.

When all funds have been committed, applicants not awarded grants who meet the eligibility requirements will be placed on a waiting list. Applicants on the waiting list will be awarded grants if funds become available based on the date the completed application was received. In the event multiple applications are received on the same date, preference will be given as follows:

a. Applicants who were placed in the state training school or the Iowa juvenile home pursuant to a court order under Iowa Code chapter 232 under the care and custody of the department of human services.

b. Applicants who aged out of foster care.

(1) In the event there are multiple applicants who aged out of care, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

c. Applicants who were adopted.

(1) In the event there are multiple adopted applicants, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

d. Applicants, regardless of foster care placement, who received awards previously but withdrew from school.

(1) In the event there are multiple applicants, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

9.4(3) *Award notification.* The commission will notify all recipients and the colleges or universities they attend in writing of the amount of their awards. Ineligible applicants, or applicants who are on the waiting list, will be notified in writing of their ineligibility or waiting-list status. The commission will coordinate all financial aid received by recipients to ensure compliance with student eligibility requirements and allowable award amounts.

9.4(4) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

9.4(5) *Academic-year awards.* All Iowa opportunity foster care grants are provided during the traditional nine-month academic year, which is generally defined as September through May. Awards shall not exceed the full cost of attendance as determined by the college or university minus other federal, state, or college or university financial aid provided to the student.

9.4(6) *Renewal.* Applicants must complete and file annual applications for the all Iowa opportunity foster care grant program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications. To be eligible for renewal, a recipient must maintain satisfactory academic progress as defined by the eligible college or university.

283—9.5(261) Disbursement of grant. The full amount of the grant will be disbursed in multiple installments to the eligible college or university upon receipt of certification from the college or university that the grant recipient is enrolled and in good academic standing. The college or university will first use the funds to pay any outstanding charges of the student. Once the student account balance has been settled, the remaining funds, if any, may be refunded to the student.

If the student withdraws from the university and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the grant shall be refunded to the commission.

283—9.6(261) Award transfers and adjustments. Recipients are responsible for notifying the commission immediately of any change in name, enrollment status, or address.

283—9.7(261) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the all Iowa opportunity foster care grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for grant funding.

These rules are intended to implement Iowa Code Supplement section 261.6.

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CHAPTER 10
FEDERAL FAMILY EDUCATION
LOAN PROGRAMS

[Prior to 8/10/88, College Aid Commission, 245—Ch 10]

[Prior to 9/15/93, see 283—Ch 10, “Iowa Stafford Loan Program”]

283—10.1(261) Authority and scope. The following sets forth the rules and procedures through which the college student aid commission (the commission) administers the Federal Family Education Loan Programs (FFELP).

10.1(1) Federal law and regulations. The Higher Education Act of 1965 (Public Law 89-329) and the federal regulations in Title 34 of the Code of Federal Regulations (34 CFR) promulgated by the U.S. Department of Education pursuant to the Higher Education Act are incorporated by reference as rules of the commission, with noted exceptions.

10.1(2) Administration of program. The commission shall distribute to lender and school personnel the “Common Manual—Unified Student Loan Policy” detailing the processes necessary to administer the program on an institutional level.

283—10.2(261) Exceptions. The following are additions to the federal regulations and clarifications to the Iowa Code:

10.2(1) Eligibility.

a. Borrower. To be eligible for a Federal Family Education Loan, a borrower must be free of the obligation to repay overpayments on Iowa education grants.

b. Lender—secondary markets. The Iowa Student Loan Liquidity Corporation is considered a lender for the purpose of originating federal PLUS loans for borrowers who have obtained prior federal PLUS loans which are held by the Iowa Student Loan Liquidity Corporation.

(1) **Agreements.** A lender may participate in the FFELP administered by the commission by executing the Agreement to Guarantee Loans which establishes the rights and duties of the lender and the Iowa college student aid commission. (This form is available from the commission office.) Both the lender and the commission retain original copies of this document.

(2) **Limitation, suspension, termination.** The commission reserves the right to limit, suspend, or terminate the participation of a lender under terms consistent with the Agreement to Guarantee Loans and applicable state and federal law and regulations.

(3) Prior to making a federal consolidation loan under the commission’s guarantee, a lender shall ascertain that none of the underlying loans are in default status. The commission will guarantee a consolidation loan for an applicant who has not previously obtained a loan guaranteed by the commission.

(4) Each consolidation Agreement to Guarantee Loans executed with a consolidating lender shall include a certificate of comprehensive insurance coverage, which limits the amount of consolidation loans that the lender may originate under the commission’s guarantee without prior approval.

c. School. The commission reserves the right to limit, suspend, or terminate the participation of a school under terms consistent with applicable state and federal law and regulations.

10.2(2) Federal default fee. The source of payment of the federally mandated default fee is determined by the commission based on an annual analysis of the commission’s operating fund and other factors.

10.2(3) Due diligence in collection. While performing collection due diligence, a lender is not required to send the borrower an Iowa notice to cure. However, lenders are encouraged to use this collection device.

These rules are intended to implement Iowa Code section 261.37.

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⁰ Two or more ARCs

¹ Three ARCs.

CHAPTER 11
STATE OF IOWA SCHOLARSHIP PROGRAM
[Prior to 8/10/88, see College Aid Commission, 245—Ch 2]

283—11.1(261) A state-supported and administered scholarship program.

11.1(1) *Application requirements.* An Iowa high school graduate who ranks in the upper 15 percent of the graduate's graduating class at the end of the graduate's junior year and who takes a national test, as designated by the commission, during the period specified by the commission, is eligible to apply for recognition as a state of Iowa scholar.

11.1(2) *Eligibility for scholarship.* An applicant for a state of Iowa scholarship must meet the following initial requirements:

a. Be a resident of Iowa according to rule 681—1.4(262), as established by the board of regents and adopted by the commission.

b. Release test scores, rank in class, and curriculum information to the commission on a form specified by the commission, with date of receipt on or before the deadline established by the commission as stated in the application instructions. In the case of an applicant who has earned a general equivalency diploma, class rank will be waived and academic potential will be judged on the basis of test scores alone.

11.1(3) *Eligibility for monetary scholarship.* After a scholar qualifies academically and is designated as a state of Iowa scholar, a scholar must meet the following requirements to receive a monetary award:

a. Complete requirements for the high school diploma or its equivalent by the end of the summer preceding entrance into college.

b. Enroll as a full-time freshman student at an approved college, university, or other postsecondary institution located in Iowa in the academic year following receipt of a high school diploma or its equivalent. Applicants who have fulfilled requirements for the freshman year of college, either by advanced placement examination or by entry into college prior to receipt of a high school diploma and students who plan alternative education programs (e.g., study abroad, exchange program, internship program) which may delay the regular academic period, will be considered for awards on an individual basis.

“Located in Iowa” means a college or university that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

c. A recipient may request a leave of absence for a maximum of one calendar year if illness, financial circumstances, or other reasons beyond the recipient's control prevent enrollment or force withdrawal from college.

11.1(4) *Criteria for awards.* Academic rank of an applicant is determined by two factors: percentile rank in high school class and scores on the designated standard national test. These factors are weighed equally to produce an academic index score. The commission determines the minimum academic index score, based on a descending ranking of the applicants.

11.1(5) *Monetary awards.*

a. Awards are prorated on a quarterly or semester basis and are paid directly to the college or university on the scholar's behalf after attendance has been certified.

b. The award will be applied to the scholar's college expenses, which include tuition and mandatory fees, room and board, and a uniform allowance established by the commission for other college-related costs.

c. If a scholar is dismissed or withdraws from college before completion of the term, the award, or portion thereof, shall be refunded to the state of Iowa in conformity with the college's or university's published policy of refunds.

d. A scholarship may be transferred from one participating institution to another. The institution to which the scholar transfers shall notify the commission of the change.

11.1(6) *Eligible institutions.* The following categories of Iowa postsecondary institutions are eligible to participate in the state of Iowa scholarship program.

a. Colleges and universities accredited by the North Central Association of Colleges and Schools.

- b.* State-supported area community colleges.
- c.* Accredited schools of professional nursing.
- d.* Institutions which, in the absence of one of the above accreditations, are registered as nonprofit educational institutions with the corporations division of the secretary of state and are eligible for participation in the federal Pell Grant Program.

This rule is intended to implement Iowa Code sections 261.3 and 261.15.

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CHAPTER 12
IOWA TUITION GRANT PROGRAM
[Prior to 8/10/88, see College Aid Commission, 245—Ch 4]

283—12.1(261) Tuition grant based on financial need to Iowa residents enrolled at eligible private institutions of postsecondary education in Iowa.

12.1(1) *Financial need.* The need of an applicant for financial assistance under this program shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

12.1(2) *Tuition and mandatory fees.* Tuition and mandatory fees shall be defined as those college costs paid annually by all students enrolled on a full-time basis as reported annually to the commission by each participating college or university. Each college or university also will provide annually its rates for part-time tuition and fees to the commission.

12.1(3) *Student eligibility.* A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262), are adopted for this program.

Iowa tuition grants are provided during the traditional nine-month academic year generally defined as September through May. Students may receive no more than eight semesters of full-time Iowa tuition grants or 16 part-time semesters.

