COLLEGE STUDENT AID COMMISSION[283]

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

CHAPTER 1
ORGANIZATION AND OPERATION

1.1(256) Purpose
1.2(256) Organization and operations

CHAPTER 2
COMMISSION PROCEDURE FOR RULE MAKING

2.1(17A) Applicability
2.2(17A) Advice on possible rules before notice of proposed rule adoption
2.3(17A) Public rule-making docket
2.4(17A) Notice of proposed rule making
2.5(17A) Public participation
2.6(17A) Regulatory analysis
2.7(17A,25B) Fiscal impact statement
2.8(17A) Time and manner of rule adoption
2.9(17A) Variance between adopted rule and published notice of proposed rule adoption
2.10(17A) Exemptions from public rule-making procedures
2.11(17A) Concise statement of reasons
2.12(17A) Contents, style, and form of rule
2.13(17A) Agency rule-making record
2.14(17A) Filing of rules
2.15(17A) Effectiveness of rules prior to publication
2.16(17A) General statements of policy
2.17(17A) Review by commission of rules

CHAPTER 3
DECLARATORY ORDERS

3.1(17A) Petition for declaratory order
3.2(17A) Notice of petition
3.3(17A) Intervention
3.4(17A) Briefs
3.5(17A) Inquiries
3.6(17A) Service and filing of petitions and other papers
3.7(17A) Consideration
3.8(17A) Action on petition
3.9(17A) Refusal to issue order
3.10(17A) Contents of declaratory order—effective date
3.11(17A) Copies of orders
3.12(17A) Effect of a declaratory order

CHAPTER 4
DUE PROCESS

4.1(261) Appeals

CHAPTER 5
CONTESTED CASES

5.1(17A) Scope and applicability
5.2(17A) Definitions
5.3(17A) Time requirements
5.4(17A) Requests for contested case proceeding
5.5(17A) Notice of hearing
5.6(17A) Presiding officer
5.7(17A) Waiver of procedures
5.8(17A) Telephone proceedings
5.9(17A) Disqualification

5.10(17A) Consolidation—severance
5.11(17A) Pleadings
5.12(17A) Service and filing of pleadings and other papers
5.13(17A) Discovery
5.14(17A) Subpoenas
5.15(17A) Motions
5.16(17A) Prehearing conference
5.17(17A) Continuances
5.18(17A) Withdrawals
5.19(17A) Intervention
5.20(17A) Hearing procedures
5.21(17A) Evidence
5.22(17A) Default
5.23(17A) Ex parte communication
5.24(17A) Recording costs
5.25(17A) Interlocutory appeals
5.26(17A) Final decision
5.27(17A) Appeals and review
5.28(17A) Applications for rehearing
5.29(17A) Stays of commission actions
5.30(17A) No factual dispute contested cases
5.31(17A) Emergency adjudicative proceedings

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

6.1(17A,22) Definitions
6.2(17A,22) Statement of policy
6.3(17A,22) Requests for access to records
6.4(17A,22) Access to confidential records
6.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
6.7(17A,22) Consent to disclosure by the subject of a confidential record
6.8(17A,22) Notice to suppliers of information
6.9(17A,22) Routine use
6.10(17A,22) Consensual disclosure of confidential records
6.11(17A,22) Release to subject
6.12(17A,22) Availability of records

CHAPTER 7
UNIFORM RULES FOR WAIVERS

7.1(256,ExecOrd11,17A) Waiver process
7.2(256,ExecOrd11,17A) Definition
7.3(256,ExecOrd11,17A) Scope of chapter
7.4(256,ExecOrd11,17A) Applicability of chapter
7.5(256,ExecOrd11,17A) Criteria for waiver
7.6(256,ExecOrd11,17A) Mandatory waivers
7.7(256,ExecOrd11,17A) Burden of persuasion
7.8(256,ExecOrd11,17A) Special waiver rule not precluded
7.9(256,ExecOrd11,17A) Administrative deadlines
7.10(256,ExecOrd11,17A) Filing of petition
7.11(256,ExecOrd11,17A) Contested case
7.12(256,ExecOrd11,17A) Contents of petition
7.13(256,ExecOrd11,17A) Additional information
7.14(256,ExecOrd11,17A) Notice
7.15(256,ExecOrd11,17A) Hearing procedures
7.16(256,ExecOrd11,17A) Ruling
7.17(256,ExecOrd11,17A) Commission discretion
7.18(256,ExecOrd11,17A) Narrowly tailored exception
7.19(256,ExecOrd11,17A) Conditions

7.20(256,ExecOrd11,17A) Time period of waiver
7.21(256,ExecOrd11,17A) Timing for ruling
7.22(256,ExecOrd11,17A) When deemed denied
7.23(256,ExecOrd11,17A) Service of order
7.24(256,ExecOrd11,17A) Public availability
7.25(256,ExecOrd11,17A) Voiding or cancellation
7.26(256,ExecOrd11,17A) Violations
7.27(256,ExecOrd11,17A) Defense
7.28(256,ExecOrd11,17A) Judicial review

CHAPTER 8
ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

8.1(256) Basis of aid
8.2(256) Definitions
8.3(256) Eligible applicant
8.4(256) Awarding of funds
8.5(256) Exceptions

CHAPTER 9
Reserved

CHAPTER 10
UNIFORM POLICIES

10.1(261) Purpose
10.2(261) Definitions
10.3(261) Policies

CHAPTER 11
IOWA TUITION GRANT PROGRAM—FOR-PROFIT INSTITUTIONS

11.1(256) Basis of aid
11.2(256) Definitions
11.3(256) Eligible applicant
11.4(256) Awarding of funds
11.5(256) Institution eligibility

CHAPTER 12
IOWA TUITION GRANT PROGRAM

12.1(256) Basis of aid
12.2(256) Definitions
12.3(256) Eligible applicant
12.4(256) Awarding of funds
12.5(256) Accredited private institution eligibility

CHAPTER 13
IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM

13.1(256) Basis of aid
13.2(256) Definitions
13.3(256) Eligible applicant
13.4(256) Awarding of funds

CHAPTER 14
HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

14.1(261) Definitions
14.2(261) Health care professional loan repayment program
14.3(261) Osteopathic forgivable loan

CHAPTER 15
FUTURE READY IOWA SKILLED WORKFORCE
LAST-DOLLAR SCHOLARSHIP PROGRAM

15.1(256) Basis for aid
15.2(256) Definitions
15.3(256) Eligible applicant
15.4(256) Awarding of funds
15.5(256) Exceptions
15.6(256) Determination of programs of study aligned with high-demand jobs
15.7(256) Institution eligibility requirements

CHAPTER 16
FUTURE READY IOWA SKILLED WORKFORCE GRANT PROGRAM

16.1(261) Basis for aid
16.2(261) Definitions
16.3(261) Eligible applicant
16.4(261) Awarding of funds
16.5(261) Exceptions
16.6(261) Determination of programs of study aligned with high-demand jobs
16.7(261) Institution eligibility requirements

CHAPTER 17
Reserved

CHAPTER 18
IOWA WORK-STUDY PROGRAM

18.1(256) Basis of aid
18.2(256) Definitions
18.3(256) Administrative procedures
18.4(256) Eligible applicant
18.5(256) Awarding of funds
18.6(256) Eligible postsecondary education institution eligibility

CHAPTER 19
Reserved

CHAPTER 20
IOWA NATIONAL GUARD BENEFITS PROGRAMS

20.1(256) Definitions
20.2(256) Iowa national guard service scholarship
20.3(256) Iowa national guard master's degree service scholarship

CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

21.1(261B,261G) Postsecondary registration, exemption from registration, and participation in the commission-approved reciprocity agreement
21.2(261B,261G) Definitions
21.3(261B,261G) Registration approval criteria
21.4(261B,261G) Additional approval criteria for an applicant school that applies for registration to maintain a fixed location in Iowa
21.5(261B,261G) Additional criteria for an out-of-state applicant school that applies for registration to offer programs via in-person instruction but in a nontraditional format
21.6(261B,261G) Additional approval criteria and exception for an out-of-state applicant school that applies for registration to offer distance education programs
21.7(261B,261G) Recruiting for an out-of-state applicant school's residential programs from an Iowa location
21.8(261B,261G) Provisional registration
21.9(261B,261G) Duration of registration; application for renewal
21.10(261B,261G) Limitation, denial, or revocation of registration
21.11(261B,261G) School, Iowa site, or program closure
21.12(261B,261G) Initial registration application fees and subsequent annual fees
21.13(261B,261G) Authorization to operate in Iowa for certain nonpublic, nonprofit colleges and universities exempt from registration

21.14(261B,261G) Verification of exemption from registration to operate in Iowa
21.15(261B,261G) Approval criteria for a school seeking to participate or renew participation in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G
21.16(261B,261G) School closures

CHAPTER 22
IOWA MINORITY GRANTS FOR ECONOMIC SUCCESS (IMAGES)
22.1(261) Iowa minority grants for economic success

CHAPTER 23
SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM
23.1(256) Basis of aid
23.2(256) Definitions
23.3(256) Eligible applicant
23.4(256) Awarding of funds
23.5(256) Determination of programs of study aligned with high-demand jobs

CHAPTER 24
RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM
24.1(256) Definitions
24.2(256) Awarding of funds
24.3(256) Surplus funds
24.4(256) Failure to fulfill obligation
24.5(256) Waivers

CHAPTER 25
Reserved

CHAPTER 26
HEALTH CARE AWARD PROGRAM
26.1(261) Health care award program
26.2(261) Definitions
26.3(261) Eligibility requirements
26.4(261) Awarding of funds
26.5(261) Award cancellation
26.6(261) Restrictions
26.7(261) Transition provisions

CHAPTER 27
RURAL VETERINARIAN LOAN REPAYMENT PROGRAM
27.1(256) Definitions
27.2(256) Awarding of funds
27.3(256) Failure to fulfill obligation

CHAPTER 28
TEACH IOWA SCHOLAR PROGRAM
28.1(256) Definitions
28.2(256) Awarding of funds
28.3(256) Grandfather clause

CHAPTERS 29 and 30
Reserved

CHAPTER 31
MENTAL HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM
31.1(256) Definitions
31.2(256) Awarding of funds
31.3(256) Failure to fulfill obligation

CHAPTER 32
Reserved

CHAPTER 33
CHIROPRACTIC LOAN FORGIVENESS PROGRAM

33.1(261) Chiropractic loan forgiveness program
33.2(261) Eligibility
33.3(261) Awarding of funds
33.4(261) Loan forgiveness cancellation
33.5(261) Restrictions

CHAPTER 34
WORKFORCE GRANT AND INCENTIVE PROGRAM

34.1(261) Basis of aid
34.2(261) Definitions
34.3(261) Eligible workforce grant applicant
34.4(261) Awarding of workforce grant funds
34.5(261) Eligible incentive payment applicant
34.6(261) Awarding of incentive payments

CHAPTERS 35 and 36
Reserved

CHAPTER 37
DEBT COLLECTION

37.1(256) Definitions
37.2(256) Administrative wage garnishment procedures
37.3(261) Offset against state income tax refund or rebate

CHAPTER 1
ORGANIZATION AND OPERATION

[Prior to 8/10/88, see College Aid Commission, 245—Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—1.1(256) 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.

[Editorial change: IAC Supplement 4/3/24]

283—1.2(256) Organization and operations.

1.2(1) *Location.* The commission is located at 400 E. 14th Street, Des Moines, Iowa 50319-0146; telephone 877.272.4456; Internet site educate.iowa.gov. 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 15 members and functions under the leadership of a chairperson elected by the membership. Nine members are appointed by the governor to serve four-year terms. Four of the governor's appointees represent the general public, one represents parents of Iowa postsecondary students, one represents practitioners licensed under Iowa Code chapter 272, one represents Iowa independent colleges and universities, one represents Iowa community colleges, and one represents Iowa postsecondary students. One member is appointed by the board of regents. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives each appoint one ex officio, nonvoting 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, but not more than eight times in person annually.

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 notify the commission's administrative secretary prior to the meeting. The person's name and the subject of the person's remarks must be provided. To accommodate maximum public participation, members of the public are encouraged to submit requests at least 72 hours in advance of the meeting.

1.2(4) *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 Internet 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 25 pages in number may be obtained without charge. The cost of reproduction will be charged for pages in excess of 25. Digital media will be provided for a fee equal to the cost of the physical device provided. 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.* Rescinded IAB 2/19/14, effective 3/26/14.

[**ARC 9391B**, IAB 2/23/11, effective 3/30/11; **ARC 1318C**, IAB 2/19/14, effective 3/26/14; **ARC 3699C**, IAB 3/28/18, effective 5/2/18; see Delay note at end of chapter; **ARC 3844C**, IAB 6/20/18, effective 5/18/18; **ARC 3854C**, IAB 6/20/18, effective 7/25/18; **ARC 4373C**, IAB 3/27/19, effective 5/1/19; Editorial change: IAC Supplement 4/3/24]

These rules are intended to implement Iowa Code section 17A.3(1)*"a"* and *"b"* and chapter 256.

[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]
[Filed 2/16/79, Notice 11/1/78—published 3/7/79, effective 4/11/79]
[Filed 12/18/81, Notice 10/14/81—published 1/6/82, effective 2/10/82]
[Filed 3/9/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]
[Filed 6/15/84, Notice 4/11/84—published 7/4/84, effective 8/8/84]
[Filed 9/18/85, Notice 7/31/85—published 10/9/85, effective 11/13/85]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 1/29/91, Notice 12/12/90—published 2/20/91, effective 3/27/91]
[Filed 1/30/92, Notice 12/11/91—published 2/19/92, effective 3/25/92]
[Filed 9/25/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]
[Filed 12/1/97, Notice 10/8/97—published 12/17/97, effective 1/28/98]
[Filed 1/30/03, Notice 12/11/02—published 2/19/03, effective 3/26/03]
[Filed ARC 9391B (Notice ARC 9271B, IAB 12/15/10), IAB 2/23/11, effective 3/30/11]
[Filed ARC 1318C (Notice ARC 1123C, IAB 10/16/13), IAB 2/19/14, effective 3/26/14]
[Filed ARC 3699C (Notice ARC 3516C, IAB 12/20/17), IAB 3/28/18, effective 5/2/18][1]
[Filed Emergency ARC 3844C, IAB 6/20/18, effective 5/18/18]
[Filed ARC 3854C (Notice ARC 3711C, IAB 3/28/18), IAB 6/20/18, effective 7/25/18]
[Filed ARC 4373C (Notice ARC 4080C, IAB 10/24/18), IAB 3/27/19, effective 5/1/19]
[Editorial change: IAC Supplement 4/3/24]

[1] May 2, 2018, effective date of 1.2(3) [ARC 3699C] delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2018.

CHAPTER 2
COMMISSION PROCEDURE FOR RULE MAKING

[Prior to 8/10/88, see College Aid Commission, 245—13.1 and 13.2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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. Interested persons may also subscribe to the service provided at https://www.legis.iowa.gov/Subscribe/agencyChanges.aspx to receive rule-making information regarding the commission.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14]

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 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 person designated to receive public comments in the Notice of Intended Action in advance to arrange access or other needed services.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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, 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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).

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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, 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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.