A recipient may receive this grant for summer enrollment if the recipient is enrolled in a commission-approved accelerated program that integrates summer attendance. The purpose of restricting summer Iowa tuition grants is to ensure that students who take classes during the summer do not exhaust Iowa tuition grant eligibility prior to completing four-year degree programs.

12.1(4) *Priority for grants.* Applicants are ranked in order of the estimated amount which the family reasonably can be expected to contribute toward college expenses, and awards are granted to those who demonstrate need in order of family contribution, from lowest to highest, insofar as funds permit.

12.1(5) *Award notification.* A grant recipient is notified of the award by the college or university to which application is made. Each award notification must clearly indicate award amounts, the state programs from which funding will be received, and that funding is contingent upon the availability of state funds. Any award notification provided by a college or university on probation with the accrediting agency must be made contingent upon the college's or university's maintaining affiliation with the accrediting agency. The college or university is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The college or university reports changes in student eligibility to the commission.

12.1(6) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

12.1(7) *Restrictions.* A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa tuition grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for tuition grant funding.

283—12.2(261) Tuition grant institutional eligibility requirements.

12.2(1) Institutional eligibility under Iowa Code section 261.9. An Iowa college or university requesting participation in the Iowa tuition grant program must apply to the college student aid commission using the commission's designated application.

A college or university participating in the Iowa tuition grant program (Iowa Code section 261.9, et seq.) must:

- a. Be accredited by the North Central Association of Colleges and Schools (NCA); and
- b. Be exempt from taxation under Section 501(c)(3) of the Internal Revenue Code or, if not exempt under Section 501(c)(3), the college or university must have been an eligible participant during the 2003-04 academic year; and
- c. Annually provide matching aggregate institutional financial aid to Iowa tuition grant recipients equal to a required percentage of the amount received by its students under the Iowa tuition grant program. (Specialized colleges offering health professional programs affiliated with health care systems located in Iowa are exempt from this requirement.); and
- d. Be located in Iowa. "Located in Iowa" means a college or university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

12.2(2) Processing college and university applications. Application forms will be provided by the commission.

Applicant colleges and universities are required to provide the commission with documentation establishing eligibility as described in 12.2(1).

Colleges and universities seeking to participate in the Iowa tuition grant program must submit applications by January 1 of the year prior to the beginning of the academic year for which they are applying for participation.

Applicant colleges and universities must submit written plans outlining academic programs that integrate summer attendance in accelerated programs prior to making summer awards. If the summer program is approved by the commission, an applicant's students may receive Iowa tuition grants beginning in the summer following approval. Academic programs, defined by colleges or universities, which allow students to complete four-year baccalaureate programs in less than the normal prescribed time period while taking the same courses as students completing the same degree during a traditional four-year time period will be approved. A summer academic program may be defined for a group of students or may be a self-directed program in which a student has received approval from appropriate officials of the college or university.

12.2(3) Notice of change of status. Any college or university which loses NCA accreditation or 501(c)(3) status or fails to make the institutional match must immediately notify the commission. Failure to comply with this notice of change requirement may result in the college or university being required to return Iowa tuition grant funds to the commission.

12.2(4) Review of eligibility.

a. The commission shall periodically, at least every three years, investigate and review compliance of institutions participating in the tuition grant program with criteria described in Iowa Code section 261.9 and this rule.

b. If the commission finds that a college or university fails to comply with the provisions of Iowa Code section 261.9 and this rule, participation in the tuition grant program shall be suspended.

12.2(5) Reporting requirements. Every college or university participating in the Iowa tuition grant program shall submit an annual report which includes student and faculty information, enrollment and employment information, the amount of institutional matching financial aid dollars, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

These rules are intended to implement Iowa Code chapter 261.

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CHAPTER 13
IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM
[Prior to 8/10/88, see College Aid Commission, 245—Ch 5]

283—13.1(261) Tuition grant based on financial need to Iowa residents enrolled in vocational or technical (career education) programs at community colleges in the state.

13.1(1) *Financial need.*

a. Financial need is defined as the lesser of the difference between the average expenses for tuition, fees, and books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies or the difference between the average total budget at a community college, as determined by the commission, and the expected family contribution.

b. Financial need shall be evaluated annually on the basis of a confidential financial statement filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the priority date specified in the application instructions.

13.1(2) *Student eligibility.*

a. A recipient must be an Iowa resident as defined by the Iowa department of education's "Iowa community college uniform policy on student residency status."

b. A recipient must be enrolled for at least three semester hours, or the trimester or quarter equivalent, in a vocational-technical or career option program at an Iowa community college.

c. A recipient may receive an award under this program for liberal arts classes identified by the community college as required for completion of a vocational-technical or career option program. A recipient must be concurrently enrolled in a vocational or technical (career education) program.

d. A full-time recipient may receive an award under this program for not more than four semesters or the trimester or quarter equivalent of two full years of study. A part-time recipient may receive an award under this program for not more than eight semesters or the trimester or quarter equivalent of two full years of full-time study. A recipient who is making satisfactory progress but cannot complete the course because of required liberal arts classes may receive the grant for one additional enrollment period.

e. A full-time recipient may receive no more than the amount specified by Iowa law or the amount of the student's established financial need, whichever is less. A part-time recipient's award shall be a prorated portion of the full-time award. The proration will be established by the commission in a manner consistent with federal Pell Grant Program proration. Part-time recipients taking from 3 to 5 credit hours will receive awards equal to one-fourth of the full-time award; recipients taking from 6 to 8 credit hours will receive awards equal to one-half of the full-time award; and recipients taking from 9 to 11 credit hours will receive awards equal to three-fourths of the full-time award.

f. A recipient may again be eligible for an award under 13.1(2) "d" if the recipient resumes study after at least a two-year absence, except for coursework for which credit was previously received.

13.1(3) *Priority for grants.* Applicants who apply by the priority date specified in the application are ranked in order of the estimated amount of the family's contribution toward college expenses; and awards are granted to those who demonstrate need in order of family contribution from lowest to highest, insofar as funds permit.

13.1(4) *Award notification.* A grant recipient is notified of the award by the community college to which application is made. The community college is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The community college reports changes in student eligibility to the commission.

13.1(5) *Full year of study.* For purposes of this program, the commission has defined "full year of study" as either four quarters or two semesters. Grant payments are prorated according to this definition.

13.1(6) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate community college of any change in enrollment or financial situation. The community college will make necessary changes and notify the commission.

13.1(7) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa vocational-technical tuition grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5.

This rule is intended to implement Iowa Code section 261.17.

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CHAPTER 14
OSTEOPATHIC PHYSICIAN RECRUITMENT PROGRAM

[Prior to 8/10/88, see College Aid Commission, 245—Ch 7]

PREAMBLE

The osteopathic physician recruitment program administered by the college student aid commission is a state-supported program that consists of forgivable loans and tuition scholarships for students and loan repayment benefits for graduates of Des Moines University, hereinafter “university,” Des Moines, Iowa.

283—14.1(261) Definitions.

“*Eligible rural community*” means a medically underserved rural Iowa community with a population of 10,000 or less which agrees to match state funds on at least a dollar-for-dollar basis under this program.

“*Iowa resident student*” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes, 681 IAC 1.4(262).

283—14.2(261) Forgivable loan.

14.2(1) Student eligibility. A recipient of a forgivable loan must be an Iowa resident enrolled in a program at the university leading to a degree in osteopathic medicine who agrees to practice medicine in Iowa. A borrower shall notify the commission within 30 days of a name or address change, change of enrollment status, transfer to another school, change of employment, enlistment in the military services of the United States, and of events leading to temporary disability from the time of loan disbursement through the life of the loan obligation.

14.2(2) Award limits. The annual amount of the forgivable loan to an eligible osteopathic student is determined by the annual appropriation, loan collections, and the number of eligible students.

14.2(3) Extent of grant. Students who are repeating an entire year’s academic program and who are not charged tuition and fees for that program will not be eligible for benefits during that year.

14.2(4) Physician service requirement. The physician service requirement for the forgivable loan program is one year for borrowers who receive up to two annual loans and two years for borrowers who receive three or more annual loans.

14.2(5) Promissory note. Recipients of a forgivable loan shall sign a promissory note agreeing to the physician service requirements or to repay the loan and accrued interest according to repayment terms specified in the note.

14.2(6) Interest rate. The rate of interest on loans under this program shall be 10.5 percent per annum on the unpaid principal balance.

14.2(7) Disbursement of loan proceeds.

a. The full loan amount will be disbursed when the university certifies that the borrower is an Iowa resident and enrolled in good standing.

b. Loan proceeds will be disbursed via electronic funds transfer (EFT) to the university as requested by the university.

c. The university will apply forgivable loan proceeds directly to students’ accounts.

d. If the student withdraws from the university and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the forgivable loan must be refunded to the commission.

14.2(8) Repayment terms. Repayment of the forgivable loan begins 30 days following:

a. Termination of enrollment at the university;

b. Graduation of the borrower when the borrower does not intend to commence a medical residency or internship within a reasonable period of time and subsequently practice medicine in the state of Iowa;

c. Completion of a medical residency or internship where the borrower does not commence practice of medicine in the state of Iowa within a reasonable period of time; or

d. Termination, for any reason, of the borrower’s medical practice in the state of Iowa, if the borrower has practiced in the state for less than the required length of service.