[Filed 3/9/82, Notice 1/20/82—published 3/31/82, effective 5/5/82]
[Filed 4/16/87, Notice 2/11/87—published 5/6/87, effective 6/10/87]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]
[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]
[Filed ARC 1490C (Notice ARC 1346C, IAB 2/19/14), IAB 6/11/14, effective 7/30/14]
[Editorial change: IAC Supplement 2/10/21]
[Editorial change: IAC Supplement 4/3/24]

CHAPTER 3
DECLARATORY ORDERS

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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, 400 E. 14th Street, Des Moines, Iowa 50319-0146.

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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, 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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).

[**ARC 1490C**, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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.

[Filed 3/9/82, Notice 1/20/82—published 3/31/82, effective 5/5/82]
[Filed 4/16/87, Notice 2/11/87—published 5/6/87, effective 6/10/87]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]
[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]
[Filed ARC 1490C (Notice ARC 1346C, IAB 2/19/14), IAB 6/11/14, effective 7/30/14]
[Editorial change: IAC Supplement 2/10/21]
[Editorial change: IAC Supplement 4/3/24]

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]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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.

[Filed 3/9/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]
[Filed emergency 8/16/85—published 9/11/85, effective 8/23/85]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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 283—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 283—5.25(17A) and seek a stay under rule 283—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, 400 E. 14th Street, Des Moines, Iowa 50319-0146, 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)

[**ARC 1684C**, IAB 10/29/14, effective 12/3/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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 283—5.28(17A) and appeal pursuant to 283—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 283—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 283—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 283—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 283—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 283—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 283—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.

[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1684C (Notice ARC 1579C, IAB 8/20/14), IAB 10/29/14, effective 12/3/14]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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, 400 E. 14th Street, Des Moines, Iowa 50319-0146. 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 283—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.

[**ARC 1869C**, IAB 2/18/15, effective 3/25/15; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

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 283—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 283—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.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
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 • General	O	NA	No	NA

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
• GSL • Scholarship				
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	P.L. 89-329
Collections	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

[**ARC 1869C**, IAB 2/18/15, effective 3/25/15]

These rules are intended to implement Iowa Code section 256.178.

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1869C (Notice ARC 1689C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

CHAPTER 7
UNIFORM RULES FOR WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—7.1(256,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.

[Editorial change: IAC Supplement 4/3/24]

283—7.2(256,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.

[Editorial change: IAC Supplement 4/3/24]

283—7.3(256,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.

[Editorial change: IAC Supplement 4/3/24]

283—7.4(256,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.

[Editorial change: IAC Supplement 4/3/24]

283—7.5(256,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.

[Editorial change: IAC Supplement 4/3/24]

283—7.6(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.7(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.8(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.9(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.10(256,ExecOrd11,17A) Filing of petition. A petition for a waiver must be submitted in writing to the commission's Executive Director, 400 E. 14th Street, Des Moines, Iowa 50319-0146.
[**ARC 1869C**, IAB 2/18/15, effective 3/25/15; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

283—7.11(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.12(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.13(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.14(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.15(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.16(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.17(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.18(256,ExecOrd11,17A) Narrowly tailored exception. A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.
[Editorial change: IAC Supplement 4/3/24]

283—7.19(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.20(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.21(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.22(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.23(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.24(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.25(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.26(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.27(256,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.
[Editorial change: IAC Supplement 4/3/24]

283—7.28(256,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.
[Editorial change: IAC Supplement 4/3/24]

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

.

[Filed 1/19/01, Notice 10/18/00—published 2/7/01, effective 3/14/01]
[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]
[Filed ARC 1869C (Notice ARC 1689C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]

[Editorial change: IAC Supplement 2/10/21]
[Editorial change: IAC Supplement 4/3/24]

CHAPTER 8
ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/11/29

283—8.1(256) Basis of aid. Assistance available under the all Iowa opportunity scholarship program is based on the financial metric and financial need of Iowa residents enrolled at eligible institutions.
[**ARC 8171C**, IAB 8/7/24, effective 9/11/24]

283—8.2(256) Definitions. Additional terms not defined in this chapter are defined in Iowa Code section 256.212.

"Eligible foster care student" means the same as defined in Iowa Code section 256.212(1).

"Eligible surviving-child student" means the same as defined in Iowa Code section 256.212(1).

"Financial metric" means the same as defined in rule 283—10.2(256).

"Financial need" means the same as defined in rule 283—10.2(256).

"Full-time" means the same as defined in rule 283—10.2(256).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means the same as defined in rule 283—10.2(256).

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).
[**ARC 8171C**, IAB 8/7/24, effective 9/11/24]

283—8.3(256) Eligible applicant. An eligible applicant is an Iowa resident who enrolls at least part-time in a program of study at an eligible institution and who meets the award eligibility criteria and the following provisions:

8.3(1) Begins attendance in a program of study at an eligible institution within two academic years of graduation from an Iowa high school, completion of an Iowa home school program, or receipt of a high school equivalency diploma under Iowa Code chapter 259A and continuously receives the scholarship during the fall and spring semester, or the equivalent; or is an eligible foster care student.

8.3(2) Completes the applications the commission deems necessary on or before the date established by the commission, establishes financial need, has a financial metric at or below the average undergraduate tuition and fee rate for regent university students in the academic year prior to the year for which awards are being made, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).
[**ARC 8171C**, IAB 8/7/24, effective 9/11/24]

283—8.4(256) Awarding of funds.

8.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

8.4(2) *Maximum award and extent of award.* Eligible applicants may receive no more than the equivalent of eight full-time awards.

a. The maximum award for full-time students will be the lesser of:

(1) The student's financial need, or

(2) One-half of the average tuition and mandatory fees for Iowa resident regent university students in the year prior to the academic year in which awards are being made.

b. The maximum award for a full-time student will not be affected by the ranking system used to prioritize grants. A part-time student will receive a prorated award, as defined by the commission, which is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

8.4(3) *Priority for awards among eligible applicants.* Awards will be made in the order of the following priority categories. If all eligible applicants within a priority category cannot be funded, awards will be made to eligible applicants with the lowest financial metrics. If all eligible applicants with a given financial metric cannot be funded, those eligible applicants will be ranked according to the date the Free Application for Federal Student Aid was completed.

a. All new and renewal eligible foster care students will receive first priority for funding.

b. All new and renewal eligible surviving-child students will receive second priority for funding.

c. All eligible renewal applicants not awarded in paragraphs 8.4(3)*"a"* and *"b"* will receive third priority for funding.

d. If funding remains after all eligible foster care students, eligible surviving-child students, and renewal students have been awarded, fourth priority will be given to students who participated in federal TRIO programs, participated in alternative programs in high school, or graduated from alternative high schools.

e. If funding remains after each of the previous priority categories has been awarded, fifth priority will be given to students who participated in federal GEAR UP programs.

f. If funding is available, funding will be awarded to remaining eligible applicants.

8.4(4) *Awarding process.*

a. The commission will verify the eligibility and priority category of eligible applicants.

b. The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

c. The commission will notify recipients and eligible institutions of the awards. Eligible institutions will notify the student of the award amount and the state program from which funding is being provided and will state that the award is contingent on the availability of state funds.

d. Eligible institutions will apply awards directly to student accounts to cover items included in the cost of attendance, as defined in Title IV, Part B, of the federal Higher Education Act of 1965, as of July 1, 2023.

e. Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment or financial situation and promptly report those changes to the commission.

f. Eligible institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.212 and this rule.

[**ARC 8171C**, IAB 8/7/24, effective 9/11/24]

283—8.5(256) Exceptions. Individuals may delay the initial period of participation in the program in subrule 8.3(1) for an additional two years or suspend participation for up to two years due to military deployment; due to a temporary medical incapacity; in relation to the declaration of a national or state emergency; due to service in AmeriCorps, Volunteers in Service to America, or the federal Peace Corps; due to a period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code; or due to other exceptional circumstances approved by the commission. The individual must complete an application for award deferral or suspension. The application for award deferral or suspension will be provided by the eligible institution upon request. If the application is approved, the recipient is not required to continuously receive the scholarship during the period covered.

[**ARC 8171C**, IAB 8/7/24, effective 9/11/24]

These rules are intended to implement Iowa Code section 256.212.

[Filed emergency 6/14/07—published 7/4/07, effective 6/14/07]
[Filed emergency 7/19/07—published 8/15/07, effective 7/19/07]
[Filed 1/18/08, Notice 10/10/07—published 2/13/08, effective 3/19/08]
[Filed ARC 8333B (Notice ARC 8036B, IAB 8/12/09), IAB 12/2/09, effective 1/6/10]
[Filed ARC 1958C (Notice ARC 1799C, IAB 12/24/14), IAB 4/15/15, effective 5/20/15]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 2206C (Notice ARC 2112C, IAB 8/19/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 2943C (Notice ARC 2677C, IAB 8/17/16), IAB 2/15/17, effective 3/22/17]

[Filed Emergency After Notice ARC 3381C (Notice ARC 3125C, IAB 6/21/17), IAB 10/11/17, effective 9/20/17]
[Filed ARC 4183C (Notice ARC 3938C, IAB 8/15/18), IAB 12/19/18, effective 1/23/19]
[Filed ARC 4716C (Notice ARC 4588C, IAB 8/14/19), IAB 10/23/19, effective 11/27/19]
[Filed ARC 5966C (Notice ARC 5854C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 8171C (Notice ARC 7851C, IAB 4/17/24), IAB 8/7/24, effective 9/11/24]

CHAPTER 9
ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

Rescinded **ARC 3381C**, IAB 10/11/17, effective 9/20/17

CHAPTER 10
UNIFORM POLICIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—10.1(261) Purpose. This chapter describes criteria for determining whether a student is considered a resident of Iowa for the purposes of gaining eligibility for funding under programs administered by the college student aid commission.
[**ARC 2205C**, IAB 10/28/15, effective 12/2/15]

283—10.2(261) Definitions.

"Financial metric" is the means by which the commission ranks the relative financial need of an applicant for financial assistance. The calculated financial metric shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form developed by the U.S. Department of Education, which is used to determine the financial metric. Relative need will be ranked based on the applicant's financial metric provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified by the commission. A negative financial metric is the equivalent of zero.

"Financial need" is the difference between the applicant's cost of attendance, as defined in Title IV of the federal Higher Education Act of 1965, as of July 1, 2023, and the applicant's financial metric and other available financial assistance at the eligible institution.

"Full-time" means enrollment in at least 12 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through "life experience credit" and "credit by examination" are not eligible for funding. Only coursework required for the student's eligible program of study can be used to determine enrollment status for state award calculations.

"Iowa resident" means a person who:

1. If attending an Iowa regent university, Iowa private college or university, or Iowa barber or cosmetology college, meets the criteria used by the state board of regents to determine residency for tuition purposes as described in rule 681—1.4(262) and, if the person qualifies for residency only as described in 681—paragraph 1.4(2)*"b,"* meets the following additional criteria:

- Is a veteran or qualifying military person domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran or qualifying military person whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran or qualifying military person who is domiciled in the state of Iowa; or

2. If attending an Iowa community college, meets the criteria defined by the Iowa department of education to determine residency for community college tuition purposes as defined in 281—subrule 21.2(11) and, if the person qualifies for residency only as described in 281—subparagraph 21.2(11)*"b"*(5), meets the following additional criteria:

- Is a veteran of uniformed service or a national guard member domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran of uniformed service or a national guard member whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran of uniformed service or a national guard member who is domiciled in the state of Iowa.

"Part-time" means enrollment which includes 3 to 11 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through "life experience credit" and "credit by examination" are not eligible for funding. Only coursework required for the student's eligible program of study can be used to determine enrollment status for state award calculations.

"Program of study" means a course of study that is eligible for federal student aid programs and leads to an undergraduate diploma, certificate, or degree.

"Satisfactory academic progress" is determined by the eligible institution, the standards of which meet the criteria for participation in federal student aid programs and are published on the eligible institution's website.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—10.3(261) Policies.

10.3(1) *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 program. The student regains eligibility under this rule by providing documentation to the institution that the student has regained eligibility under Title IV of the Higher Education Act of 1965, as of July 1, 2023.

10.3(2) Reserved.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

These rules are intended to implement Iowa Code chapter 261.

[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]

[Filed Emergency After Notice ARC 7130C (Notice ARC 7100C, IAB 10/4/23), IAB 12/13/23, effective 11/17/23]

CHAPTER 11
IOWA TUITION GRANT PROGRAM—FOR-PROFIT INSTITUTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/11/29

283—11.1(256) Basis of aid. Assistance available under the for-profit Iowa tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled at for-profit eligible institutions.
[**ARC 8172C**, IAB 8/7/24, effective 9/11/24]

283—11.2(256) Definitions.

"Eligible institution" means a for-profit private institution that meets the criteria in Iowa Code section 256.183(3) and rule 283—11.5(256).

"Financial metric" means the same as defined in rule 283—10.2(256).

"Financial need" means the same as defined in rule 283—10.2(256).

"Full-time" means the same as defined in rule 283—10.2(256).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Located in Iowa" means a postsecondary for-profit institution that has made a substantial investment in a permanent Iowa campus and staff and that offers a full range of courses leading to the credentials offered by the institution as well as a full range of student services.

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means a sequence of educational courses that prepares the student for licensure as a barber or a cosmetology arts and sciences program of study that prepares the student for licensure in the state of Iowa as provided in Iowa Code chapter 157.

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).
[**ARC 8172C**, IAB 8/7/24, effective 9/11/24]

283—11.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in a program of study at an eligible institution, meets the award eligibility criteria, and meets the following provisions:

1. Completes the applications the commission deems necessary on or before the date established by the commission.
2. Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

[**ARC 8172C**, IAB 8/7/24, effective 9/11/24]

283—11.4(256) Awarding of funds.

11.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

11.4(2) *Maximum award and extent of award.* Eligible applicants may receive no more than the equivalent of four full-time awards.

a. The maximum award for full-time students will not exceed the student's financial need and will be the lesser of:

(1) $3,000 per semester, or the equivalent, during the fall, spring and summer semesters.

(2) The award established by the commission that allows all eligible applicants to receive an award.

b. When awarded in combination with other tuition-restricted funds, the total amount of tuition-restricted funding including an Iowa tuition grant cannot exceed the total tuition and mandatory fees charged to the recipient.

c. A part-time student will receive a prorated award, as defined by the commission, which is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

11.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

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

d. Eligible institutions will apply awards directly to student accounts to cover tuition and mandatory fees.

e. Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment or financial situation, and promptly report those changes to the commission.

f. Eligible institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

[**ARC 8172C**, IAB 8/7/24, effective 9/11/24]

283—11.5(256) Institution eligibility.

11.5(1) *Application.* An eligible institution that is located in Iowa may request participation in the Iowa tuition grant program using the commission's designated application. The institution will meet the eligibility criteria in Iowa Code section 256.183(3) at the time the application is submitted.

11.5(2) *Deadline to apply.* Eligible institutions seeking to participate in the Iowa tuition grant program will submit applications on or before October 1 of the year prior to the beginning of the academic year for which they are applying for participation.