14.2(9) Loan payments.

- a. Prior to the start of the repayment period, the commission shall provide the borrower with a repayment schedule, modified to reflect any applicable cancellation benefits.
- b. The borrower shall remit payments to the commission as required in the repayment schedule.
- c. In the event the borrower fails to abide by any material provision of the promissory note or fails to make any payment under the promissory note within ten days after the date the payment is due, the commission may declare the borrower in default and declare the entire unpaid balance and accrued interest on the promissory note due.
- d. Rescinded IAB 8/6/03, effective 9/10/03.

14.2(10) Deferral of repayment.

- a. Repayment of the borrower's loan obligation may be deferred under the following circumstances: return to full-time study; active duty in the United States military service, not to exceed three years; or a period of temporary disability, not to exceed three years.
- b. Repayment of the borrower's loan obligation under this loan program is not required during periods of enrollment as a student at the university, during periods of internship or residency, or while fulfilling the physician service requirement.
- c. Forbearance is a revision of repayment terms to temporarily postpone payments. It may be granted when a borrower experiences a temporary hardship and is willing but unable to pay in accordance with the repayment schedule. Borrowers remain responsible for interest accrual during forbearance periods.

The program administrator may grant forbearance for periods of less than six months; periods of greater than six months but less than one year must be approved by the executive director; and periods of greater than one year must be approved by the commission.

- d. Loans not forgiven may be sold by the commission to a bank, savings bank, credit union, or agency eligible to participate in the guaranteed student loan program under the federal Higher Education Act of 1965, 20 U.S.C. 1071 et seq., when loans become due for repayment.

14.2(11) Loan cancellation.

- a. An eligible borrower may qualify for forgiveness of the outstanding balance of principal and accrued interest.
- b. Partial loan cancellation shall be granted based on the percentage of the service requirement completed by the borrower. The commission shall revise the repayment schedule according to the percentage of service completed by the borrower.
- c. To certify eligibility for cancellation, the borrower must annually verify, in a format acceptable to the commission, that the borrower practiced as a licensed physician in the state of Iowa for 12 consecutive months for each annual loan to be canceled.
- d. In the event of death or total and permanent disability, a borrower's obligation to repay this loan is canceled. Borrowers seeking forgiveness as the result of total or permanent disability must submit information substantiating the claim to the commission.

14.2(12) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the osteopathic forgivable loan program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

283—14.3(261) Tuition scholarship.

14.3(1) Student eligibility. A third year student at the university who agrees to practice in an eligible rural Iowa community shall be eligible for a tuition scholarship. The tuition scholarship is renewable for one year. A student who receives a tuition scholarship shall not be eligible for the physician loan repayment program.

14.3(2) Selection criteria. Recipients shall be selected by officials at the university.

14.3(3) *Renewal.* To be eligible for renewal of the tuition scholarship, a student must advance to the fourth year of study and be in good academic standing.

14.3(4) *Award amount.* The tuition scholarship shall be for an amount not to exceed the annual tuition at the university.

14.3(5) *Physician service requirement.* The physician service requirement for the tuition scholarship is one year for each year that a recipient receives the scholarship.

14.3(6) *Disbursement of scholarship.*

a. The full amount of the scholarship will be disbursed to the university upon receipt of certification from the university that the scholarship recipient is enrolled and in good standing.

b. The university will apply the scholarship funds to the student's tuition account.

c. If the student withdraws from the university and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the tuition scholarship shall be refunded to the commission.

14.3(7) *Repayment.*

a. A student shall repay the tuition scholarship plus interest at 12 percent per annum to the commission if the student fails to:

(1) Complete a residency program after graduation from the university.

(2) Practice in an eligible rural community.

(3) Annually certify employment in an eligible rural community.

b. The scholarship shall be paid in full within three years from the date of failure to comply with the terms of the scholarship.

14.3(8) *Restrictions.* A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for a tuition scholarship. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

283—14.4(261) Physician loan repayment program.

14.4(1) *Recruitment.* The university shall recruit and place physicians in eligible rural communities that agree to provide additional funds for the physician loan repayment program.

14.4(2) *Physician service requirement.* The physician service requirement for the physician loan repayment program is four years.

14.4(3) *Award.* The physician may receive up to \$50,000 in state-funded repayment benefits when a community agrees to fund matching benefits of at least \$50,000.

14.4(4) *Disbursement.*

a. The commission shall disburse state funds to the university upon receipt of the physician's contract to practice in an eligible rural community.

b. The university shall arrange for the repayment of the physician's loan(s).

14.4(5) *Repayment.*

a. If a physician fails to meet the practice requirements in the agreed-upon location, the physician shall repay the commission on a prorated basis. The prorated balance will be calculated as a daily amount by dividing the amount advanced by the number of days in the service period less the number of days served by the physician multiplied by the daily amount.

b. A physician shall repay the prorated balance of the physician loan repayment benefits and accrued interest at 12 percent per annum.

c. The prorated balance of the physician loan repayment benefits must be paid in full within three years from the date the service ends.

14.4(6) *Restrictions.* A physician who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for repayment benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

14.4(7) *Administrative allowance.* The commission shall pay the university an administrative fee from the funds appropriated for the tuition scholarship and physician placement programs.

These rules are intended to implement Iowa Code section 261.19.

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CHAPTER 15
IOWA GUARANTEED LOAN PAYMENT PROGRAM
[Prior to 8/10/88, College Aid Commission, 245—Ch 14]

283—15.1(261) Iowa guaranteed loan payment for new teachers of advanced mathematics and specified science programs in approved Iowa postsecondary schools.

15.1(1) Application for loan payments.

a. Application forms shall be provided by the commission for distribution through school districts and teacher preparation institutions in the state.

b. In the appropriate section of the application form the superintendent of the school district which has contracted with the applicant shall certify the teaching assignment of the applicant for the forthcoming school year.

c. The applicant shall file the completed application with the commission.

15.1(2) Criteria for selection of beneficiaries. Eligible teachers who file completed applications shall be granted loan payment benefits in rank order of the date the application was received by the commission.

15.1(3) Definitions.

a. For purposes of this program, a “sequential mathematics course at the advanced algebra level or higher” (Iowa Code section 261.45(4) “a”) shall be defined as a course which requires, as a minimum prerequisite, two courses in the mathematics sequence.

b. For purposes of this program, “graduated from college” is defined as the occasion of the individual’s award of the first baccalaureate degree.

c. For the purposes of this program, a major in mathematics or science is defined as a major in one or more of the courses of study specified in 281—87.17(257) or 281—87.23(257) of the Iowa administrative rules adopted by the department of education, as amended from time to time.

d. “Outstanding debt” is defined as an Iowa guaranteed student loan insured by the commission.

15.1(4) Certifications required for reimbursement of loan payments.

a. After the close of the school year and before July 15, the superintendent of the school district which has employed the teacher shall certify to the commission that the teacher served throughout the school year in an eligible teaching assignment. The certification form provided by the commission for this purpose shall include a section in which the superintendent will indicate renewal status of the teacher’s contract and anticipated teaching assignment for the forthcoming school year.

b. After the close of the school year and before July 15, the lending institution which holds the teacher’s student loan notes shall certify to the commission the total amount paid on principal and interest during the preceding state fiscal year. The form provided by the commission for this purpose shall include a section to report any delinquencies in loan payment. If two or more lenders are holders of the teacher’s Iowa guaranteed student loan notes, all lenders must provide certification.

15.1(5) Reimbursement of loan payments.

a. Upon receipt of the necessary certifications, the commission shall reimburse the teacher for loan payments made during the preceding fiscal year within the limitations of the maximum amount specified by law.

b. A teacher shall not be reimbursed for payments made more than 60 days after the due date.

This rule is intended to implement Iowa Code sections 261.45 and 261.51.

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CHAPTER 16
IOWA SCIENCE AND MATHEMATICS LOAN PROGRAM
[Prior to 8/10/88, College Aid Commission, 245—Ch 15]
Rescinded IAB 2/19/03, effective 3/26/03

CHAPTER 17
Reserved

CHAPTER 18
IOWA WORK-STUDY PROGRAM
[Prior to 8/10/88, College Aid Commission, 245—Ch 18]

283—18.1(261) Administrative procedures. To facilitate efficient administration, the commission hereby adopts the federal work-study regulations found at 34 CFR 675 as of December 31, 1992. Provisions of the federal regulations include, but are not limited to:

1. Need analysis,
2. Student budgets,
3. Wage and salary administration,
4. Civil rights requirements,
5. Employee benefits,
6. State workers' compensation laws, and
7. Social security requirements.

A college or university must administer state-funded work-study funds for Iowa residents in the same manner as the college or university administers its federal work-study program, except that state funds may not be transferred to other student aid programs.

283—18.2(261) Student eligibility. A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262), and the Iowa department of education's "Iowa community college uniform policy on student residency status" are adopted for this program.

Funds may be used to provide part-time or full-time work opportunities to students registered for classes at the college or university for the academic year. For this program, academic year is defined as July 1 through June 30. Work opportunities may be provided during the summer to students who are enrolled for the upcoming fall term.

283—18.3(261) College and university eligibility. To be eligible to participate in the Iowa work-study program, a college or university must be an Iowa regent university, an Iowa community college, or a college or university eligible to participate in the Iowa tuition grant program.