11.5(3) *Ongoing eligibility.* An eligible institution that is participating in the Iowa tuition grant program will immediately notify the commission if its national accreditation is lost or if it will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code section 256.183(3), Iowa Code section 256.191, or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution's returning Iowa tuition grant funds to the commission.

11.5(4) *Compliance audits.* The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.183(3), Iowa Code section 256.191, and this rule.

[**ARC 8172C**, IAB 8/7/24, effective 9/11/24]

These rules are intended to implement Iowa Code chapter 256.

[Filed Emergency After Notice ARC 3382C (Notice ARC 3126C, IAB 6/21/17), IAB 10/11/17, effective 9/20/17]

[Filed ARC 8172C (Notice ARC 7852C, IAB 4/17/24), IAB 8/7/24, effective 9/11/24]

CHAPTER 12
IOWA TUITION GRANT PROGRAM

[Prior to 8/10/88, see College Aid Commission, 245—Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/30

283—12.1(256) Basis of aid. Assistance available under the Iowa tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled at an accredited private institution.

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25]

283—12.2(256) Definitions.

"Accredited private institution" means a not-for-profit private institution that meets the criteria in Iowa Code section 256.183 and rule 283—12.5(256).

"Financial metric" means the same as defined in rule 283—10.2(256).

"Financial need" means the same as defined in rule 283—10.2(256).

"Full-time" means the same as defined in rule 283—10.2(256).

"Iowa resident" means the same as defined in rule 283—10.2(256).

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

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means the same as defined in rule 283—10.2(256).

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25]

283—12.3(256) Eligible applicant. An eligible applicant is an Iowa resident enrolled at least part-time in a program of study at an accredited private institution and who meets the award eligibility criteria and the following provisions:

12.3(1) Completes the applications the commission deems necessary on or before the date established by the commission.

12.3(2) Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25]

283—12.4(256) Awarding of funds.

12.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

12.4(2) *Maximum award and extent of award.* Eligible applicants may receive no more than the equivalent of eight full-time awards.

a. The maximum award for full-time students will not exceed the student's financial need and will be the lesser of:

(1) The difference between the tuition and mandatory fees charged by the accredited private institution less the average undergraduate tuition and fees charged by the state universities under the Iowa board of regents;

(2) The average undergraduate tuition and fees charged by the state universities under the Iowa board of regents; and

(3) The amount established by the commission that allows all eligible applicants to receive an award.

b. When awarded in combination with other tuition-restricted funds, the total amount of tuition-restricted funding, including an Iowa tuition grant, cannot exceed the total tuition and mandatory fees charged to the recipient.

c. A part-time student will receive a prorated award, as defined by the commission, that is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

d. Awards will be provided during the fall and spring semesters of enrollment, or the equivalent. Awards may be provided during the summer semester to the extent that funding allows. Eligible applicants who are enrolled in commission-approved accelerated programs that incorporate summer attendance may receive summer Iowa tuition grants if the eligible applicant meets the accelerated progression thresholds established by the commission without exhausting grant eligibility prior to degree completion. Accelerated programs must allow students to complete four-year baccalaureate programs in less than the normal prescribed time frame while taking the same courses as students completing the same degree during a traditional four-year period.

12.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating accredited private institutions annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide accredited private institutions with rosters of designated eligible applicants.

c. Accredited private institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. Accredited private institutions will apply awards directly to student accounts to cover tuition and mandatory fees.

e. Accredited private institutions will provide information about eligible applicants to the commission in a format specified by the commission. Accredited private institutions will make necessary changes to awards due to a change in enrollment or financial situation and promptly report those changes to the commission.

f. Accredited private institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Accredited private institutions will report changes in student eligibility to the commission.

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25]

283—12.5(256) Accredited private institution eligibility.

12.5(1) *Application.* An accredited private institution that is located in Iowa may request participation in the Iowa tuition grant program using the commission's designated application. The institution will meet the eligibility criteria in Iowa Code section 256.183 at the time the application is submitted.

12.5(2) *Deadline to apply.* An accredited private institution seeking to participate in the Iowa tuition grant program will submit an application on or before October 1 of the year prior to the beginning of the academic year for which the accredited institution is applying for participation.

12.5(3) *Ongoing eligibility.* An accredited private institution that is participating in the Iowa tuition grant program will immediately notify the commission if its higher learning commission accreditation or 501(c)(3) status is lost, or if the accredited private institution will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code sections 256.183 through 256.190 or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution returning Iowa tuition grant funds to the commission.

12.5(4) *Compliance audits.* The commission will periodically investigate and review compliance of accredited private institutions participating in this program with the criteria established in Iowa Code sections 256.183 through 256.190 and this rule.

[**ARC 8407C**, IAB 11/27/24, effective 1/1/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed 1/28/71; amended 6/29/72, 10/15/73, 6/28/74]
[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]
[Filed 2/16/79, Notice 11/1/78—published 3/7/79, effective 4/11/79]
[Filed 3/9/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]
[Filed 7/15/83, Notice 4/27/83—published 8/3/83, effective 9/7/83]
[Filed emergency 8/26/83—published 9/14/83, effective 8/26/83]
[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/8/84]
[Filed 8/22/86, Notice 6/4/86—published 9/10/86, effective 10/15/86]

[Filed 1/15/87, Notice 12/3/86—published 2/11/87, effective 3/18/87]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 1/13/89, Notice 11/2/88—published 2/8/89, effective 3/15/89]
[Filed 6/19/91, Notice 5/1/91—published 7/10/91, effective 8/14/91]
[Filed 9/13/91, Notice 7/24/91—published 10/2/91, effective 11/6/91]
[Filed 9/25/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]
[Filed 1/20/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]
[Filed 11/30/95, Notice 10/25/95—published 12/20/95, effective 1/26/96]
[Filed 8/8/96, Notice 6/19/96—published 8/28/96, effective 10/2/96]
[Filed 10/1/99, Notice 8/11/99—published 10/20/99, effective 11/24/99]
[Filed 11/21/02, Notice 9/18/02—published 12/11/02, effective 1/15/03]
[Filed 4/11/03, Notice 2/19/03—published 4/30/03, effective 6/4/03]
[Filed 9/24/04, Notice 6/23/04—published 10/13/04, effective 11/17/04]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 2752C (Notice ARC 2582C, IAB 6/22/16), IAB 10/12/16, effective 11/16/16]
[Filed ARC 8407C (Notice ARC 8169C, IAB 8/7/24), IAB 11/27/24, effective 1/1/25]

CHAPTER 13
IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM

[Prior to 8/10/88, see College Aid Commission, 245—Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/11/29

283—13.1(256) Basis of aid. Assistance available under the Iowa vocational-technical tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled in eligible programs of study at Iowa community colleges.
[**ARC 8173C**, IAB 8/7/24, effective 9/11/24]

283—13.2(256) Definitions.

"Financial metric" means the same as defined in rule 283—10.2(256).

"Financial need" means the same as defined in rule 283—10.2(256).

"Full-time" means the same as defined in rule 283—10.2(256).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means the same as defined in rule 283—10.2(256).

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).
[**ARC 8173C**, IAB 8/7/24, effective 9/11/24]

283—13.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in a program of study that is classified as a career and technical education program by the Iowa department of education; meets the award eligibility criteria; and meets the following provisions:

1. Completes the applications the commission deems necessary on or before the date established by the commission.

2. Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).
[**ARC 8173C**, IAB 8/7/24, effective 9/11/24]

283—13.4(256) Awarding of funds.

13.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

13.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of four full-time awards. If the program of study cannot be completed by the eligible applicant within the extent of the award, the eligible applicant may qualify for the equivalent of one additional full-time award. These limits reset after two years of no postsecondary enrollment, pursuant to Iowa Code section 256.192(3)*"b."*

a. The maximum award for full-time students will not exceed the student's financial need and may be the lesser of:

(1) The difference between the cost of tuition, mandatory fees, books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies,

(2) $1,200,

(3) An award amount established by the commission that allows all eligible applicants to receive an award.

b. When awarded in combination with other tuition-restricted funds, the total amount of tuition-restricted funding including an Iowa vocational-technical tuition grant cannot exceed the total tuition and mandatory fees charged to the recipient.

c. A part-time student will receive a prorated award, as defined by the commission, which is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

13.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating Iowa community colleges annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide Iowa community colleges with rosters of designated eligible applicants.

c. Iowa community colleges will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. Iowa community colleges will apply awards directly to student accounts to cover tuition and mandatory fees.

e. Iowa community colleges will provide information about eligible applicants to the commission in a format specified by the commission. Iowa community colleges will make necessary changes to awards due to a change in enrollment, program of study, and financial situation, and promptly report those changes to the commission.

f. Iowa community colleges are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Iowa community colleges will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of Iowa community colleges participating in this program with the criteria established in Iowa Code section 256.192 and this rule.

[**ARC 8173C**, IAB 8/7/24, effective 9/11/24]

These rules are intended to implement Iowa Code chapter 256.

[Filed 10/15/73]

[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]

[Filed 2/16/79, Notice 11/1/78—published 3/7/79, effective 4/11/79]

[Filed 3/9/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]

[Filed 7/15/83, Notice 4/27/83—published 8/3/83, effective 9/7/83]

[Filed emergency 8/26/83—published 9/14/83, effective 8/26/83]

[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/8/84]

[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]

[Filed 1/13/89, Notice 11/2/88—published 2/8/89, effective 3/15/89]

[Filed 11/14/90, Notice 10/3/90—published 12/12/90, effective 1/16/91]

[Filed 9/13/91, Notice 7/24/91—published 10/2/91, effective 11/6/91]

[Filed 1/20/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]

[Filed 12/1/97, Notice 10/8/97—published 12/17/97, effective 1/28/98]

[Filed 11/25/98, Notice 8/26/98—published 12/16/98, effective 1/20/99]

[Filed 8/20/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]

[Filed 3/29/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed 4/11/03, Notice 2/19/03—published 4/30/03, effective 6/4/03]

[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]

[Filed ARC 8173C (Notice ARC 7853C, IAB 4/17/24), IAB 8/7/24, effective 9/11/24]

CHAPTER 14
HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—14.1(261) Definitions.

"Eligible institution" means an institution of higher learning governed by the state board of regents, a community college established under Iowa Code chapter 260C, or an accredited private institution as defined in Iowa Code section 261.9. Eligible institutions seeking to participate must complete an application provided by the commission and agree to place health care professionals in eligible rural communities.

"Eligible rural community" means a medically underserved rural Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads.

"Health care professional" means an individual who holds a practitioner's license issued by an agency or board under the Iowa department of public health and is employed as an advanced registered nurse practitioner, athletic trainer, occupational therapist, physician, physician assistant, podiatrist, physical therapist, or registered nurse.

"Matching funds" means at least a dollar-for-dollar loan repayment match to the state health care professional recruitment program award.

[**ARC 0108C**, IAB 5/2/12, effective 6/6/12; **ARC 5967C**, IAB 10/6/21, effective 11/10/21; **ARC 6729C**, IAB 12/14/22, effective 1/18/23]

283—14.2(261) Health care professional loan repayment program.

14.2(1) *Recruitment.* The eligible institution shall communicate the availability of the health care professional loan repayment program to current students training to become health care professionals and alumni who are health care professionals. The commission will ensure, to the extent possible, that an equal number of new agreements are available to health care professionals in each occupation category. Selection of new applicants within each occupation category will be prioritized as follows:

a. Students in their final year of a degree program leading to a license to practice as a health care professional;

b. The most recent graduates of a degree program leading to a license to practice as a health care professional, with the most recent academic year graduates given priority;

c. Date of application.

14.2(2) *Health care professional service requirement.* The health care professional service requirement for the health care professional loan repayment program is four years. The health care professional must annually verify, in a format acceptable to the commission, that the health care professional practiced in an eligible rural community for 12 consecutive months for each year of required service. An award will be prorated based on the months of service provided in a state fiscal year if less than 12 months. An award will also be prorated if the individual is employed on a less than full-time basis.

14.2(3) *Award.* The health care professional may receive up to $50,000 in state-funded repayment benefits when an eligible rural community agrees to provide matching funds of an equal or greater amount. At least a dollar-for-dollar match must be provided. Matching funds from an eligible rural community totaling less than $50,000 will result in an equally lower state health care professional recruitment program award.

14.2(4) *Eligible loans.* Eligible loans include subsidized and unsubsidized Stafford loans, Grad PLUS 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, an eligible Direct Unsubsidized Loan, or an eligible Grad PLUS Loan qualifies for loan repayment. A health care professional who receives loan repayment under this program and who refinances an eligible loan by obtaining a private educational loan may continue to receive loan repayment awards.

14.2(5) *Disbursement.* The commission shall disburse the loan payment to the health care professional's loan holder in return for completion of the service requirements in an eligible rural community.

14.2(6) *Restrictions.* A recipient of a loan repayment award under Iowa Code section 261.113, 261.114, or 261.116 shall not be eligible for an award under this chapter. A health care professional who is in default on a Stafford loan, SLS loan, Grad PLUS 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.

14.2(7) *Repayment.*

a. If loan repayment funds are applied prior to the health care professional's completion of the service requirement and the health care professional fails to complete the service requirement, repayment shall begin 30 days following termination of practice in an eligible rural community.

b. The commission shall prorate the award balance based on the months of service provided.

c. The health care professional shall repay the prorated balance of the loan repayment benefits and accrued interest at 12 percent per annum. Interest shall accrue on the unpaid principal balance of each loan from the effective date of the loan repayment agreement until the loan is paid in full.

d. The prorated balance owed by the health care professional must be paid in full within three years from the date the service ends.

[**ARC 0108C**, IAB 5/2/12, effective 6/6/12; **ARC 5222C**, IAB 10/7/20, effective 11/11/20; **ARC 5967C**, IAB 10/6/21, effective 11/10/21; **ARC 6729C**, IAB 12/14/22, effective 1/18/23]

283—14.3(261) Osteopathic forgivable loan.

14.3(1) *Physician service requirement.* The physician service requirement for the osteopathic forgivable loan program is one year for borrowers who received up to two annual loans and two years for borrowers who received three or more annual loans.

14.3(2) *Promissory note.* Loans disbursed are subject to the terms and conditions specified in the promissory note. The college student aid commission shall honor master promissory notes signed while a borrower is attending the university and shall enforce the loans according to the terms and conditions provided in the master promissory note.

[**ARC 0108C**, IAB 5/2/12, effective 6/6/12]

These rules are intended to implement 2011 Iowa Code Supplement section 261.19.

[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]
[Filed 2/16/79, Notice 11/1/78—published 3/7/79, effective 4/11/79]
[Filed emergency 8/16/85—published 9/11/85, effective 8/23/85]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 11/14/90, Notice 10/3/90—published 12/12/90, effective 1/16/91]
[Filed 9/13/91, Notice 7/24/91—published 10/2/91, effective 11/6/91]
[Filed 1/20/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]
[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]
[Filed 7/17/03, Notice 4/30/03—published 8/6/03, effective 9/10/03]
[Filed 1/24/04, Notice 12/10/03—published 2/18/04, effective 3/24/04]
[Filed 1/20/06, Notice 12/7/05—published 2/15/06, effective 3/22/06]
[Filed ARC 0108C (Notice ARC 9920B, IAB 12/14/11), IAB 5/2/12, effective 6/6/12]
[Filed ARC 5222C (Notice ARC 5124C, IAB 8/12/20), IAB 10/7/20, effective 11/11/20]
[Filed ARC 5967C (Notice ARC 5855C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 6729C (Notice ARC 6478C, IAB 8/24/22), IAB 12/14/22, effective 1/18/23]

CHAPTER 15
FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—15.1(256) Basis for aid. Assistance under the future ready Iowa skilled workforce last-dollar scholarship program is available for Iowa residents enrolled in approved programs aligned with high-demand jobs.
[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.2(256) Definitions. As used in this chapter:

"Approved program" means an eligible program of study approved through the process described in rule 283—15.6(256).

"Continuous enrollment" means that an eligible student is enrolled at least part-time in successive fall and spring semesters, or the equivalent, after receiving the award. Enrollment in the summer semester is not required to meet this condition.

"Credential" means the same as defined in Iowa Code section 256.228(1)*"d."*

"Eligible institution" means an institution that meets the criteria in Iowa Code section 256.228(1)*"e"* and the provisions of rule 283—15.7(256).

"Financial metric" means the same as defined in rule 283—10.2(261).

"Full-time" means the same as defined in rule 283—10.2(261).

"Iowa resident" means the same as defined in rule 283—10.2(261).

"Part-time" means enrollment in at least 6 but fewer than 12 hours per semester or the equivalent. An eligible student may enroll in fewer than six semester hours, or the equivalent, in the semester that the credential will be completed if part-time enrollment is not necessary to complete the program of study.

"Satisfactory academic progress" means the same as defined in rule 283—10.2(261).

"Semester" means the fall, spring, or summer term of enrollment at an eligible institution, if the eligible institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.
[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in an approved program at an eligible institution and who meets the program eligibility criteria and the following provisions:

15.3(1) Annually completes the applications that the commission deems necessary on or before the date established by the commission, attends orientation, registers for classes with an academic advisor, and participates in career advising sessions.

15.3(2) Has an eligible financial metric in the first year the scholarship is received, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

15.3(3) Maintains continuous enrollment.

15.3(4) Meets one of the following two conditions:

a. Is under age 20 as of July 1 prior to the year of enrollment and enrolls at least part-time following graduation from an Iowa high school, completion of private instruction under Iowa Code chapter 299A, or receipt of a high school equivalency diploma under Iowa Code chapter 259A.

b. Following receipt of a high school diploma or high school equivalency diploma, enrolls at least part-time in an approved program at an eligible institution after attaining the age of 20 as of July 1 prior to the year of enrollment. To receive an award under this condition, the eligible applicant cannot have received an award under paragraph 15.3(4)*"a."*
[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.4(256) Awarding of funds.

15.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

15.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of eight part-time awards. The maximum award will be calculated as follows:

a. Awards for eligible students attending Iowa community colleges shall not exceed the remaining tuition and mandatory institutionwide fees after applying federal and state nonrepayable aid.

b. Awards for eligible students attending an accredited private institution as defined in Iowa Code section 256.183 shall not exceed the average tuition and mandatory institutionwide fees at Iowa community colleges after applying federal and state nonrepayable aid. The average resident tuition and mandatory institutionwide fees will be used under this provision.

c. Awards for eligible students enrolled on a full-time basis shall be at least $250 per semester or the equivalent amount if the eligible institution operates on a system other than the semester system. Awards for eligible students enrolled on a part-time basis will be prorated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

d. Tuition and institutionwide mandatory fees associated only with coursework required for the student's Title IV-eligible program of study can be used to determine the award amount.

15.4(3) *Priority for awards.*

a. In the event that the funds available are insufficient to provide maximum awards to all eligible applicants through the entire state fiscal year, awards will first be authorized to eligible applicants enrolled in the fall and spring semester or the equivalent and then to eligible applicants enrolled in the summer semester or the equivalent.

b. In the event that funds available are insufficient to provide the maximum award to all eligible applicants in a semester, the commission may prorate awards to students in that semester.

15.4(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

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

d. Eligible institutions will apply awards directly to student accounts.

e. Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment, program of study, and financial situation and promptly report those changes to the commission.

f. Eligible institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.228 and this rule.

[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.5(256) Exceptions. If an eligible applicant discontinues enrollment at the eligible institution due to military deployment, due to a temporary medical incapacity, in relation to a declaration of a national or state emergency, or due to other exceptional circumstances approved by the commission, the eligible applicant may apply for a waiver. If the waiver is approved, the eligible applicant is not required to maintain continuous enrollment during the period covered by the waiver.

[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.6(256) Determination of programs of study aligned with high-demand jobs.

15.6(1) *Statewide high-demand jobs.* The commission will utilize the department of workforce development's most recent list of statewide high-demand jobs pursuant to Iowa Code section 84A.1B(14) and align those jobs to eligible programs of study.

15.6(2) *Regional high-demand jobs.* The commission will request submissions of regional high-demand jobs that align with eligible programs of study from each Iowa community college. Each Iowa community college may request up to five regional high-demand jobs to be considered for approval for students at that Iowa community college.

15.6(3) *Eligible programs of study.* The eligible institution will offer a career and technical education program of study that results in a credential that is aligned with employment in a high-demand job. The eligible program of study will meet similar criteria established for career and technical education programs approved under 281—Chapter 21. The classification of the instructional program code and the standard occupation code will be used to align eligible programs of study to high-demand jobs.

15.6(4) *Approved program.* Before an eligible program of study is considered an approved program of study, the department of workforce development and the commission, in consultation with the department of education, will jointly certify that the program of study and credential are aligned with a high-demand job pursuant to Iowa Code section 84A.1B(14).

15.6(5) *Grandfather clause.* If the state workforce development board or a community college district removes a high-demand job from the approved list, an eligible applicant who received an award in a program of study aligned with that high-demand job will continue to receive the award as long as the eligible applicant continues to meet all other eligibility criteria.

[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

283—15.7(256) Institution eligibility requirements.

15.7(1) *Application process.* An institution requesting to participate in the program may apply to the commission using the commission's designated application. An applicant institution will provide the commission with documentation establishing its eligibility as an eligible institution that offers eligible programs of study. Applicant institutions will submit the application and documentation establishing their eligibility on or before October 1 of the year prior to the beginning of the academic year for which they are applying for participation.

15.7(2) *Public information.* A list of all eligible programs of study, as well as the necessary courses and the suggested course sequence, will be available in a prominent location on the eligible institution's website.

[**ARC 9583C**, IAB 10/1/25, effective 11/5/25]

These rules are intended to implement Iowa Code section 256.228.

[Filed ARC 4607C (Notice ARC 4474C, IAB 6/5/19), IAB 8/14/19, effective 9/18/19]
[Filed ARC 5223C (Notice ARC 5125C, IAB 8/12/20), IAB 10/7/20, effective 11/11/20]
[Filed ARC 6730C (Notice ARC 6479C, IAB 8/24/22), IAB 12/14/22, effective 1/18/23]
[Filed ARC 9583C (Notice ARC 9387C, IAB 7/9/25), IAB 10/1/25, effective 11/5/25]

CHAPTER 16
FUTURE READY IOWA SKILLED WORKFORCE GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/17/28

283—16.1(261) Basis for aid. Assistance available under the future ready Iowa skilled workforce grant program is for Iowa residents who are aged 25 or older and are enrolled in approved programs aligned with high-demand jobs.
[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.2(261) Definitions. As used in this chapter:

"Approved program" means an eligible program of study as defined in 283—Chapter 10 that is approved through the process described in 283—16.6(261).

"Continuous enrollment" means an eligible student is enrolled on a full-time or part-time basis in successive fall and spring semesters, or the equivalent, after receiving the award. Enrollment in the summer semester is not required to meet this condition.

"Eligible institution" meets the criteria in Iowa Code section 261.132 and the provisions of 283—16.7(261).

"Full-time" means the same as defined in 283—10.2(261).

"Iowa resident" means the same as defined in 283—10.2(261).

"Part-time" means enrollment in at least 6 but less than 12 hours per semester, or the equivalent. An eligible student may enroll in fewer than six semester hours, or the equivalent, in the semester that the credential will be completed if part-time enrollment is not required to complete the program of study.

"Satisfactory academic progress" means the same as defined in 283—10.2(261).

"Semester" means the fall, spring, or summer term of enrollment at an eligible institution, if the eligible institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.
[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.3(261) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled full-time or part-time in an approved program at an eligible institution and who meets the following provisions:

1. Annually completes the applications the college student aid commission (commission) deems necessary on or before the date established by the commission and attends orientation, registers for classes with an academic advisor, and participates in career advising sessions.
2. Meets satisfactory academic progress standards, does not meet a condition in 283—subrule 10.3(1), and upon receipt of the grant, maintains continuous full-time or part-time enrollment during successive fall and spring semesters.
3. Is aged 25 or older as of July 1 prior to the year of enrollment.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.4(261) Awarding of funds.

16.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

16.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of four full-time awards. The maximum award will be established annually by the commission but will not be less than $1,000 for a full-time student over the course of the fall and spring semesters.

16.4(3) *Priority for awards.* In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

a. Eligible applicants who received the grant in the prior state fiscal year, by application date.

b. Eligible applicants who did not receive the grant in the prior state fiscal year, by application date.

16.4(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

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

d. Eligible institutions will apply awards directly to student accounts to cover items included in the cost of attendance, as defined in Title IV of the federal Higher Education Act of 1965, as of July 1, 2023.

e. Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment, program of study, and financial situation, and promptly report those changes to the commission.

f. Eligible institutions will complete necessary verification and coordinate other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 261.132 and this rule.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.5(261) Exceptions. If an eligible applicant discontinues enrollment at the eligible institution due to military deployment, a temporary medical incapacity, in relation to a declaration of a national or state emergency, or other exceptional circumstances approved by the commission, the eligible applicant may apply for a waiver. If the waiver is approved, the eligible applicant is not required to maintain continuous enrollment during the period covered by the waiver.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.6(261) Determination of programs of study aligned with high-demand jobs.

16.6(1) *High-demand jobs.* The commission will utilize the department of workforce development's most recent list of statewide high-demand jobs pursuant to Iowa Code section 84A.1B(14) and align those jobs to eligible programs of study.

16.6(2) *Eligible programs of study.* The eligible institution will offer a baccalaureate degree that is aligned with a high-demand job. The classification of instructional program code and the standard occupation code will be used to align eligible programs of study to high-demand jobs.

16.6(3) *Designation.* Eligible institutions will designate the eligible programs of study offered in the corresponding academic year.

16.6(4) *Approved program.* Before an eligible program of study is considered an approved program of study, the department of workforce development and the commission will jointly certify that the program of study is aligned with a high-demand job pursuant to Iowa Code section 84A.1B(14).

16.6(5) *Grandfather clause.* If the state workforce development board removes a high-demand job from a list created pursuant to Iowa Code section 84A.1B(14), an eligible applicant who received an award in a program of study aligned with that high-demand job will continue to receive the award as long as the eligible applicant continues to meet all other eligibility criteria.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—16.7(261) Institution eligibility requirements.

16.7(1) *Application process.* An institution requesting to participate in the program may apply to the commission using the commission's designated application. An applicant institution will provide the commission with documentation establishing the applicant institution's eligibility as an eligible institution that offers eligible programs of study. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility before October 1 of the year prior to the beginning of the academic year for which the applicant institution is applying for participation.

16.7(2) *Public information.* A list of all eligible programs of study, as well as the necessary courses and the suggested course sequence, will be available in a prominent location on the eligible institution's website.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

These rules are intended to implement Iowa Code section 261.132.

[Filed ARC 4608C (Notice ARC 4473C, IAB 6/5/19), IAB 8/14/19, effective 9/18/19]
[Filed Emergency After Notice ARC 7130C (Notice ARC 7100C, IAB 10/4/23), IAB 12/13/23, effective 11/17/23]

CHAPTER 17
BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

Rescinded **ARC 3854C**, IAB 6/20/18, effective 7/25/18

CHAPTER 18
IOWA WORK-STUDY PROGRAM

[Prior to 8/10/88, College Aid Commission, 245—Ch 18]

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—18.1(256) Basis of aid. Assistance available under the Iowa work-study program is based on the financial need of Iowa residents enrolled at eligible postsecondary education institutions.
[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

283—18.2(256) Definitions.

"Eligible postsecondary education institution" means the same as defined in Iowa Code section 256.207 and described in rule 283—18.6(256).

"Financial metric" means the same as defined in 283—Chapter 10.

"Financial need" means the same as defined in 283—Chapter 10.

"Full-time" means the same as defined in 283—Chapter 10.

"Iowa resident" means the same as defined in 283—Chapter 10.

"Part-time" means enrollment in at least 6 but fewer than 12 hours per semester or the equivalent.

"Program of study" means the same as defined in 283—Chapter 10.

"Satisfactory academic progress" means the same as defined in 283—Chapter 10.
[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

283—18.3(256) Administrative procedures.

18.3(1) *Alignment with federal work-study regulations.* To facilitate efficient administration, the commission hereby adopts the federal work-study regulations found at 34 CFR Part 675, Subpart A, as of July 1, 2024. Provisions of the federal regulations adopted include:

a. Selection of students for employment (34 CFR §675.10),

b. Payments to students (34 CFR §675.16),

c. Fiscal procedures and records (34 CFR §675.19),

d. General employment conditions for institutional employment, including civil rights requirements, state worker compensation laws, and social security requirements (34 CFR §675.20(c) and (d)),

e. Institutional employment (34 CFR §675.21), and

f. Wage administration (34 CFR §675.24).

18.3(2) *No transfer of funds.* An eligible postsecondary education institution must administer state-funded work-study funds for Iowa residents in the same manner as the institution administers its federal work-study program, except that state funds cannot be transferred to other student aid programs or across state fiscal years.

18.3(3) *Employment restrictions.* The creation of work-study opportunities will not result in the displacement of employed workers or impair or affect existing contracts for services, and the funding used by an eligible postsecondary education institution will supplement and not supplant jobs and existing financial aid programs provided to students.
[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

283—18.4(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled full-time or part-time in a program of study at an eligible postsecondary education institution, is employed at an eligible postsecondary education institution, and meets the program eligibility criteria in Iowa Code section 256.208 and the following provisions:

18.4(1) Completes the Free Application for Federal Student Aid and any other application the eligible postsecondary education institution deems necessary on or before the date established by the eligible postsecondary education institution.

18.4(2) Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).
[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

283—18.5(256) Awarding of funds.

18.5(1) *Selection criteria.* Eligible postsecondary education institutions will document the consistent processes by which they select eligible applicants to receive awards.

18.5(2) *Maximum award.* The maximum award for full-time students will not exceed the student's financial need.

18.5(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria, distribute funding allocations, and request acceptance of the funding allocation from each eligible postsecondary education institution annually. Eligible postsecondary education institutions will accept or decline the funding allocation by the deadline established by the commission.

b. Funding allocations that are declined or unspent by the date the commission deems necessary will be reallocated to participating eligible postsecondary education institutions.

c. Eligible postsecondary education institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. Eligible postsecondary education institutions will distribute awards as eligible applicants complete their employment obligations.

e. Eligible postsecondary education institutions will provide information about the awards earned by eligible applicants to the commission in a format specified by the commission at the end of each semester or the equivalent. If all allocated funds are not spent by an eligible postsecondary education institution by the end of the year, those unspent funds may be deducted from the eligible postsecondary education institution's subsequent allocation.

f. Eligible postsecondary education institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility criteria and allowable award amounts. Eligible postsecondary education institutions will report changes in student eligibility to the commission.