18.3(1) *Application to participate.* An Iowa college or university requesting participation in the Iowa work-study program must apply to the college student aid commission using the commission's designated application.

a. Applicant colleges and universities shall provide the commission with documentation that establishes their eligibility as described in Iowa Code section 261.83 on application forms provided by the commission.

b. Colleges and universities seeking initial approval to participate in the Iowa work-study program must submit applications by January 1 for participation in the upcoming academic year.

c. Colleges and universities approved for participation in the program must sign an agreement provided by the commission that defines the manner in which the Iowa work-study program is to be administered.

18.3(2) *Annual application.* Participating colleges and universities are required to submit annual applications on forms provided by the commission. The applications shall provide pertinent information deemed necessary by the commission for administration of the program.

18.3(3) *Notice of change of status.* Any college or university which loses eligibility to participate in the Iowa work-study program, as described in 283—18.3(261), must immediately notify the commission. A college or university that fails to comply with this notice of change of status requirement may be required to return Iowa work-study funds to the commission.

18.3(4) *Reporting requirements.* Every college or university participating in the Iowa work-study program shall submit an annual report which includes student and faculty information, enrollment and

employment information, the amount of institutional matching dollars, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

The commission's report format includes student-specific information, the number of students served, the amount of funds used during the academic year, and other information needed to prepare the commission's budget request for the next academic year. Student-specific information may include, but is not limited to, student name, address, social security number, number of hours worked, and the amount of the Iowa work-study award. Final reports must be submitted to the commission by July 31 of each year.

283—18.4(261) Award notices. The commission will annually provide award information based on college and university applications, each college or university's relative need for funding, and the program's appropriation. Updates will be provided in the event of adjustments to the appropriation or as a result of colleges or universities opting not to participate.

283—18.5(261) Disbursement schedule. Funds will be disbursed in equal installments at the beginning of each fall and spring term except that college and university awards of less than \$50,000 will be disbursed in one payment.

283—18.6(261) Matching funds. A college or university is required to provide at least 20 percent in institutional matching funds unless the college or university has received a waiver of the federal work-study match requirement from the federal government.

283—18.7(261) Due process. Students and college and university officials may appeal commission action in accordance with the commission's administrative rules, 283—Chapter 4.

283—18.8(261) Student award notification. The college or university shall notify work-study award recipients of the award. The award notification must clearly indicate that the award is funded through the Iowa work-study program and must include the award amount, the state program from which funding will be received, and notification that funding is contingent upon the availability of state funds. The college or university is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts.

283—18.9(261) Unused funds. The commission will reallocate unused funds and, if necessary, deduct any excess funds from an institution's subsequent award.

283—18.10(261) Employment restrictions. The creation of work-study opportunities shall not result in the displacement of employed workers or impair or affect existing contracts for services. Moneys used by an institution for the work-study program shall supplement and not supplant jobs and existing financial aid programs provided to students through the institution.

283—18.11(261) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa work-study program. A student's eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedure set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code section 261.3.

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CHAPTER 19
ACCELERATED CAREER EDUCATION GRANT PROGRAM

283—19.1(261) ACE grants. Educational grants based on financial need may be awarded to Iowa residents enrolled in accelerated career education (ACE) programs, filed with the Iowa department of economic development, at Iowa community colleges and serving targeted industries as designated by the Iowa department of economic development.

19.1(1) Student financial need.

a. Financial need shall be evaluated annually on the basis of a confidential financial statement, filed on forms designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

b. Financial need is defined as the difference between total program expenses at the community college the student plans to attend and the estimated amount of family resources available to pay for college, as determined by the commission. Need determination will include evaluation of all student financial aid received by the student including, but not limited to, federal Pell Grants, Iowa vocational-technical tuition grants, and institutional awards.

19.1(2) Student eligibility.

a. A recipient must be an Iowa resident as defined by the Iowa department of education's "Iowa community college uniform policy on student residency status."

b. A recipient must be enrolled in an accelerated career education program, filed with the Iowa department of economic development, leading to a certificate, diploma, associate of science degree, or associate of applied science degree in accordance with the provisions of Iowa Code chapter 260G and serving targeted industries as designated by the Iowa department of economic development.

c. A recipient must be a full-time student as defined by the college unless the financial aid administrator recommends an award to a part-time student based on federal professional judgment criteria as authorized in the federal Higher Education Act of 1965.

d. A recipient may receive moneys under this program for not more than 150 percent of the length of time required for a full-time student to complete the accelerated career education program.

e. A recipient must meet and maintain the academic eligibility requirements established by the community college.

f. A recipient may receive no more than the amount specified by Iowa law or the amount of the student's established financial need, whichever is less.

19.1(3) Priority for grants. Targeted industries and occupations will be identified by the Iowa department of economic development and the workforce development department. The commission will award grants based on the level of need for targeted industries and occupations as defined by the Iowa department of economic development and the workforce development department.

Applicants who apply by the priority date specified in the application and who are enrolled in designated educational programs will be ranked in order of need, and awards will be granted to those who demonstrate need from highest need to lowest need, insofar as funds permit.

19.1(4) Award notification. Grant recipients will be notified of the awards by community college officials. Community college officials are responsible for verifying eligibility and coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Community college officials will report changes of student eligibility to the commission.

19.1(5) Maximum annual award. For purposes of this program, a student must be enrolled four quarters or two semesters plus a summer session to receive the maximum annual award.

19.1(6) Award transfers and adjustments. Recipients are responsible for promptly notifying the appropriate community college officials of changes in enrollment or financial situation. Community college officials will make necessary changes and notify the commission.

19.1(7) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for accelerated career education grants. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5.

This rule is intended to implement Iowa Code section 261.22.

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CHAPTER 20
IOWA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

283—20.1(261) Educational assistance to Iowa national guard members for undergraduate studies at eligible Iowa institutions. The adjutant general shall determine eligibility requirements and select program recipients. The decision of the adjutant general is final.

20.1(1) *Guard member eligibility.* A recipient must:

- a. Be a resident of Iowa, as defined by the adjutant general of Iowa, and a member of an Iowa army or air national guard unit throughout each term for which the member receives benefits.
- b. Have satisfactorily completed required guard training.
- c. Have maintained satisfactory performance of guard duty.
- d. Have applied to the adjutant general of Iowa for program eligibility.
- e. Be pursuing a certificate or undergraduate degree program at an eligible Iowa college or university and maintaining satisfactory academic progress.
- f. Provide notice of national guard status to the college or university at the time of registration.

20.1(2) *Institutional eligibility.* Guard members attending the following categories of colleges and universities located in Iowa are eligible to receive awards under this program:

- a. Institutions accredited by the North Central Association of Colleges and Schools (NCA).
- b. State-supported area community colleges accredited by the state department of education.

“Located in Iowa” means a college or university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

20.1(3) *Award notification.* A guard member is notified of eligibility by the adjutant general of Iowa. The adjutant general will notify the Iowa college student aid commission (commission) of all eligible members. The commission will notify Iowa colleges and universities of guard member eligibility.

20.1(4) *Award limitations.* Awards may be used for educational assistance including tuition and fees; room and board; books, supplies, transportation and personal expenses; dependent care; and disability-related expenses. Individual award amounts shall be determined by the adjutant general and shall be neither less than an amount equal to 50 percent of the resident tuition rate established for students attending regent institutions nor exceed the amount of the resident tuition rate established for students attending regent institutions.

20.1(5) *Restrictions.*

- a. A guard member may use benefits only for undergraduate educational assistance.
- b. A guard member who has met the educational requirements for a baccalaureate degree is not eligible for benefits.
- c. A qualified full-time student may receive benefits for no more than 8 semesters of undergraduate study or the quarter or trimester equivalent. A qualified part-time student may receive benefits for no more than 16 semesters of undergraduate study or the quarter or trimester equivalent.

20.1(6) *Verification and compliance.*

- a. The adjutant general will notify the commission of all eligible guard members. Changes in member eligibility will be sent to the commission within 30 days of the change.
- b. The commission will notify eligible Iowa colleges and universities of guard member eligibility.
- c. The commission will coordinate the collection and dissemination of eligibility and enrollment information received from the adjutant general and colleges and universities.
- d. The institution’s financial aid administrator will be responsible for completing academic progress enrollment verifications and for coordinating other aid to ensure compliance with student

eligibility requirements and allowable award amounts. Colleges and universities will report changes in student enrollment to the commission within 30 days after the last day of the enrollment period.

This rule is intended to implement Iowa Code section 261.86.

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CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

283—21.1(261B) Advisory committee on postsecondary registration. The advisory committee on postsecondary registration examines out-of-state college and university applications for operation in Iowa and makes recommendations to the commission.

21.1(1) The six-member committee is appointed annually by the Iowa college student aid commission and includes one representative from each of the following:

- a. The state board of regents.
- b. The department of education.
- c. The office of the secretary of state.
- d. The office of the attorney general.
- e. A community college located in this state.
- f. An accredited private postsecondary institution as defined in Iowa Code section 261.9, subsection 1, incorporated or otherwise organized under the laws of this state.

21.1(2) The committee shall meet as needed. Meetings may be called by commission staff or upon request of a majority of committee members. A nonvoting staff member shall preside as chairperson at the meetings.