[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

283—18.6(256) Eligible postsecondary education institution eligibility.

18.6(1) *Application.* A nonparticipating eligible postsecondary education institution will request participation using the commission's designated application. The institution will meet the eligibility criteria in Iowa Code section 256.207 at the time the application is submitted.

18.6(2) *Deadline to apply.* Nonparticipating eligible postsecondary education institutions seeking to participate in the Iowa work-study program will submit applications on or before October 1 of the year prior to the beginning of the academic year for which the nonparticipating eligible postsecondary education institutions are applying for participation.

18.6(3) *Compliance audits.* The commission will periodically investigate and review compliance of eligible postsecondary education institutions participating in this program with the criteria established in Iowa Code chapter 256 and this rule. If the commission finds that an eligible postsecondary education institution fails to comply with the provisions of Iowa Code sections 256.206 through 256.209 or this rule, participation in the Iowa work-study program may be suspended.

[**ARC 9584C**, IAB 10/1/25, effective 11/5/25]

These rules are intended to implement Iowa Code sections 256.206 through 256.209.

[Filed emergency 8/13/87—published 9/9/87, effective 8/21/87]
[Filed 1/15/88, Notice 9/9/87—published 2/10/88, effective 3/16/88]
[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]
[Filed 11/29/89, Notice 10/4/89—published 12/27/89, effective 1/31/90]
[Filed 1/29/91, Notice 12/12/90—published 2/20/91, effective 3/27/91]
[Filed 9/13/91, Notice 7/24/91—published 10/2/91, effective 11/6/91]
[Filed 9/25/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]
[Filed 1/20/95, Notice 10/12/94—published 2/15/95, effective 3/22/95]
[Filed 1/20/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]

[Filed 10/3/95, Notice 8/16/95—published 10/25/95, effective 11/29/95]
[Filed 1/20/06, Notice 10/26/05—published 2/15/06, effective 3/22/06]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 9584C (Notice ARC 9388C, IAB 7/9/25), IAB 10/1/25, effective 11/5/25]

CHAPTER 19
ACCELERATED CAREER EDUCATION GRANT PROGRAM

Rescinded **ARC 1870C**, IAB 2/18/15, effective 3/25/15

CHAPTER 20
IOWA NATIONAL GUARD BENEFITS PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—20.1(256) Definitions. As used in this chapter:

"Eligible institution" means the same as described in Iowa Code section 256.210(1).

"Eligible master's degree program of study" means a master's degree program in science, technology, engineering, and mathematics-related military occupational specialties or air force specialty codes pursuant to Iowa Code section 256.211(1)*"a."*

"Federal active duty" means military duty performed pursuant to orders issued under Title 10, United States Code (as of July 1, 2024), other than for training.

"Full-time" means the same as defined in rule 283—10.2(256).

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means the same as defined in rule 283—10.2(256).

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).

[**ARC 9585C**, IAB 10/1/25, effective 11/5/25]

283—20.2(256) Iowa national guard service scholarship.

20.2(1) *Eligible applicant.* An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls full-time or part-time in a program of study at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.210, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

20.2(2) *Awarding of funds.*

a. *Selection criteria.* All eligible applicants will be considered for an award.

b. *Maximum award and extent of award.* Eligible applicants may receive awards for no more than 120 semester credit hours attributable to the program of study unless the applicants meet the provisions of Iowa Code section 256.210(3)*"a"*(2).

(1) The maximum award for full-time students will not exceed the undergraduate Iowa resident tuition rate at Iowa regent universities or the tuition charged to the eligible applicant, whichever is lower.

(2) All credit hours within a term of enrollment to which a scholarship is applied will be reported to the commission within the state-defined payment period.

c. *Awarding process.*

(1) The Iowa national guard will verify the eligibility of eligible applicants. An eligibility decision by the adjutant general is final.

(2) The commission will designate eligible applicants for awards and provide eligible institutions with rosters of designated eligible applicants.

(3) The commission will notify recipients and eligible institutions of the awards. Eligible institutions will notify the student of the award amount, of the state program from which funding is being provided and that the award is contingent on the availability of state funds.

(4) Eligible institutions will apply awards to cover expenses identified in Iowa Code section 256.210(5).

(5) Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment or financial situation and promptly report those changes to the commission.

(6) Eligible institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

(7) The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.210 and this rule.
[**ARC 9585C**, IAB 10/1/25, effective 11/5/25]

283—20.3(256) Iowa national guard master's degree service scholarship. In the event that the adjutant general authorizes the expenditure of unencumbered or unobligated funds from Iowa Code section 256.210(6) for the recruitment or retention of individuals by providing a scholarship award to an eligible member of the Iowa national guard, this chapter will be used to administer authorized scholarships. The adjutant general will select program recipients and authorize scholarship awards under this chapter. The decision of the adjutant general is final.

20.3(1) *Eligible applicant.* An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls in an eligible master's degree program of study at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.211(1)*"a"* and 256.211(3), meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

20.3(2) *Awarding of funds.*

a. *Selection criteria.* All eligible applicants will be considered for an award.

b. *Maximum award and extent of award.* Eligible applicants may receive awards for no more than 36 semester credit hours, or the equivalent, attributable to the eligible master's degree program of study.

(1) The maximum award will not exceed the Iowa resident graduate-level tuition rate at Iowa regent universities or the tuition charged to the eligible applicant, whichever is lower.

(2) All credit hours within a term of enrollment to which a scholarship is applied will be reported to the commission within the state-defined payment period.

c. *Awarding process.* The college student aid commission adopts the awarding process in paragraph 20.2(2)*"c"* with the following exception: In lieu of "Iowa Code section 256.210" in subparagraph 20.2(2)*"c"*(7), insert "Iowa Code section 256.211".
[**ARC 9585C**, IAB 10/1/25, effective 11/5/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed 6/20/97, Notice 4/9/97—published 7/16/97, effective 8/20/97]
[Filed 8/20/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]
[Filed 4/11/03, Notice 2/19/03—published 4/30/03, effective 6/4/03]
[Filed ARC 1319C (Notice ARC 1122C, IAB 10/16/13), IAB 2/19/14, effective 3/26/14]
[Filed ARC 2207C (Notice ARC 2111C, IAB 8/19/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 2753C (Notice ARC 2583C, IAB 6/22/16), IAB 10/12/16, effective 11/16/16]
[Filed ARC 4184C (Notice ARC 3940C, IAB 8/15/18), IAB 12/19/18, effective 1/23/19]
[Filed ARC 4717C (Notice ARC 4595C, IAB 8/14/19), IAB 10/23/19, effective 11/27/19]
[Filed ARC 9585C (Notice ARC 9389C, IAB 7/9/25), IAB 10/1/25, effective 11/5/25]

CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—21.1(261B,261G) Postsecondary registration, exemption from registration, and participation in the commission-approved reciprocity agreement. The college student aid commission examines college and university applications for registration to operate in Iowa or authorization to operate under an exemption from registration and monitors schools approved by the commission to operate in the state. The commission also examines Iowa college and university applications for participation in an interstate reciprocity agreement under which the commission is an approved participant.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16; **ARC 5964C**, IAB 10/6/21, effective 11/10/21]

283—21.2(261B,261G) Definitions. As used in this chapter:

"Interstate reciprocity agreement administrator" means the entity with which the commission has an agreement to participate in interstate reciprocity under Iowa Code chapter 261G.

"Registration" means the process by which a school must seek, or voluntarily seeks, the commission's explicit approval to operate in Iowa or offer courses of instruction to Iowans under Iowa Code chapter 261B.

"School" means a postsecondary educational institution that applies to register or is currently registered to offer all or a portion of a program in Iowa, or applies to operate or is operating under an approved exemption from registration, under Iowa Code chapter 261B. "School" also means a postsecondary educational institution that is seeking to participate in the commission's approved interstate reciprocity agreement under Iowa Code chapter 261G or that is a "participating resident institution" as defined in Iowa Code section 261G.2. A postsecondary educational institution that maintains a physical location outside of the state of Iowa and that must register under Iowa Code chapter 261B to operate at a physical location in this state is not a school that is eligible to participate in the commission's approved interstate reciprocity agreement under Iowa Code chapter 261G.

"School closure" means a precipitous or abrupt closure of a school during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16; **ARC 5964C**, IAB 10/6/21, effective 11/10/21]

283—21.3(261B,261G) Registration approval criteria. The college student aid commission will approve an applicant school that completes a registration application provided by the commission and meets all of the following criteria:

21.3(1) The applicant school is accredited by an agency recognized by the United States Department of Education or its successor agency. The applicant school shall certify to the commission the school's status with the accrediting agency at the time of the application and provide information about any pending or final action that may affect the school's status with its accrediting agency.

As applicable, the applicant school shall provide the commission the name of any programmatic accrediting agency recognized by the United States Department of Education that accredits the specific programs the applicant school proposes to offer under its registration.

21.3(2) The applicant school certifies to the commission that the applicant school's approval to operate in a state has not been revoked by the state, the school has not been sanctioned by a state within a year prior to the date of its application, and the school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority.

21.3(3) The applicant school certifies that it is not subject to a limitation, suspension or termination order issued by the United States Department of Education or its successor agency. The applicant school shall provide the commission with a copy of the school's current program participation agreement with the United States Department of Education.

21.3(4) The applicant school complies with Iowa Code section 261B.7, which prohibits a school from advertising that the school is approved or accredited by the commission or the state of Iowa. However, an applicant school must demonstrate the method by which it will disclose that the school is registered with the commission and provide the commission's contact information for students who wish to inquire about the school or file a complaint.

21.3(5) The applicant school provides the commission with institutional policies adopted by the school that comply with the requirements of Iowa Code section 261.9(1)*"e"* to *"h."*

a. For a program in which a student's academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 261.9(1)*"g"* for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

b. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 261.9(1)*"h"* shall apply to individuals the school compensates to conduct activities on the school's behalf at an Iowa location.

21.3(6) If required by the commission, the applicant school files annual reports that the commission also requires from all Iowa colleges and universities.

21.3(7) The applicant school demonstrates financial viability by providing a copy of the institution's most recent audit that was prepared by a certified public accounting firm no more than 12 months prior to the date of the application and that provides an unqualified opinion. An applicant school must provide the auditor's report as an attachment to the registration application, which is posted on the commission's Internet site. However, the school may provide financial statements associated with the audit in a separate electronic file that is marked "confidential." Financial statements that a school identifies as "confidential" will not be treated as public records under Iowa Code chapter 22.

21.3(8) The applicant school provides a description of the learning resources it offers to students, including appropriate library and other support services the school provides to its students.

21.3(9) The applicant school provides evidence that faculty within an appropriate discipline are involved in developing and evaluating curriculum for the program(s) being registered in Iowa.

21.3(10) The applicant school provides documentation or information posted on its Internet site that describes the educational and experiential qualifications of all faculty or instructors who teach in the programs the school proposes to offer under its registration and the general subject matter in which faculty members or instructors teach. The applicant school shall also provide the number of full-time and part-time faculty and instructors who will teach the courses offered to Iowans.

21.3(11) The applicant school provides documentation demonstrating that a program which prepares a student for an occupation that requires professional licensure in Iowa and which the school proposes to offer under its registration:

a. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

b. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the school did not offer in its professional licensure preparation program.

21.3(12) The school submits a request for amendment of its registration subject to commission approval in the event the school makes a substantive change in location, program offering, or accreditation during its registration term. A substantive change in program offering occurs when a school proposes to initiate a program that requires the approval of the state board of education or any other program that prepares a student for an occupation that requires professional licensure in this state.

21.3(13) During its registration term, the school notifies the commission within 90 days after adding a program that does not require the school to seek the commission's amendment approval under subrule 21.3(12).

21.3(14) The applicant school certifies that it will immediately notify the commission of any pending or final sanction issued by the school's accrediting agency, another state agency that registers or licenses the school during its registration term, or a state attorney general's office or other enforcement authority.

21.3(15) The applicant school provides a statement, signed by its chief executive officer, demonstrating the applicant school's commitment to the delivery of programs offered in Iowa and agreeing to provide alternatives for students to complete their programs at the same or other schools if the applicant school discontinues a program, the applicant school closes, or the applicant school closes an Iowa site before students have completed their courses of study.

Notwithstanding any limitations on student eligibility for a teach-out plan approved by a school's accrediting agency, the alternatives that the school provides under this agreement with the commission shall ensure that all academically eligible students attending the programs the school offers under its registration are provided with a viable option(s) to finish the program(s).

21.3(16) If the applicant school is for profit, the applicant school provides evidence that its most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, does not exceed the threshold established by the United States Department of Education.

21.3(17) If the applicant school is nonpublic, the applicant school provides evidence of its official financial responsibility composite score, as calculated using the method prescribed by the United States Department of Education.

a. A school demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from the United States Department of Education.

b. A school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its accrediting agency. If the school's accrediting agency does not independently verify the school's composite score, the school must submit written confirmation from its independent auditor.

21.3(18) A nonpublic school that does not have a legal governing body, such as a board of directors or board of trustees, shall provide the names, titles, and educational and experiential qualifications of the persons holding key academic and operational leadership positions at the school.

21.3(19) A nonpublic school that is a subsidiary of another organization provides all of the following:

a. The name of the parent organization.

b. The names and titles of the members of the parent organization's legal governing body, such as a board of directors or board of trustees. In the absence of a legal governing body, the school provides the information described in subrule 21.3(18).

c. The name(s) of any other school(s) that is a subsidiary of the same parent organization.

21.3(20) The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

21.3(21) The school provides any additional information the commission requires to evaluate the school.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.4(261B,261G) Additional approval criteria for an applicant school that applies for registration to maintain a fixed location in Iowa. In addition to meeting the registration approval criteria in rule 283—21.3(261B,261G), a school that applies for registration to operate a campus, branch campus, student services center, or administrative office at a fixed location in Iowa shall meet all of the following additional criteria:

1. The applicant school employs at least one full-time Iowa faculty member or one program or student services coordinator devoted to Iowa students.

2. The applicant school provides to the commission the name of and business contact information for a contact person in Iowa.

3. The applicant school demonstrates that it has adequate physical facilities located in Iowa appropriate for the programs and services offered.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.5(261B,261G) Additional criteria for an out-of-state applicant school that applies for registration to offer programs via in-person instruction but in a nontraditional format.

21.5(1) In addition to meeting the approval criteria in rule 283—21.3(261B,261G), an out-of-state school that applies for registration to offer programs via in-person instruction but in a nontraditional format shall notify the commission in writing within 90 days of the date that the school establishes a new Iowa location at which Iowa students will receive instruction in the school's nontraditional program. Notification to the commission via electronic mail is acceptable. If the school's accrediting agency requires preapproval of the new Iowa location, the school's notice to the commission must include a copy of that accrediting agency's approval. If the school's accrediting agency does not require preapproval of the new Iowa location, the school must certify that accrediting agency approval is not required. Such a school is not required to submit a registration amendment request under subrule 21.3(12).

21.5(2) For the purposes of this rule, "nontraditional format" includes, but is not limited to, the following:

a. A program offered partially via distance education and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.

b. A program offered partially at the applicant school's out-of-state campus and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.

c. A program offered at a location in Iowa through compressed courses scheduled on Saturday or Sunday.

d. A program offered only during the summer months.

e. A program offered at temporary locations in Iowa where the school identifies cohorts of students who have expressed interest in the program.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.6(261B,261G) Additional approval criteria and exception for an out-of-state applicant school that applies for registration to offer distance education programs.

21.6(1) An out-of-state school offering distance education programs is not required to register in Iowa if its home state approves the school to participate in a commission-approved interstate reciprocity agreement. If an out-of-state applicant school providing distance education programs in Iowa is not approved by the school's home state to participate in a commission-approved interstate reciprocity agreement, in addition to meeting the approval criteria in rule 283—21.3(261B,261G), the out-of-state applicant school shall meet all of the following additional criteria:

a. The applicant school discloses the name and business contact information of any person compensated by the school (including by honorarium) to remotely provide instruction or academic supervision in the school's distance education courses from any Iowa location.

b. The applicant school discloses the name, business contact information, and duties of any person the applicant school compensates to remotely perform operational activities from any Iowa location.

21.6(2) Exception. If a school applies for registration solely to offer distance education programs that include a structured field experience in which the student will participate at an Iowa location and the applicant school maintains no other presence in Iowa as defined in Iowa Code section 261B.2, the school is not required to implement a policy that complies with Iowa Code section 261.9(1)*"h."*

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.7(261B,261G) Recruiting for an out-of-state applicant school's residential programs from an Iowa location.

21.7(1) An out-of-state applicant school that compensates a party to recruit Iowans for its campus-based, residential programs shall apply for registration if the recruiter maintains an Iowa address. In addition to meeting all of the criteria in rule 283—21.3(261B,261G), the applicant school shall disclose the name of and business contact information for its Iowa-based recruiter.

21.7(2) An out-of-state applicant school that compensates a person to recruit students for its campus-based, residential programs is not required to apply for registration if the school's recruitment activities at a location in Iowa are occasional and short-term; for example, at a college fair or conference.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.8(261B,261G) Provisional registration.

21.8(1) The commission may grant provisional registration under the following conditions:

a. An out-of-state applicant school is accredited by an entity or organization recognized by the United States Department of Education or its successor agency at the time the school submits its registration application; and

b. The applicant school must obtain the commission's approval before the school's accrediting agency will consider approving the applicant school to operate at a physical location in Iowa.

21.8(2) The commission may prohibit the school from initiating instruction at a location in Iowa until the school obtains its accrediting agency's approval to operate at an Iowa location.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.9(261B,261G) Duration of registration; application for renewal.

21.9(1) Upon approval by the commission, an applicant school is registered for a period of two calendar years, contingent upon the school's compliance with commission requirements as provided in this chapter.

21.9(2) A registered school shall submit a completed registration renewal application to the commission at least six months before the ending date of the school's current registration term. A school is solely responsible for submitting a timely renewal application.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.10(261B,261G) Limitation, denial, or revocation of registration.

21.10(1) At the time of initial registration or registration renewal and during a registration term, the commission may take action that includes, but is not limited to, limiting a school's program offerings or enrollment or denying or revoking the school's registration as a result of any of the following:

a. An adverse notice, warning, or other sanction issued by the school's accrediting agency.

b. An adverse action or sanction issued by the United States Department of Education.

c. A lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.

d. A judgment issued by a state attorney general's office or another enforcement authority.

e. A for-profit school's most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, that exceeds the threshold established by the United States Department of Education.

f. Repeated complaints about a school received from the school's students by the commission, by another state, or by a state attorney general's office.

g. Notice that the school has experienced a change of ownership or governance. The school shall notify the commission no later than 30 calendar days after the change in ownership or governance.

h. Failure to pay fees due to the commission in accordance with rule 283—21.12(261B,261G).

i. Other actions deemed by the commission as significant evidence that the school should not be allowed to operate under this chapter.

21.10(2) Reserved.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.11(261B,261G) School, Iowa site, or program closure.

21.11(1) No later than 90 days before a registered school takes action to discontinue a program that is offered by the school under its registration, close an Iowa site, or close the school, the school must notify the commission in writing.

21.11(2) The school's notice to the commission shall include all of the following:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the school's Iowa campus(es). The school shall organize this list in alphabetical order by student last name.

b. Documentation of the school's proposed notice to students.

c. The school's specific plan to provide alternatives for affected students to complete the programs offered under the school's registration in accordance with the agreement described in subrule 21.3(15). The

school shall obtain the prior approval of the commission for any agreement the school proposes to establish with another institution that provides completion alternatives for programs the school offered under its registration.

d. The school's plan for permanent storage and retrieval of student transcript information.

e. Specific information about how the school will provide transitional support to affected students.

f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the school and, if applicable, the school's private preferred lender(s).

21.11(3) The commission may require a registered school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 to maintain the bond, at minimum, for one year after the school ceases operation in Iowa, closes an Iowa site, or ceases new enrollment in programs previously offered to Iowa resident students.

21.11(4) If the commission takes action to discontinue a school's program, close a school's Iowa site, or terminate a school's operation in Iowa, the school shall provide to the commission the information in subrule 21.11(2) and shall be subject to the requirements of subrule 21.11(3).

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.12(261B,261G) Initial registration application fees and subsequent annual fees.

21.12(1) A school that applies for initial registration as required under Iowa Code chapter 261B shall remit an initial registration application fee payable to the commission in the amount of $5,000. This fee is nonrefundable regardless of the commission's decision with respect to the school's eligibility for registration in Iowa. A school that fails to pay the initial registration application fee shall be denied initial registration consideration.

21.12(2) A school that is approved for registration shall remit an annual fee payable to the commission in the amount due on July 15 of each year. If a school's registration terminates during a year, the school shall pay the annual fee to the commission if the school's registration is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – $2,000.
- 2,500 to 9,999 FTE – $4,000.
- 10,000 FTE or more – $6,000.

21.12(3) A school that registers and pays fees under rule 283—21.12(261B,261G) is not required to pay fees under rule 283—21.15(261B,261G) if participating in the interstate reciprocity agreement.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.13(261B,261G) Authorization to operate in Iowa for certain nonpublic, nonprofit colleges and universities exempt from registration.

21.13(1) The state of Iowa considers a nonpublic, nonprofit institution located in Iowa, which qualifies for an exemption from registration under Iowa Code section 261B.11(1)*"j"* and *"l,"* to be authorized to lawfully operate in Iowa as a postsecondary educational institution that grants a degree, diploma, or certificate for the purpose of state authorization regulations established by the United States Department of Education, provided the institution meets the following additional conditions:

a. The institution is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code on or after July 1, 2013; and

b. The institution originated in this state and has undergone no change in ownership or control since July 1, 2011.

21.13(2) The following Iowa colleges and universities are authorized under subrule 21.13(1):

a. Allen College;
b. Briar Cliff University;
c. Buena Vista University;
d. Central College;
e. Clarke University;
f. Coe College;
g. Cornell College;
h. Des Moines University;
i. Divine Word College;
j. Dordt College;
k. Drake University;
l. Emmaus Bible College;
m. Faith Baptist Bible College and Theological Seminary;
n. Graceland University;
o. Grand View University;
p. Grinnell College;
q. Iowa Wesleyan College;
r. Loras College;
s. Luther College;
t. Maharishi University of Management;
u. Mercy College of Health Sciences;
v. Mercy St. Luke's School of Radiologic Technology;
w. Morningside College;
x. Mount Mercy College;
y. Northwestern College;
z. Palmer College of Chiropractic;
aa. Simpson College;
ab. St. Ambrose University;
ac. St. Luke's College;
ad. Unity Point Health – Des Moines School of Radiologic Technology;
ae. University of Dubuque;
af. Upper Iowa University;
ag. Wartburg College;
ah. Wartburg Theological Seminary; and
ai. William Penn University.

[**ARC 1216C**, IAB 12/11/13, effective 1/15/14; **ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.14(261B,261G) Verification of exemption from registration to operate in Iowa.

21.14(1) A school claiming an exemption from registration under Iowa Code chapter 261B shall demonstrate the following:

a. The school provides the reference under which it requests exemption from registration under Iowa Code section 261B.11.

b. If the school offers a course of instruction leading to a degree, with the exception of a school that qualifies for an exemption under Iowa Code section 261B.11(1)*"h,"* the school is accredited by an accrediting agency recognized by the United States Department of Education and will notify the commission of any negative changes to its accrediting status.

c. The school has a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on school-owned or -leased property or in conjunction with activities sponsored by the school. The school will provide information about the policy to all students and employees, including any sanctions for violation of the policy and any substance abuse prevention programs for students and employees.

d. The school has a policy addressing sexual abuse including counseling, campus security, education, and facilitating accurate and prompt reporting of sexual abuse.

e. The school has an employee policy for reporting suspected incidents of child physical or sexual abuse that includes individuals whom the school compensates to conduct activities on the school's behalf at an Iowa location.

f. The school has a military refund policy for students who are members of the Iowa national guard or reserve forces of the United States and the spouses of such members if the members have dependent children when the members are ordered into active duty as required by Iowa Code sections 261.9(1) *"g,"*262.9(30), and 260C.14(20). The policy shall include:

(1) Withdrawal from all or a portion of the student's registration and receipt of a full refund of tuition and mandatory fees that the school assessed for courses from which the student withdrew. For a program in which a student's academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

(2) Making arrangements for instructors to report grades or report incomplete grades that will be completed at a later date.

g. The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

h. The school has procedures for preservation of student records and the contact information to be used by students and graduates who seek to obtain transcript information.

i. A covered institution under Iowa Code chapter 261F has a code of conduct that complies with Iowa Code section 261F.2.

j. A covered institution under Iowa Code chapter 261F with a preferred lender list meets the requirements of Iowa Code section 261F.6.

k. The school provides the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response. The commission will provide a link to a page on its website for students to use to seek additional information about a school or to file a complaint about a school. A school that is approved for an exemption from registration will prominently provide on its website the link to the commission's web page for students.

21.14(2) A nonpublic school must provide evidence of financial responsibility under Iowa Code section 714.18 or demonstrate eligibility for an exemption under Iowa Code section 714.19.

21.14(3) A for-profit school must demonstrate and maintain compliance with Iowa Code section 714.23. The school shall apply the policy it adopts under Iowa Code section 714.23 to students who attend its campus(es) in Iowa, if applicable, as well as to Iowa resident students who attend distance education programs.

21.14(4) A for-profit school that does not participate in the student financial assistance programs administered by the United States Department of Education must demonstrate and maintain compliance with Iowa Code section 714.25.

[**ARC 2580C**, IAB 6/22/16, effective 5/27/16]

283—21.15(261B,261G) Approval criteria for a school seeking to participate or renew participation in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G. A school that applies to participate in a commission-approved interstate reciprocity agreement shall meet the following criteria:

21.15(1) The applicant school shall be in compliance with Iowa Code chapter 261B as provided in this chapter.

21.15(2) The applicant school shall submit an institutional participation application as required by the commission-approved interstate reciprocity agreement. The application shall be signed by the school's chief executive officer or chief academic officer.

21.15(3) A nonpublic applicant school must submit evidence that its most recent, official financial responsibility composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.5. A school demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from the United States Department of Education. In accordance with policies established by the interstate reciprocity agreement administrator, the commission shall determine the official financial responsibility composite score for a school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education.

21.15(4) The commission will consider the application of a nonpublic school whose most recent, official financial responsibility composite score is between 1.0 and 1.49. The applicant school must submit a copy of the school's most recently audited financial statements accompanied by a written explanation of the circumstances that caused the school's composite score to be below 1.5 and the school's plan to raise its composite score to 1.5 within a time frame determined by the commission. The commission may approve, provisionally approve, or deny the school's application.

21.15(5) A for-profit applicant school must demonstrate and maintain compliance with Iowa Code sections 714.18 and 714.23. The school shall apply the policy it adopts under Iowa Code section 714.23 to students who attend its campus(es) in Iowa and to Iowa resident and nonresident students who attend distance education programs the school offers under the commission-approved interstate reciprocity agreement.

21.15(6) The applicant school shall demonstrate that the military deployment tuition and fee refund policy required under Iowa Code sections 261.9(1)*"g,"* 262.9(30), and 260C.14(20), subrule 21.3(5) and paragraph 21.14(1)*"f"* applies to students who attend its campus(es) in Iowa and to Iowa resident and nonresident students who attend distance education programs the school offers under the commission-approved interstate reciprocity agreement.

21.15(7) An approved school will prominently disclose on its website the school's participation in the commission-approved interstate reciprocity agreement and provide the commission's contact information in a format prescribed by the commission for students who wish to inquire about the school or file a complaint. The school will provide the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response.

21.15(8) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit an annual fee payable and due to the commission on July 15 of each year. The school shall pay the annual fee to the commission if the commission's approval to participate in the interstate reciprocity agreement is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – $2,000.
- 2,500 to 9,999 FTE – $4,000.
- 10,000 FTE or more – $6,000.

21.15(9) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit to the interstate reciprocity agreement administrator any required fees.

21.15(10) Upon approval by the interstate reciprocity agreement administrator, a school may continue its participation in the reciprocity agreement as long as it meets all requirements of the interstate reciprocity agreement.

[**ARC 2580C**, IAB 6/22/16, effective 5/27/16; **ARC 3678C**, IAB 3/14/18, effective 4/18/18]

283—21.16(261B,261G) School closures. In the event of a school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

21.16(1) *Student eligibility.* The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence when the school abruptly closed.

21.16(2) *Assistance to impacted eligible students.* The commission may provide the following forms of assistance to eligible students impacted by a school closure:

a. Procure, evaluate, and store records needed to establish the validity of claims against a school for failure to faithfully perform all contracts and agreements.

b. Pay institutional charges on behalf of Iowans who enrolled at the school.

c. Support an arrangement in which the school provides its current students with the opportunity to complete the students' courses of study after the school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.

d. Pay private educational loan debt incurred by Iowans for attendance at the school during the enrollment term that the college closes.

e. Reimburse Iowans who enrolled at the school for other financial loss, as determined by the commission.

21.16(3) *Claims process.* An eligible student making a claim for reimbursement under paragraph 21.16(2)*"b,""d,"* or *"e"* must contact the commission for a claim form and provide the following supporting information and documentation:

a. Proof of enrollment at the time of school closing.

b. Proof of attendance at the time of school closing.

c. Proof of Iowa residency at the time of school closing.

d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.

e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

21.16(4) *Approval process.* The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year to ensure all claims related to a school closure are received.

21.16(5) *Awarding of approved claims.*

a. All claims for reimbursement shall be submitted and approved within one year of the date of the school closure.

b. Claims for reimbursement will first be made against the school's surety bond.

c. If the school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds.