21.1(3) The commission shall give advance public notice of the time and place of each meeting by posting the notice to the commission's Web site. The notice will include the specific date, time, and place of the meeting and the proposed agenda.

21.1(4) A quorum shall consist of two-thirds of the voting members of the committee. When a quorum is present, a position is carried by an affirmative vote of the majority of committee members eligible to vote.

21.1(5) The committee may consider comments of the Iowa coordinating council for post high school education that are received by the commission within 90 days of the filing of the application.

21.1(6) A specific time is set aside at each meeting for the public to address the committee. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the committee during this portion of the meeting are required to submit a request to the executive director prior to the meeting. The person's name and the subject of the person's remarks must be noted. To accommodate maximum public participation, members of the public are encouraged to submit the request at least 72 hours in advance of the meeting. Members of the public who fail to submit a request may be recognized at the discretion of the presiding chairperson.

21.1(7) A report of all committee meetings will be provided to the commission at its next regularly scheduled meeting.

283—21.2(261B) Approval criteria. The college student aid commission shall approve applicant schools that:

1. Are accredited by an agency recognized by the United States Department of Education Accrediting Agency Evaluation Unit or its successor agency.
2. Are approved for operation by the appropriate state agencies in all other states in which the schools operate or maintain a presence.
3. Are not subject to a limitation, suspension or termination order issued by the United States Department of Education or its successor agency.
4. Are free of sanctions from the schools' accrediting agencies and appropriate state agencies in all other states in which the schools operate or maintain a presence.
5. Enroll students who attend classes in Iowa and employ at least one full-time Iowa faculty member or program coordinator devoted to Iowa students who has graduate degrees, special training, experience, creative production or other accomplishments or distinctions that qualify them for their specific assignments.

6. Comply with Iowa Code section 261B.7 limiting the use of references to the secretary of state, state of Iowa, or college student aid commission in promotional material.
7. Comply with the requirements of Iowa Code section 261.9(1) “e” to “h.”
8. File annual reports that the commission requires from all Iowa colleges and universities.
9. Demonstrate financial viability by providing a copy of the institution’s most recent audit prepared by a certified public accounting firm no more than 12 months prior to the application and that provides an unqualified opinion.
10. Provide students with access to learning resources, including appropriate library and other support services requisite for the schools’ degree programs.
11. Provide evidence that faculty within an appropriate discipline are involved in developing and evaluating curriculum for the program(s) being registered in Iowa.
12. Demonstrate that the schools have adequate physical facilities that are appropriate for the program(s) being offered and are located in Iowa.
13. Include a statement, signed by the chief executive officer of the applicant school, demonstrating the institution’s commitment to the delivery of programs located in Iowa, and agreeing to provide alternatives for students to complete their programs at the same or other institutions if the applicant school closes the program before students have completed their courses of study.

These rules are intended to implement Iowa Code chapters 261 and 261B.

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CHAPTER 22
IOWA MINORITY GRANTS FOR ECONOMIC SUCCESS (IMAGES)

283—22.1(261) Iowa minority grants for economic success.

22.1(1) Definitions.

“*Approved institution*” means any institution which is eligible to participate in the Iowa tuition grant program which agrees to provide the 50 percent funding required by this program.

“*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 parent’s or student’s financial statement. Financial need shall be reconsidered on at least an annual basis.

“*Iowa resident*” means an individual who meets the residency requirements as established by the Iowa board of regents.

“*Minority person*” means an American citizen 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 approved private institution in a course of study including at least three semester hours or the trimester or quarter equivalent.

22.1(2) Award limits and eligibility requirements.

a. A grant may be awarded to any minority person who is accepted for admission or is enrolled for at least three semester hours or a trimester equivalent in a program leading to a degree from an approved private institution, and who demonstrates financial need.

b. Priority will be given to those minority persons who are residents of Iowa.

c. Applicants who hold vouchers earned through the Iowa college-bound program will receive priority in a manner similar to that used under the regents’ program.

d. The amount of the grant shall not exceed a student’s financial need or \$3500, whichever is less. Fifty percent of the grant shall be funded by the approved institution and 50 percent shall be funded by the commission.

e. Grants shall be awarded on an annual basis and shall be credited by the institution against the student’s tuition, fees, and room and board charges, at the beginning of each term in equal installments upon certification that the eligible student is enrolled.

f. If a student receiving a grant under the program discontinues attendance before the end of any academic period, but after receiving payment of grant funds for the academic period, the entire amount of any refund due the student, up to the amount of any payments made by the state, shall be remitted by the institution to the commission.

22.1(3) Application process.

a. Eligible students shall apply for this grant through the use of an approved financial aid form, which uses the federally accepted method of needs analysis.

b. Institutions shall coordinate aid packages and shall report need figures to the commission.

c. A student shall accept all available federal and state grants before being considered for grants under this program.

d. If funds are insufficient to pay all approved grants, funds will be prorated in a manner which provides meaningful grants to those qualified applicants demonstrating the greatest need.

22.1(4) Record keeping and reporting.

a. The commission will monitor the program according to this chapter and will require postsecondary institutions that receive funds for enrolled students to furnish any information necessary for the implementation or administration of the program.

b. The commission shall maintain records on the recipients of vouchers under the Iowa college-bound program.

c. The commission will report annually to the governor and the general assembly on the progress and implementation of the program.

22.1(5) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa minority grants for economic success (IMAGES)

program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 261.101.

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CHAPTER 23
PHYSICIAN LOAN PAYMENTS PROGRAM

Rescinded IAB 8/6/03, effective 9/10/03

CHAPTER 25
IOWA MEDICAL TUITION LOAN PLAN
[Prior to 8/10/88, College Aid Commission, 245—Ch 3]
Rescinded IAB 10/25/95, effective 11/29/95

CHAPTER 26
IOWA SCIENCE AND MATHEMATICS GRANT PROGRAM
[Prior to 8/10/88, College Aid Commission, 245—Ch 16]
Rescinded IAB 2/19/03, effective 3/26/03

CHAPTER 27
IOWA GRANT PROGRAM

283—27.1(261) State-supported grants. The Iowa grant program is a state-supported and administered grant based on financial need for Iowa residents enrolled at approved institutions of postsecondary education in Iowa.

27.1(1) Definitions. As used in this chapter:

“Accredited higher education institution” means any public or private institution of higher learning located in Iowa that is accredited by the North Central Association of Colleges and Schools (NCA).

“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 parent’s or student’s financial statement, and the student’s anticipated expenses while attending the accredited higher education institution. Any federal, state, institutional, or private aid, other than work-study, shall also be considered an available resource. Financial need shall be determined at least annually on the basis of a confidential financial statement filed on a form designated by the commission. The application form must be received by the needs analysis processor by the deadline date specified by the commission.

“Full-time resident student” means an individual resident of Iowa who is enrolled at an accredited higher education institution in a course of study including at least 12 semester hours or the trimester or quarter equivalent. “Course of study” does not include correspondence courses.

“Located in Iowa” means a college or university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

“Part-time resident student” means an individual resident of Iowa who is enrolled at an accredited higher education institution in a course of study including at least three semester hours or the trimester or quarter equivalent. “Course of study” does not include correspondence courses.

“Qualified student” means a resident student who has established financial need and who is making satisfactory progress toward graduation at an eligible Iowa institution.

“Tuition and mandatory fees” means those college costs paid annually by all students enrolled on a full-time basis, as reported annually to the commission by each participating institution.

27.1(2) Student eligibility. A recipient must be an Iowa resident enrolled for at least three semester hours or the trimester or quarter equivalent in a program leading to a degree from an eligible Iowa institution. The criteria used by the state board of regents to determine residency for tuition purposes, 681 IAC 1.4(262), are adopted for this program.

27.1(3) Award limits and eligibility requirements.

a. A grant may be awarded to any qualified person who is accepted for admission or is enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an approved, accredited higher education institution and who demonstrates financial need.

b. The annual amount of the grant to a full-time student shall not exceed a student’s financial need or the maximum annual grant, whichever is less.

c. The maximum amount of a grant to a part-time student shall be prorated by dividing the maximum annual grant amount by 24 semester hours or the trimester or quarter equivalent, and multiplying that amount by the number of hours the student is enrolled.

d. Grants shall be awarded on an annual basis and shall be credited by the institution against the student’s tuition, fees, and room and board charges at the beginning of each term in equal installments upon certification that the eligible student is enrolled.

e. If a credit balance remains after crediting the amount of the grant to the student’s tuition, fees, and, if applicable, room and board charges, the institution may distribute the grant balance to the student who may use the proceeds for other bona fide education expenses such as books, equipment, and transportation.

f. If a student receiving a grant under the program discontinues attendance before the end of any academic period, but after receiving payment of grant funds for the academic period, the entire amount

of any refund due the student, up to the amount of any payments made by the state, shall be distributed as follows:

(1) If an initial institutional allocation was made and funds are available due to the refund, the institution may offer additional awards, but in no case may an institution exceed its annual allocation.

(2) If institutional allocations are not made, then any refunds must be returned to the commission.

27.1(4) *Extent of grant.* A qualified full-time student may receive grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified part-time resident student may receive grants for not more than 16 semesters of undergraduate study or the trimester or quarter equivalent.