21.16(6) *Appeal process.* The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

[**ARC 5964C**, IAB 10/6/21, effective 11/10/21]

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

[Filed 9/29/00, Notice 8/9/00—published 10/18/00, effective 11/22/00]
[Filed 8/30/02, Notice 4/17/02—published 9/18/02, effective 10/23/02]
[Filed 1/30/03, Notice 11/13/02—published 2/19/03, effective 3/26/03]
[Filed 1/24/04, Notice 10/29/03—published 2/18/04, effective 3/24/04][1]
[Filed 3/24/05, Notice 1/5/05—published 4/13/05, effective 5/18/05]
[Filed ARC 1216C (Notice ARC 0946C, IAB 8/21/13), IAB 12/11/13, effective 1/15/14]
[Filed Emergency After Notice ARC 2580C (Notice ARC 2143C, IAB 9/16/15; Amended Notice ARC 2437C, IAB 3/16/16), IAB 6/22/16, effective 5/27/16]
[Filed ARC 3678C (Notice ARC 3540C, IAB 1/3/18), IAB 3/14/18, effective 4/18/18]
[Filed ARC 5964C (Notice ARC 5852C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]

[1] Effective date of 3/24/04 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 8, 2004.

CHAPTER 22
IOWA MINORITY GRANTS FOR ECONOMIC SUCCESS (IMAGES)

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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 established in 283—Chapter 10.

"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.

[**ARC 2205C**, IAB 10/28/15, effective 12/2/15]

[Filed 11/29/89, Notice 10/4/89—published 12/27/89, effective 1/31/90]
[Filed 9/13/91, Notice 7/24/91—published 10/2/91, effective 11/6/91]
[Filed 1/20/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]

CHAPTER 23
SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/11/29

283—23.1(256) Basis of aid. Assistance available under the Iowa skilled workforce shortage tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled in eligible programs of study at Iowa community colleges.
[**ARC 8174C**, IAB 8/7/24, effective 9/11/24]

283—23.2(256) Definitions.

"Financial metric" means the same as defined in rule 283—10.2(256).

"Financial need" means the same as defined in rule 283—10.2(256).

"Full-time" means the same as defined in rule 283—10.2(256).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Part-time" means the same as defined in rule 283—10.2(256).

"Program of study" means the same as defined in rule 283—10.2(256).

"Satisfactory academic progress" means the same as defined in rule 283—10.2(256).
[**ARC 8174C**, IAB 8/7/24, effective 9/11/24]

283—23.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in a program of study that is classified as a career and technical education program by the Iowa department of education and aligns with a high-demand job identified by the department of workforce development or an Iowa community college as specified in rule 283—23.5(256); meets the award eligibility criteria; and meets the following provisions:

1. Completes the applications the commission deems necessary on or before the date established by the commission.

2. Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).
[**ARC 8174C**, IAB 8/7/24, effective 9/11/24]

283—23.4(256) Awarding of funds.

23.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

23.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of four full-time awards. If the program of study cannot be completed by the eligible applicant within the extent of the award, the eligible applicant can qualify for the equivalent of one additional full-time award. These limits reset after two years of no postsecondary enrollment, pursuant to Iowa Code section 256.227(5)*"b."*

a. The maximum award for full-time students will not exceed the student's financial need and will not exceed one-half of the average community college tuition and fee rate.

b. The award is calculated in conjunction with the federal Pell Grant and the Iowa vocational-technical tuition grant, with the goal of providing awards to as many eligible applicants as possible.

c. When awarded in combination with other tuition-restricted funds, the total amount of tuition-restricted funding including a skilled workforce shortage tuition grant cannot exceed the total tuition and mandatory fees charged to the recipient.

d. A part-time student will receive a prorated award, as defined by the commission, which is calculated by dividing the number of hours for which the student is enrolled by the required number of hours for full-time enrollment and multiplying the quotient by the maximum award.

23.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating Iowa community colleges annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide Iowa community colleges with rosters of designated eligible applicants.

c. Iowa community colleges will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. Iowa community colleges will apply awards directly to student accounts to cover tuition and mandatory fees.

e. Iowa community colleges will provide information about eligible applicants to the commission in a format specified by the commission. Iowa community colleges will make necessary changes to awards due to a change in enrollment, program of study, and financial situation and promptly report those changes to the commission.

f. Iowa community colleges are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. Iowa community colleges will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of Iowa community colleges participating in this program with the criteria established in Iowa Code section 256.227 and this rule.

[**ARC 8174C**, IAB 8/7/24, effective 9/11/24]

283—23.5(256) Determination of programs of study aligned with high-demand jobs.

23.5(1) *Statewide high-demand jobs.* The commission will utilize the department of workforce development's most recent list of statewide high-demand jobs pursuant to Iowa Code section 84A.1B(14) and align those jobs to eligible programs of study. Programs aligned with new statewide high-demand jobs will be added to the list of eligible programs to the extent that funding allows. After consideration of additional programs under subrule 23.5(2), and to the extent that funding allows, the commission will utilize the department of workforce development's most recent list of high-demand occupations that meet the growth thresholds in Iowa Code section 84A.1B(14) but do not meet the wage threshold and will align those jobs to eligible programs of study.

23.5(2) *Regional high-demand jobs.* The commission will request submissions of regional high-demand jobs that align with eligible programs of study if funding allows. The Iowa community college must conduct a regional skills gap analysis and provide the corresponding documentation to the commission.

23.5(3) *Eligible programs of study.* All programs of study that are identified as career and technical education programs by the Iowa department of education will be considered. The classification of instructional program code and the standard occupation code will be used to align eligible programs of study to high-demand jobs.

23.5(4) *Grandfather clause.* If a high-demand job is removed from eligibility, students who received an award based on their enrollment in a program of study aligned with the removed high-demand job in the previous year can continue to qualify for the award if they remain enrolled in the same program of study and continuously enroll each consecutive fall and spring semester, or the equivalent.

[**ARC 8174C**, IAB 8/7/24, effective 9/11/24]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 0397C (Notice ARC 0248C, IAB 8/8/12), IAB 10/17/12, effective 11/21/12]
[Filed ARC 1871C (Notice ARC 1688C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 4718C (Notice ARC 4594C, IAB 8/14/19), IAB 10/23/19, effective 11/27/19]
[Filed ARC 8174C (Notice ARC 7854C, IAB 4/17/24), IAB 8/7/24, effective 9/11/24]

CHAPTER 24
RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

283—24.1(256) Definitions.

"Eligible applicant" means an individual who meets the criteria of Iowa Code sections 256.221(2) and 256.221(3), agrees to sign a program agreement, and agrees to complete the obligation. The eligible applicant completes an application on or before the date established by the commission and does not meet a condition in 283—subrule 10.3(1).

1. The program agreement specifies the obligation and other details pertaining to the program.

2. The obligation may be postponed or satisfied pursuant to Iowa Code section 256.221(11). Progression toward completion of the obligation is verified annually.

"Eligible loan" means the same as defined in Iowa Code section 256.221(13). Only the outstanding portion of a federal consolidation loan that was used to repay an eligible loan qualifies as an eligible loan. An eligible applicant who signs a program agreement and then refinances an eligible loan by obtaining a private education loan may continue to receive loan repayment awards.

"Eligible university" means the same as defined in Iowa Code section 256.221(13).

"Part-time practice" means at least an average of 28 hours per week serving clients in a service commitment area.

"Service commitment area" means the same as defined in Iowa Code section 256.221(13). Each eligible applicant participating in the program will contract with the service commitment area to ensure the service commitment area provides the nonrefundable contribution. Payment of the nonrefundable contribution to the trust fund can be made by but is not limited to the following organizations: community agencies, medical groups, municipalities, community foundations, local government entities, or other community entities. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads.

[**ARC 8867C**, IAB 2/19/25, effective 3/26/25]

283—24.2(256) Awarding of funds.

24.2(1) *Selection criteria.* The commission will annually determine and communicate the number of recommendations that can be funded at each eligible university. Each eligible university will recommend the corresponding number of eligible applicants to the commission, prioritizing eligible applicants who were Iowa residents upon enrolling at the eligible university. If an eligible university cannot fill all of its recommendations, another eligible university will be allowed to fill those recommendations. If the eligible universities cannot fill all of the recommendations available, the commission may enter into additional agreements under the surplus funds provisions in rule 283—24.3(256).

24.2(2) *Extent of award and maximum award.* Eligible applicants may receive up to $200,000 upon completion of the obligation pursuant to Iowa Code section 256.221(5). The loan repayment award will not exceed the outstanding balance of the eligible applicant's eligible loans.

24.2(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and the number of recommendations to be filled to the eligible universities.

b. The eligible universities will send recommended eligible applicants to the commission.

c. The commission will work with eligible applicants to sign program agreements.

d. Prior to employment, the eligible applicant will notify the commission of the service commitment area in which the eligible applicant will be employed and the commission will verify the eligibility of the service commitment area.

e. The commission will track eligible applicants selected to receive awards through completion of their obligation.

f. The commission will pay the loan repayment award directly to the holder of the eligible applicant's eligible loan only after verifying with the employer that a portion of the obligation has been completed and the nonrefundable contribution has been deposited in the trust fund.

[**ARC 8867C**, IAB 2/19/25, effective 3/26/25]

283—24.3(256) Surplus funds. In the event that fewer than the total number of recommendations in subrule 24.2(1) are filled by students at the eligible universities, the commission may enter into additional agreements.

24.3(1) *Surplus-funds-eligible applicant.* A surplus-funds-eligible applicant will meet the following criteria:

a. Graduate with a doctor of medicine or osteopathy degree from an eligible university and complete a residency program.

b. Receive a permanent license to practice medicine and surgery or osteopathic medicine and surgery in the state of Iowa and engage in full-time or part-time practice of medicine and surgery or osteopathic medicine and surgery in a specialty defined in Iowa Code section 256.221(3)*"d"* for a period of five consecutive years in a service commitment area. The applicant will notify the commission of the applicant's service commitment area prior to beginning practice in the service commitment area.

c. Agree to sign a program agreement and to complete the obligation.

d. Complete applications on or before the date established by the commission and have none of the restrictions listed in 283—subrule 10.3(1).

24.3(2) *Priority for awards.* In the event that the total amount of surplus funds is insufficient to award all eligible applicants, awards will be prioritized as follows:

a. Surplus funds-eligible applicants employed in a state other than Iowa and individuals in their final year of residency or fellowship, by date of application.

b. All other surplus funds-eligible applicants by date of application.

24.3(3) *Awarding process.*

a. The commission will provide notice of the availability of surplus funds, the eligibility criteria, and the application process to the eligible universities and eligible residency program contacts.

b. The eligible universities will notify alumni, and residency program contacts will notify residents of the availability of surplus funds.

c. The commission will work with surplus funds-eligible applicants to sign program agreements.

d. Prior to employment, the surplus funds-eligible applicant will notify the commission of the service commitment area in which the eligible applicant will be employed and the commission will verify the eligibility of the service commitment area.

e. The commission will track surplus funds-eligible applicants selected to receive awards through completion of their obligation.

f. The commission will pay the loan repayment award specified in subrule 24.2(2) directly to the holder of the eligible applicant's eligible loan only after employer verification that a portion of the obligation has been completed and the nonrefundable contribution has been deposited in the trust fund.

[**ARC 8867C**, IAB 2/19/25, effective 3/26/25]

283—24.4(256) Failure to fulfill obligation. An eligible applicant who fails to fulfill the obligation pursuant to Iowa Code section 256.221(11) will forfeit all future loan repayment awards under the program and will be subject to repayment of any loan repayment awards paid under this chapter toward the eligible applicant's eligible loans as specified in the program agreement.

[**ARC 8867C**, IAB 2/19/25, effective 3/26/25]

283—24.5(256) Waivers. An eligible applicant will request a waiver in writing from the commission to change employment to a different service commitment area, to work part-time in accordance with Iowa Code section 256.221(10), or to postpone employment in accordance with Iowa Code section 256.221(11).

[**ARC 8867C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 1320C (Notice ARC 1121C, IAB 10/16/13), IAB 2/19/14, effective 3/26/14]
[Filed ARC 1685C (Notice ARC 1586C, IAB 8/20/14), IAB 10/29/14, effective 12/3/14]
[Filed ARC 2205C (Notice ARC 2037C, IAB 6/24/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 5137C (Notice ARC 5031C, IAB 5/6/20), IAB 8/12/20, effective 9/16/20]

[Filed ARC 5222C (Notice ARC 5124C, IAB 8/12/20), IAB 10/7/20, effective 11/11/20]
[Filed ARC 5965C (Notice ARC 5853C, IAB 8/11/21), IAB 10/6/21, effective 11/10/21]
[Filed ARC 6731C (Notice ARC 6480C, IAB 8/24/22), IAB 12/14/22, effective 1/18/23]
[Filed ARC 8867C (Notice ARC 8402C, IAB 11/27/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 25
RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

Rescinded **ARC 8868C**, IAB 2/19/25, effective 3/26/25

CHAPTER 26
HEALTH CARE AWARD PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—26.1(261) Health care award program. The health care award program is a state-supported and state-administered program established to provide financial awards to nurse educators teaching at eligible Iowa colleges and universities, as well as applicants who agree to practice as registered nurses, advanced registered nurse practitioners, or physician assistants in service commitment areas for five consecutive years, and who meet the requirements of these rules.

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.2(261) Definitions. As used in this chapter:

"Advanced registered nurse practitioner" means an individual who graduated from an accredited graduate or postgraduate advanced practice educational program, is licensed by the board of nursing as a registered nurse, is licensed by the board of nursing as an advanced registered nurse practitioner, and is employed as an advanced registered nurse practitioner.

"Nurse educator" means a registered nurse who holds a master's or doctorate degree and is employed by an Iowa community college, an accredited private institution defined in Iowa Code section 261.9, or an institution of higher learning governed by the state board of regents as a faculty member who teaches nursing as provided in 655—Chapter 2 at a nursing program approved by the board of nursing pursuant to Iowa Code section 152.5.

"Physician assistant" means an individual who graduated with a master's degree, holds a practitioner's license to practice as a physician assistant pursuant to Iowa Code chapter 148C, and is employed as a physician assistant.

"Registered nurse" means a nurse who is licensed by the board of nursing as a registered nurse and is employed as a registered nurse.

"Service commitment area" means a city in Iowa with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads. After an eligible applicant signs an agreement to practice in a service commitment area, subsequent population increases will not impact that applicant's continued eligibility for the program, to the extent allowed in rule 283—26.3(261).

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 5137C**, IAB 8/12/20, effective 9/16/20; **ARC 5222C**, IAB 10/7/20, effective 11/11/20; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.3(261) Eligibility requirements.

26.3(1) An eligible applicant must be:

a. A student in the final year of a degree program leading to a license to practice as an advanced registered nurse practitioner, physician assistant, or registered nurse who signs an agreement to practice in a service commitment area for five consecutive years; or

b. A licensed advanced registered nurse practitioner, physician assistant, or registered nurse who signs an agreement to practice in a service commitment area for five consecutive years; or

c. A nurse educator who signs an agreement to teach full-time during the fall and spring semesters, or the equivalent, for five consecutive years; or

d. A nurse educator who teaches at least part-time during the fall and spring semesters, or the equivalent. The individual must also be employed as an advanced registered nurse practitioner or registered nurse in Iowa, and the total hours worked between these occupations must equate to full-time employment. An advanced registered nurse practitioner or registered nurse who signs an agreement to teach at least part-time as a nurse educator is not required to be employed in a service commitment area but is required to work at least part-time as a nurse educator for five consecutive years.