27.1(5) *Application process.*

a. Eligible students shall apply for this grant through the use of an approved financial aid form, which uses the federally accepted method of needs analysis. For the purpose of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need.

b. Institutions shall coordinate aid packages to ensure that this grant program supplements rather than supplants federal and institutional gift aid awards and shall report need figures to the commission.

c. The institution shall clearly identify the Iowa grant on the student's aid award notice.

d. A student shall accept all available federal and state grants before being considered for grants under this program.

27.1(6) *Full year of study.* For purposes of this program, the commission has defined full year of study as either three quarters or two semesters. Grant payments are prorated according to this definition.

27.1(7) *Priority for grants.*

a. Applicants are ranked in order of the estimated amount which the family reasonably can be expected to contribute toward college expenses; and awards are granted to those who demonstrate need in order of family contribution, from lowest to highest, insofar as funds permit.

b. Funds will be allocated to the sectors according to the appropriations language.

c. If funds are insufficient to help all students with no means of contribution to their educational expenses, institutional aid administrators will select students to receive grants.

27.1(8) *Award notification.* A grant recipient is notified of the award by the educational institution to which application is made. Any award notification provided by an institution on probation with the accrediting agency must be made contingent upon the institution's maintaining affiliation with the accrediting agency. The institution is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The institution reports changes of student eligibility to the commission.

27.1(9) *Award transfers and adjustments.*

a. Awards may be transferred among eligible institutions unless funding limitations require institutional allocations.

b. Recipients are responsible for promptly notifying the appropriate institution of any change in enrollment or financial situation. The educational institution will make necessary changes and notify the commission.

27.1(10) *Restrictions.* A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedure set forth in 283—Chapters 4 and 5, Iowa Administrative Code.

27.1(11) *Institutional reporting.* The commission will monitor the program according to this chapter and will require participating postsecondary institutions that receive funds for enrolled students to furnish any information necessary for the implementation or administration of the program.

This rule is intended to implement Iowa Code sections 261.93 and 261.97.

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CHAPTER 28
ACCESS TO EDUCATION GRANT PROGRAM

Rescinded IAB 2/19/03, effective 3/26/03

CHAPTER 29
DISPLACED WORKERS FINANCIAL AID PROGRAM

Rescinded IAB 10/25/95, effective 11/29/95

CHAPTER 30
OSTEOPATHIC FORGIVABLE PROGRAM

Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 31
IOWA WORK FOR COLLEGE PROGRAM

Rescinded IAB 6/18/97, effective 7/23/97

CHAPTER 32
CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN PROGRAM

283—32.1(261) Chiropractic graduate student forgivable loan program. The chiropractic graduate student forgivable loan program is a state-supported and administered forgivable loan program for Iowans enrolled at Palmer College of Chiropractic, hereinafter “the college.”

32.1(1) Definitions. As used in this chapter:

“*Chiropractic practice*” means working full-time as a licensed chiropractor in the state of Iowa as certified by the state board of examiners.

“*Graduate student*” means a student who has completed at least 90 semester hours, or the trimester or quarter equivalent, of postsecondary coursework at a public higher education institution or at an accredited private institution, as defined under Iowa Code section 261.9.

“*Iowa resident student*” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes, 681 IAC 1.4(262).

“*Underserved area*” means a geographical area included on the Iowa governor’s health practitioner shortage area list, which is compiled by the center for rural health and primary care of the Iowa department of public health.

32.1(2) Recipient eligibility.

a. Graduate students who are enrolled at the college on or after July 1, 1999, who meet the Iowa residency criteria as defined in 681 IAC 1.4(262) and agree to practice chiropractic in underserved areas in Iowa are eligible to apply for program benefits.

b. The annual amount of the forgivable loan to an eligible chiropractic student is determined by dividing the annual appropriation by the number of eligible students. The loan amount shall not exceed the student’s annual cost of tuition and fees.

c. Eligible students who borrowed prior to July 1, 1999, and seek additional assistance must agree to practice in underserved areas in Iowa to qualify for cancellation benefits for all loans.

d. Rescinded IAB 8/6/03, effective 9/10/03.

32.1(3) Promissory note. The chiropractic recipient of a loan under this program shall sign a promissory note agreeing to practice chiropractic in an underserved area in Iowa for one full year for each loan received or to repay the loan and accrued interest according to repayment terms specified in the note.

32.1(4) Interest rate. The rate of interest on loans under this program shall be 10.5 percent per annum on the unpaid principal balance.

32.1(5) Disbursement of loan proceeds.

a. The full loan amount will be disbursed when the college certifies that the borrower is an Iowa resident and enrolled in good standing.

b. Loan proceeds will be disbursed to the college as requested by the college.

c. The college will apply loan proceeds directly to the borrowers’ tuition accounts.

d. If the borrower withdraws from attendance and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the state loan must be refunded to the commission.

32.1(6) Loan cancellations.

a. Thirty days following the termination of enrollment at the college or termination of a chiropractic practice in the state of Iowa, the borrower shall notify the commission of the nature of the borrower’s employment or educational status.

b. To certify eligibility for cancellation, the borrower must annually verify, in a format acceptable to the commission, that the borrower practiced as a licensed chiropractor in the state of Iowa for 12 consecutive months for each annual loan to be canceled.

c. If the borrower qualifies for partial loan cancellation, the commission shall notify the borrower promptly and revise the repayment schedule accordingly.

d. In the event of death or total and permanent disability, a borrower’s obligation to pay this loan is canceled. Borrowers seeking forgiveness as a result of total or permanent disability must submit

sufficient information substantiating the claim to the commission. Reports of a borrower's death will be referred to the licensing board for confirmation.

32.1(7) *Loan payments.*

a. Prior to the start of the repayment period, the commission shall provide the borrower with a repayment schedule, modified to reflect any applicable cancellation benefits.

b. It shall be the borrower's responsibility to remit payments to the commission as required by the repayment schedule.

c. In the event the borrower fails to abide by any material provision of the promissory note or fails to make any payment due under the promissory note within ten days after the date the payment is due, the commission may declare the borrower in default and declare the entire unpaid balance and accrued interest on the promissory note due.

d. The borrower is responsible for notifying the commission immediately of a change in name, place of employment, or home address.

32.1(8) *Deferral of repayment.*

a. Repayment of the borrower's loan obligation shall begin one year after the borrower graduates if the borrower does not practice chiropractic in an underserved area in Iowa.

b. Repayment of the borrower's loan obligation may be deferred under the following circumstances: return to full-time study; active duty in the United States military service, not to exceed three years; or during a period of temporary disability, not to exceed three years.

c. Repayment of the borrower's loan obligation under this loan program is not required during periods of enrollment as a student at the college or while fulfilling the physician service requirement.

d. Forbearance is a revision in repayment terms to temporarily postpone payments. It may be granted when a borrower experiences a temporary hardship and is willing but unable to pay in accordance with the repayment schedule. Borrowers remain responsible for interest accrual during forbearance periods. The program administrator may grant forbearance for periods of less than six months; periods of greater than six months but less than one year must be approved by the executive director. Forbearance periods exceeding one year must be approved by the commission.

e. Borrowers failing to meet the service requirement shall be required to repay the loan on a prorated basis. The prorated balance will be calculated by dividing the number of days remaining in the service period by the number of days in the service period multiplied by the loan amount.

f. Loans not forgiven may be sold to a bank, savings and loan association, credit union, or nonprofit agency eligible to participate in the guaranteed student loan program under the federal Higher Education Act of 1965, 20 U.S.C. §1071 et seq., by the commission when the loans become due for repayment.

32.1(9) *Restrictions.* A borrower who is in default on a Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan payments. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 261.71.

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CHAPTER 33
GRADUATE STUDENT FINANCIAL ASSISTANCE PROGRAM

Rescinded IAB 2/19/03, effective 3/26/03

CHAPTER 34
REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

283—34.1(261) Registered nurse and nurse educator loan forgiveness program. The registered nurse and nurse educator loan forgiveness program is a state-supported and state-administered forgivable loan program established for nurse educators teaching at eligible Iowa colleges and universities or registered nurses employed in Iowa.

283—34.2(261) Definitions. As used in this chapter:

“*Nurse educator*” means a registered nurse who holds a master’s or doctorate degree and is employed as a faculty member who teaches nursing as provided in 655—2.6(152) at an eligible college or university.

“*Registered nurse*” means a nurse who meets the requirements provided in 655—6.2(152).

283—34.3(261) Eligibility requirements.

34.3(1) Applicants must be:

- a. Registered nurses employed as nurses in Iowa; or
- b. Registered nurses who hold bachelor’s, master’s, specialist, or doctorate degrees who are employed as teachers by eligible colleges or universities.

34.3(2) Applicants must complete and file annual applications for the registered nurse and nurse educator loan forgiveness program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications.

34.3(3) Applicants must annually complete and return to the commission affidavits of practice verifying that they are employed as registered nurses in Iowa or as nurse educators at eligible Iowa colleges or universities.

34.3(4) Applicants must begin their first registered nurse or nurse educator positions in Iowa on or after July 1, 2007.

34.3(5) Applicants who received funding under the registered nurse recruitment program will be eligible for funding under the registered nurse and nurse educator loan forgiveness program for five years minus one year for each year that a loan was received under the registered nurse recruitment program.

283—34.4(261) Awarding of funds.

34.4(1) Selection criteria. All applications received on or before the published deadline will be considered for funding. In the event that all applications for the program cannot be funded with the available appropriations, criteria for selection of recipients will be prioritized as follows:

a. *Nurse educators.* All nurse educators will receive priority funding. If all applications for nurse educators cannot be funded, criteria for selection of recipients will be prioritized as follows:

- (1) Applicant renewal status,
- (2) Full-time employment status,
- (3) Iowa residency status,
- (4) Part-time employment status, and
- (5) Date of application.

b. *Registered nurses.* Registered nurses will receive awards if funding remains after all eligible nurse educator applications have been funded. If all applications for registered nurses cannot be funded, criteria for selection of recipients will be prioritized as follows:

- (1) Applicant renewal status,
- (2) Full-time employment status,
- (3) Iowa residency status,
- (4) Part-time employment status, and
- (5) Date of application.

34.4(2) Annual award.

- a. The maximum annual award to an eligible registered nurse shall be the lesser of:

(1) The average resident tuition rate established for students attending universities governed by the Iowa board of regents for the first year following the registered nurse's graduation from a nursing education program approved by the Iowa board of nursing pursuant to Iowa Code section 152.5, or

(2) Twenty percent of the registered nurse's total federally guaranteed Stafford loan balance, including principal and interest, under the Federal Family Education Loan Program (FFELP) or the Federal Direct Loan Program (FDLP). Eligible loans include subsidized and unsubsidized Stafford loans and consolidated loans. Only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

b. The maximum annual award to an eligible nurse educator shall be the lesser of:

(1) The average resident graduate tuition rate established for students attending universities governed by the Iowa board of regents for the first year following the nurse educator's graduation from an advanced formal academic nursing education program approved by the Iowa board of nursing pursuant to Iowa Code section 152.5, or

(2) Twenty percent of the nurse educator's total federally guaranteed Stafford loan balance, including principal and interest, under the Federal Family Education Loan Program (FFELP) or the Federal Direct Loan Program (FDLP). Eligible loans include subsidized and unsubsidized Stafford loans and consolidated loans. Only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

34.4(3) *Extent of forgiveness.* Recipients may receive loan forgiveness for no more than five consecutive years. Recipients who fail to complete five consecutive years as nurse educators or registered nurses will not be considered for subsequent years of forgiveness.

34.4(4) *Disbursement of loan forgiveness funds.*

a. Loan payments will be disbursed upon completion of the year for which forgiveness was approved and upon certification from the employer that the nurse educator or registered nurse was employed during the entire year and completed the year in good standing.

b. Loan proceeds will be distributed to the recipient's student loan holder and applied directly to eligible loans. Unless otherwise instructed by the recipient, the holder will be instructed to apply the proceeds of the loan forgiveness program first to any outstanding unsubsidized Stafford loan balances, next to any outstanding subsidized Stafford loan balances, then to any eligible outstanding consolidation loan balances.

283—34.5(261) Loan forgiveness cancellation.

34.5(1) Within 30 days following termination of employment as a registered nurse or as a nurse educator, the registered nurse or nurse educator shall notify the commission of the nature of the registered nurse's or nurse educator's employment status.

34.5(2) The registered nurse or nurse educator is responsible for notifying the commission immediately of a change in name, place of employment, or home address.

283—34.6(261) Restrictions. A registered nurse or nurse educator who is in default on a Federal Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan forgiveness benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code section 261.23 as amended by 2007 Iowa Acts, Senate File 588.

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CHAPTER 35
IOWA TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

283—35.1(261) Iowa teacher shortage loan forgiveness program. The Iowa teacher shortage loan forgiveness program is a state-supported and administered loan forgiveness program for Iowans teaching in designated teacher shortage areas as certified by the director of the Iowa department of education.

283—35.2(261) Definitions. As used in this chapter:

“*Shortage area*” means a geographic or subject area in which there exists teacher shortages as determined annually by the director of the Iowa department of education.

“*Teacher*” means an individual holding a practitioner’s license issued by the Iowa board of educational examiners, who is employed in a nonadministrative position in a designated shortage area by a school district or area education agency. Further, a teacher is a licensed member of a school’s instructional staff who diagnoses, prescribes, evaluates, and directs student learning in a manner consistent with professional practice and school objectives, shares responsibility for the development of an instructional program and any coordinating activities, evaluates or assesses student progress before and after instruction, and uses student evaluation or assessment information to promote additional student learning.

283—35.3(261) Eligibility requirements.

1. Applicants must be teaching in approved shortage areas at Iowa kindergarten through twelfth grade schools recognized and approved by the Iowa department of education.
2. Applicants must complete and file annual applications for the Iowa teacher shortage loan forgiveness program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications.
3. Applicants must annually complete and return to the commission affidavits of practice verifying that they are teaching in eligible teacher shortage areas.
4. Applicants must begin their first teaching jobs in Iowa on or after July 1, 2007.

283—35.4(261) Awarding of funds.

35.4(1) Selection criteria. All applications received on or before the published deadline will be considered for funding. In the event that all on-time applicants for the program cannot be funded with the available appropriation, criteria for selection of recipients will be prioritized as follows:

- a. Renewal status;
- b. Instructional shortage area being served, with the highest need areas as ranked by the Iowa department of education being served first;
- c. Geographic shortage area being served, with the highest need areas as ranked by the Iowa department of education being served first;
- d. Iowa residency status;
- e. Full-time employment status;
- f. Part-time employment status;
- g. Total indebtedness; and
- h. Date of application.

35.4(2) Annual award. The maximum annual award to an eligible recipient shall be the lesser of:

- a. The average undergraduate resident tuition rate established for students attending universities governed by the Iowa board of regents for the first year following the teacher’s graduation from an approved practitioner preparation program, or
- b. Twenty percent of the teacher’s total federally guaranteed Stafford loan balance, including principal and interest, under the Federal Family Education Loan Program (FFELP) or the Federal Direct Loan Program (FDLP). Eligible loans include subsidized and unsubsidized Stafford loans and consolidated loans. Only the outstanding portion of a Federal Consolidation Loan that was used to

repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

35.4(3) *Extent of forgiveness.* Recipients may receive loan forgiveness for no more than five consecutive years. Recipients who fail to complete five consecutive years of teaching in the designated shortage areas will not be considered for subsequent years of forgiveness.

Applicants who received funding under the teacher shortage forgivable loan program will be eligible for funding under the Iowa teacher shortage loan forgiveness program for five years minus one year for each year that a loan was received under the teacher shortage forgivable loan program.

35.4(4) *Disbursement of loan forgiveness funds.*

a. Loan payments will be disbursed upon completion of the academic year for which forgiveness was approved and upon certification from the school district that the teacher was employed as a teacher during the entire academic year and completed the academic year in good standing.

b. Loan proceeds will be distributed to the teacher's student loan holder and applied directly to the teacher's eligible loans. Unless otherwise instructed by the teacher, the holder will be instructed to apply the proceeds of the Iowa teacher shortage loan forgiveness program first to any outstanding unsubsidized Stafford loan balances, next to any outstanding subsidized Stafford loan balances, then to any eligible outstanding consolidation loan balances.

283—35.5(261) Loan forgiveness cancellation.

35.5(1) Within 30 days following termination of employment as a teacher in a designated teacher shortage area, the teacher shall notify the commission of the nature of the teacher's employment status.

35.5(2) The teacher is responsible for notifying the commission immediately of a change in name, place of employment, or home address.

283—35.6(261) Restrictions. A teacher who is in default on a Federal Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan payments. Eligibility may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code chapter 261 as amended by 2007 Iowa Acts, Senate File 588.

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CHAPTER 36
GOVERNOR TERRY E. BRANSTAD
IOWA STATE FAIR SCHOLARSHIP PROGRAM

283—36.1(77GA,ch1215) Governor Terry E. Branstad Iowa state fair scholarship program. The Governor Terry E. Branstad Iowa state fair scholarship program is a privately funded scholarship program for Iowa residents who actively participate in the Iowa state fair and enroll as undergraduate students in eligible Iowa institutions.

36.1(1) Definitions. As used in this chapter:

“Eligible institution” means an institution of higher learning located in Iowa under the control of the state board of regents, a North Central Association of Colleges and Schools (NCA) accredited independent institution as defined in Iowa Code section 261.9, or a state-supported community college.

“Iowa resident student” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes, 681 IAC 1.4(262).

“Located in Iowa” means a college or university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

36.1(2) Eligibility for scholarship.

a. An applicant must be an Iowa resident who has graduated from an accredited secondary school in Iowa.

b. An applicant for assistance under this program must enroll at an eligible institution.

c. An applicant must release test scores, rank in class, grade point average, and need analysis information to the commission on forms specified by the commission, by the deadline date determined by the commission. In addition, each applicant must provide the following information, as stated in the application instructions: essay, description of state fair participation, description of school and community activities, description of community services, and references.

36.1(3) Selection. A panel of judges representing the following agencies will choose recipients: governor’s staff, the Iowa state fair board, the Iowa department of education, the Iowa department of agriculture and land stewardship, and the Iowa college student aid commission.

36.1(4) Monetary award.

a. Up to four awards ranging from \$500 to \$1,000 will be awarded annually. No student shall receive more than the student’s established financial need.

b. A scholarship of up to \$2,000 will be awarded each year to the Iowa state fair queen.

c. The Governor Terry E. Branstad Iowa state fair scholarship fund will be established in the office of the state treasurer. Only the interest earned on the scholarship fund will be used for scholarship awards.

36.1(5) Restrictions. An applicant who is in default on a Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for this scholarship. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 261.24.

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CHAPTER 37
STUDENT LOAN DEBT COLLECTION

283—37.1(261) General purpose. In collection of defaulted student loans, the commission may initiate the license sanction process described in Iowa Code sections 261.121 to 261.127 to suspend, revoke or deny issuance or renewal of a variety of licenses held or applied for by any person who has defaulted on an obligation owed to or collected by the commission. Licenses subject to this sanction are defined in Iowa Code section 252J.1(3). In addition to the procedures set forth in Iowa Code sections 261.121 to 261.127, this chapter shall apply.

The commission may apply administrative wage garnishment and state tax offset procedures established under Iowa Code chapter 261, specifically including private partnership loans authorized for collection under Iowa Code section 261.38.

283—37.2(261) Definitions.

37.2(1) A “debtor” is a person who has defaulted on any obligation owed to or collected by the commission.

37.2(2) A debtor is in “default” if:

a. The debtor is obligated to pay under a federal student loan guaranteed by the commission pursuant to the provisions of Iowa Code sections 261.35 to 261.43, and the debtor’s defaulted loan has been purchased by the commission from an eligible lender;

b. The debtor is obligated to pay under a partnership student loan issued by Iowa Student Loan Liquidity Corporation (ISLLC), and the commission acquires the debtor’s loan as a default pursuant to Iowa Code section 261.38 due to the debtor’s failure to make payments to ISLLC;

c. The debtor becomes obligated to repay the commission under any forgivable loan program administered by the commission, and fails to make an agreed payment within 20 days of the agreed due date; or

d. The debtor enters into a written repayment agreement with the commission and fails to make an agreed payment within 20 days of the due date stated in the repayment agreement.

37.2(3) The phrase “defaulted obligation owed” means the total amount of the debtor’s obligation, including principal and unpaid accrued interest, and may include collection costs and other allowable fees.

283—37.3(261) License sanction program.

37.3(1) *Service of notice.* The notice described in Iowa Code section 261.121(2) shall be served by restricted certified mail, return receipt requested, addressed to the debtor at the debtor’s last-known residence or principal place of business. If the debtor signs for the notice, the return post office receipt shall be proof of service. If the debtor fails to sign for the notice, the commission may personally serve the debtor in accordance with Iowa Rules of Civil Procedure.

37.3(2) *Exclusions from license sanction process.* The commission may determine that the issuance of a certificate of noncompliance is not appropriate pursuant to Iowa Code section 261.122(5) “c,” or that a certificate of noncompliance should be withdrawn pursuant to Iowa Code section 261.124(5) “d,” during periods in which any of the following conditions exist:

a. Written verification that the debtor has been deemed eligible for and is receiving supplemental security income (SSI), similar state- or federal-funded assistance, or county assistance, such as general relief or general assistance.

b. Verified economic hardship which the commission determines from the debtor’s sworn financial statement and other relevant evidence would likely qualify for hardship discharge of student loans under the Bankruptcy Code.

c. A verified temporary illness or disability of the debtor or of another household member which prevents the debtor from working or requires the presence of the debtor in the home as a caretaker.

d. Verified incarceration.

e. Verified participation on an in-treatment basis in a chemical dependency program licensed by the department of public health or a similar program.

37.3(3) *Written agreement.* A debtor may, at any time, with or without a requested conference, enter into a satisfactory written repayment agreement to either avoid the issuance of a certificate of noncompliance or to secure a withdrawal of an issued certificate of noncompliance. In determining whether the terms of a proposed repayment agreement are satisfactory, the commission shall take into account the debtor's ability to pay. Repayment terms shall be deemed satisfactory if the debtor agrees to pay at least the maximum amount which would be subject to an administrative wage withholding procedure, or the equivalent for a self-employed person. In addition, the commission may take into consideration the recent existence of any of the conditions outlined in subrule 37.3(2), if verified, and if the debtor can demonstrate that insufficient time has passed for the debtor to regain an ability to repay obligations owed to the commission.

37.3(4) *Right to court hearing.* The debtor may request a hearing before the district court in the debtor's county of residence. The scope of the court's review is limited to whether the debt is in default, whether the amount of the default is misstated, or whether a mistake has been made in the identity of the debtor.

283—37.4(261) Administrative wage garnishment procedures. The commission shall apply administrative wage garnishment procedures established under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. § 1071 et seq., in the collection of all defaulted student loans owed to the commission.

37.4(1) *Notice prior to wage withholding.* A debtor shall receive a "notice prior to wage withholding" from the commission inviting the debtor to enter into voluntary monthly payments with the commission within 30 days after receipt of the notice.

37.4(2) *Right to hearing.* A debtor is entitled to a hearing before an administrative law judge if a petition is filed requesting a hearing on or before the fifteenth day following mailing of the "notice prior to wage withholding."

37.4(3) *Repayment agreement.* A debtor who negotiates a monthly payment with the commission shall receive a "repayment agreement in lieu of wage withholding" reflecting the payment amount and payment date agreed upon (20-day grace period) for the debtor's signature and return to the commission.

37.4(4) *Debtor's failure to arrange timely voluntary payments.*

a. The employer of a debtor who is financially capable of paying, but who fails to make voluntary payments after receiving a "notice prior to wage withholding" from the commission, or who signs a "repayment agreement in lieu of wage withholding" but subsequently fails to make regular monthly payments, shall receive an "order of withholding from earnings" from the commission, directing the debtor's employer to deduct and pay to the commission from the debtor's wages an amount that does not exceed the amount authorized by federal legislation, unless the debtor provides the commission with written consent to deduct a greater amount. A duplicate copy of the order shall be provided to the debtor by the employer.

b. The employer also shall receive from the commission an "employer acknowledgment of wage withholding" which should be completed and returned to the commission within ten business days.

c. The employer shall notify the commission if the debtor changes employment. The employer shall provide the debtor's date of termination, last-known address, and current employer and telephone number (if known).

d. The commission will send the employer a "release of order of withholding from earnings" when the debtor's loan being collected by the commission is paid in full.

283—37.5(261) Offset against state income tax refund or rebate.

37.5(1) *General.* A claim against a defaulted borrower's state income tax refund or rebate will be made to receive payment against any defaulted student loan owed to the commission.

37.5(2) *Certification.* The commission shall submit to the department of revenue a list of defaulted borrowers to certify for offset.

37.5(3) Borrower notification. The commission shall mail a preoffset notice to a defaulted borrower when:

a. The commission is notified by the department of revenue that the defaulted borrower is entitled to a state income tax refund or rebate; and

b. The commission makes claim to the defaulted borrower's state income tax refund or rebate.

The preoffset notice will inform the defaulted borrower of the amount the commission intends to claim and apply to the outstanding defaulted student loan.

37.5(4) Challenge of offset. When the defaulted borrower contests a claim, a written request shall be submitted to the commission within 15 calendar days after the preoffset notice is mailed. When the request is received within the 15-day limit, a hearing shall be granted.

37.5(5) Spousal share. The spouse's proportionate share of a joint return filed with a defaulted borrower, as determined by the department of revenue, shall be released by the department of revenue unless other claims are made on that portion of the joint income tax refund. The request for release of the spouse's proportionate share shall be in writing and received by the commission within 15 calendar days after the mailing date of the preoffset notice.

37.5(6) Claim of offset. The commission may make claim to a defaulted borrower's state income tax refund or rebate when the defaulted borrower has not made a voluntary payment which has been posted to the borrower's account during the 120 days preceding the day an offset tape match is run. A voluntary payment toward a defaulted loan is defined as making an agreed-upon monthly payment through a means other than by offset or garnishment.

37.5(7) Appeals.

a. General. Borrowers with defaulted student loans may appeal commission decisions to offset their state tax refunds or rebates pursuant to the procedures provided in this rule.

b. Procedures. If a defaulted borrower contests a claim, written appeal shall be presented to the commission's state offset coordinator, setting forth reasons for disagreement. The evidence must be presented within 15 calendar days after notification of the proposed offset, and the appellant may request a hearing.

(1) If no hearing is requested, the state offset coordinator will consider all evidence provided and will notify the appellant within 30 calendar days whether the decision is retracted, modified, or upheld. The appellant will be advised of the appellant's right to carry the appeal to an administrative law judge.

(2) If a hearing is requested, the state offset coordinator will set a date for the hearing no later than 30 calendar days from the date that the request was received.

(3) An administrative law judge will preside at the hearing and will consider any written material presented before the hearing as well as other evidence presented during the course of the hearing.

(4) After considering all evidence presented, the administrative law judge will notify the appellant in writing as to the decision on the appeal, advising the appellant of the appellant's right to carry the appeal to a full meeting of the commission or to its appointed appeals panel.

c. Additional provisions. Except as specifically provided in this rule, administrative hearings will be governed by 283—Chapter 4.

These rules are intended to implement Iowa Code sections 261.37, 261.38 and 261.121 to 261.127.

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