26.3(2) An eligible applicant must complete and file an application for the program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications.

26.3(3) An eligible applicant must annually complete and return to the commission an affidavit of practice verifying full-time employment, as defined by the employer, in a service commitment area during the entire year as an advanced registered nurse practitioner, physician assistant, or registered nurse, or full-time employment, as defined by the employer, as a nurse educator. A nurse educator who teaches part-time during the fall and spring semesters, or the equivalent, and is also employed as a registered nurse or advanced registered nurse practitioner in Iowa must annually complete and return an affidavit of practice verifying that the total hours worked equates to full-time employment.

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.4(261) Awarding of funds.

26.4(1) *Selection criteria.* All completed applications received on or before the published deadline will be considered for funding. To the extent possible, an equal number of new advanced registered nurse practitioners, nurse educators, physician assistants, and registered nurses will be offered awards based on the availability of appropriated funds. In the event that funding is insufficient to award all eligible applicants within an occupation category, criteria for selection of eligible applicants within each occupation category will be prioritized as follows:

a. Renewal status. The priority status of the applicant in the first year funding is received will be retained for renewal in priority determinations in future years as long as the applicant continues to meet the criteria in rule 283—26.3(261). Applicants within this category are prioritized as follows:

(1) Eligible applicants who are Iowa residents and eligible applicants who are members of the Iowa national guard, if requested by the adjutant general;

(2) Date of application;

b. Students in the final year of a degree program leading to a license to practice in a specified occupation under this chapter who are Iowa residents or who are members of the Iowa national guard, if requested by the adjutant general; and advanced registered nurse practitioners and registered nurses who agree to begin practice as nurse educators on at least a part-time basis and who are Iowa residents or members of the Iowa national guard, if requested by the adjutant general. Applicants within this category are prioritized by date of application;

c. Iowa residents or members of the Iowa national guard, if requested by the adjutant general, who are licensed to practice in a specified occupation under this chapter and who agree to work in a service commitment area but who are not employed in a service commitment area at the time of application. Applicants within this category are prioritized by date of application;

d. The most recent graduates of a degree program leading to a license to practice in a specified occupation under this chapter or leading to the qualification to be a nurse educator, with the most recent academic year graduates given priority, who are Iowa residents or members of the Iowa national guard, if requested by the adjutant general. Applicants within this category are prioritized by date of application;

e. Students in the final year of a degree program leading to a license to practice in a specified occupation under this chapter who are neither Iowa residents nor members of the Iowa national guard requested by the adjutant general; and advanced registered nurse practitioners and registered nurses who agree to begin practice as nurse educators on at least a part-time basis and who are neither Iowa residents nor members of the Iowa national guard requested by the adjutant general. Applicants within this category are prioritized by date of application;

f. Individuals who are neither Iowa residents nor members of the Iowa national guard requested by the adjutant general but who are licensed to practice in a specified occupation under this chapter, and who agree to work in a service commitment area but are not employed in a service commitment area at the time of application. Applicants within this category are prioritized by date of application;

g. The most recent graduates of a degree program leading to a license to practice in a specified occupation under this chapter or leading to the qualification to be a nurse educator, who are neither Iowa residents nor members of the Iowa national guard requested by the adjutant general, with the most recent

academic year graduates given priority. Applicants within this category are prioritized by date of application.

26.4(2) *Applicants who are members of the Iowa national guard requested by the adjutant general.* Applicants who are members of the Iowa national guard, if requested by the adjutant general, are subject to the following provisions:

a. Members of the Iowa national guard are exempt from the service commitment area requirement, and

b. Members of the Iowa national guard must have satisfactorily completed required guard training and must maintain satisfactory performance of guard duty.

26.4(3) *Annual award.* The maximum annual award shall be $6,000.

26.4(4) *Extent of award.* Eligible applicants may receive an award for no more than five consecutive years. Eligible applicants who fail to receive awards in consecutive years will not be considered for subsequent years of awards.

26.4(5) *Disbursement of funds.*

a. Awards will be disbursed upon completion of the year for which the award was approved and upon certification from the employer that the advanced registered nurse practitioner, nurse educator, physician assistant, or registered nurse was employed full-time, as defined by the employer, during the entire year and completed the year in good standing.

b. Awards will be distributed directly to the eligible applicant.

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.5(261) Award cancellation.

26.5(1) An eligible applicant who has been designated for an award shall notify the commission within 30 days following termination or cessation of full-time practice in a service commitment area as an advanced registered nurse practitioner, physician assistant, or registered nurse; termination or cessation of full-time employment as a nurse educator; or combined full-time employment as a nurse educator and registered nurse or nurse educator and advanced registered nurse practitioner.

26.5(2) A recipient of an award is responsible for notifying the commission immediately of a change in name, place of employment, or home address.

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.6(261) Restrictions. A recipient of an award under Iowa Code section 261.114 or 261.115 shall not be eligible for an award under this chapter.

[**ARC 4186C**, IAB 12/19/18, effective 1/23/19; **ARC 6889C**, IAB 2/8/23, effective 3/15/23]

283—26.7(261) Transition provisions. Recipients of awards through the health care loan repayment program during the 2022 state fiscal year will be eligible for funding under the health care award program if the eligible applicants meet the eligibility criteria of the health care award program. Under this provision, no recipient will receive more than five consecutive awards between the health care loan repayment program and the health care award program. Under this provision, recipients can elect to continue to have the award applied directly to previously verified outstanding federal student loans.

[**ARC 6889C**, IAB 2/8/23, effective 3/15/23]

These rules are intended to implement Iowa Code section 261.116.

[Filed ARC 4186C (Notice ARC 3939C, IAB 8/15/18), IAB 12/19/18, effective 1/23/19]
[Filed ARC 5137C (Notice ARC 5031C, IAB 5/6/20), IAB 8/12/20, effective 9/16/20]
[Filed ARC 5222C (Notice ARC 5124C, IAB 8/12/20), IAB 10/7/20, effective 11/11/20]
[Filed ARC 6889C (Notice ARC 6598C, IAB 10/19/22), IAB 2/8/23, effective 3/15/23]

CHAPTER 27
RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

283—27.1(256) Definitions.

"Eligible applicant" means an individual who meets the criteria of Iowa Code sections 256.226(3) and 256.226(4), agrees to sign a program agreement, agrees to begin employment under the obligation within one year of signing a program agreement, and agrees to complete the obligation. The eligible applicant completes applications on or before the date established by the commission and does not meet a condition in 283—subrule 10.3(1).

1. The program agreement specifies the obligation and other details pertaining to the program.

2. The obligation is considered fulfilled or may be postponed pursuant to Iowa Code section 256.226(9). Progression toward completion of the obligation is verified annually.

"Eligible loan" means the same as defined in Iowa Code section 256.226(1). Only the outstanding portion of a federal consolidation loan that was used to repay an eligible loan qualifies as an eligible loan.

"Food supply veterinary medicine" means the same as "practice of food supply veterinary medicine" as defined in Iowa Code section 256.226(1).

"Rural service commitment area" means the same as defined in Iowa Code section 256.226(1). An eligible applicant who signs a program agreement to serve in a service commitment area will contract with the service commitment area to ensure the service commitment area provides a nonrefundable contribution equivalent to 12.5 percent of the eligible applicant's eligible loan balance, at the time the program agreement is signed, for deposit in the rural veterinarian trust fund. Payment of the nonrefundable contribution to the trust fund can be made by but is not limited to the following organizations: community agencies, medical groups, municipalities, community foundations, local government entities, or other community entities. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads.

"Veterinary shortage area" means the same as defined in Iowa Code section 256.226(1).

[**ARC 8869C**, IAB 2/19/25, effective 3/26/25]

283—27.2(256) Awarding of funds.

27.2(1) *Selection criteria.* All eligible applicants will be considered for an award.

27.2(2) *Extent of award and maximum award.* Eligible applicants may receive up to $60,000 upon completion of the obligation. The loan repayment award will not exceed the outstanding balance of the eligible applicant's eligible loans.

27.2(3) *Priority for awards.* New awards will be made in the order of the following priority categories if funding is insufficient to award all eligible applicants. An eligible applicant selected for an award under a priority category will continue to meet the provisions of that category to maintain eligibility.

a. Eligible applicants who will be employed in a private practice providing food supply veterinary medicine in a veterinary shortage area and have graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application, followed by eligible applicants who will be employed in a private practice providing food supply veterinary medicine in a veterinary shortage area and have not graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application.

b. Eligible applicants who will be employed in a private practice providing food supply veterinary medicine in a service commitment area and have graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application, followed by eligible applicants who will be employed in a private practice providing food supply veterinary medicine in a service commitment area and have not graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application.

c. Eligible applicants who will practice as a veterinarian in a service commitment area and have graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application, followed by eligible applicants who will practice as veterinarians in a service

commitment area and have not graduated from an Iowa high school or completed private instruction under Iowa Code chapter 299A, by date of application.

27.2(4) *Awarding process.* The commission will:

a. Provide notice of the eligibility criteria and the application process annually.

b. Designate eligible applicants for awards and notify all applicants of their eligibility.

c. Track eligible applicants selected to receive awards through completion of their obligation. Completion of the obligation will be verified by the eligible applicant's employer. An obligation is satisfied pursuant to Iowa Code section 256.226(9).

d. Pay the loan repayment award directly to the holder of the eligible applicant's eligible loan.

[**ARC 8869C**, IAB 2/19/25, effective 3/26/25]

283—27.3(256) Failure to fulfill obligation. An eligible applicant who fails to fulfill the obligation pursuant to Iowa Code section 256.226(9) will be subject to repayment of any loan repayment awards paid under this chapter toward the eligible applicant's eligible loans as specified in the program agreement.

[**ARC 8869C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 5224C (Notice ARC 5123C, IAB 8/12/20), IAB 10/7/20, effective 11/11/20]

[Filed ARC 8869C (Notice ARC 8403C, IAB 11/27/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 28
TEACH IOWA SCHOLAR PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—28.1(256) Definitions.

"Eligible applicant" means an individual who meets the criteria in Iowa Code section 256.218(3), agrees to complete the obligation, completes applications on or before the date established by the commission, and does not meet a condition in 283—subrule 10.3(1). The obligation ends after five consecutive years. Progression towards completion of the obligation is verified annually. In addition, the eligible applicant will have graduated in the top 25 percent academically of students completing the teacher preparation program at the institution, as certified by the postsecondary institution offering the teacher preparation program from which the applicant graduates, and must be providing instruction in an eligible teaching field or in a combination of eligible teaching fields at an eligible school or agency and will be teaching on a full-time basis.

"Eligible school or agency" means a public school district, area education agency, charter school, and accredited nonpublic school located in Iowa and recognized and approved by the department of education.

"Eligible student loan" means the same as defined in Iowa Code section 256.218(4). Only the outstanding portion of a federal consolidation loan that was used to repay an eligible student loan qualifies as an eligible student loan.

"Eligible teaching field" means hard-to-staff subjects as identified by the director of the department of education.

"Preparation program" means the programs of practitioner preparation leading to initial licensure of teachers, administrators, and other professional school personnel.

"Teacher" means an individual who holds a practitioner's license or a statement of professional recognition issued under Iowa Code chapter 256 and who is employed in a nonadministrative position by an eligible school or agency pursuant to a contract issued by a board of directors under Iowa Code section 279.13. "Teacher" also includes a preschool teacher who is licensed by the board of educational examiners under Iowa Code chapter 256 and is employed by an eligible school or agency.

[**ARC 9586C**, IAB 10/1/25, effective 11/5/25]

283—28.2(256) Awarding of funds.

28.2(1) *Selection criteria.* All eligible applicants will be considered for an award.

28.2(2) *Extent of award and maximum award.* Eligible applicants may receive up to $4,000 per year for a period of five years.

28.2(3) *Priority for awards.* New awards will be made in the order of the following priority categories if funding is insufficient to award all eligible applicants. An eligible applicant selected for an award under a priority category will continue to meet the provisions of that category to maintain eligibility.

a. Eligible applicants who are Iowa residents.

(1) If all eligible applicants in this category cannot be funded, awards will be made first based on the eligible applicant's graduation date from the teacher preparation program, grouped by academic year, with the most recent academic year graduates given priority.

(2) If all eligible applicants who graduated within an academic year cannot be funded, awards will be further prioritized based on the annual ranking of eligible teaching fields by the department, with eligible applicants teaching in the highest ranking fields being served first. Eligible applicants who meet the same priority criteria in this category will be further prioritized by application date.

b. Eligible applicants who are not Iowa residents.

(1) If all eligible applicants in this category cannot be funded, awards will be made first based on the eligible applicant's graduation date from the teacher preparation program, grouped by academic year, with the most recent academic year graduates given priority.

(2) If all eligible applicants who graduated within an academic year cannot be funded, awards will be further prioritized based on the annual ranking of eligible teaching fields by the department, with eligible

applicants teaching in the highest ranking fields being served first. Eligible applicants who meet the same priority criteria in this category will be further prioritized by application date.

28.2(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and the application process annually.

b. Eligible applicants will specify whether the award should be paid directly to the eligible applicant or to the holder of the eligible applicant's eligible student loan.

c. The commission will designate eligible applicants for awards and notify all applicants of their eligibility.

d. The commission will track eligible applicants selected to receive awards through completion of their obligation.

e. The commission will pay the award directly to the eligible applicant or to the holder of the eligible applicant's eligible student loan after the eligible school or agency verifies that a portion of the obligation has been completed.

[**ARC 9586C**, IAB 10/1/25, effective 11/5/25]

283—28.3(256) Grandfather clause. The eligibility of eligible applicants who are selected to receive awards will not be impacted in subsequent years if the eligible teaching field under which they were selected to receive the award is no longer identified by the department.

[**ARC 9586C**, IAB 10/1/25, effective 11/5/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 1572C (Notice ARC 1419C, IAB 4/16/14), IAB 8/20/14, effective 9/24/14]

[Filed ARC 2209C (Notice ARC 2110C, IAB 8/19/15), IAB 10/28/15, effective 12/2/15]

[Filed ARC 9586C (Notice ARC 9390C, IAB 7/9/25), IAB 10/1/25, effective 11/5/25]

CHAPTER 29
IOWA NATIONAL GUARD MASTER'S DEGREE SCHOLARSHIP PROGRAM
Rescinded **ARC 9585C**, IAB 10/1/25, effective 11/5/25

CHAPTER 30
IOWA NATIONAL GUARD STUDENT LOAN REPAYMENT PROGRAM
Rescinded **ARC 9587C**, IAB 10/1/25, effective 11/5/25

CHAPTER 31
MENTAL HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

283—31.1(256) Definitions.

"Eligible applicant" means an individual who is a mental health professional or agrees to become a mental health professional, agrees to sign a program agreement, and agrees to complete the obligation. The eligible applicant completes applications on or before the date established by the commission and does not meet a condition in 283—subrule 10.3(1).

1. The program agreement specifies the obligation and other details pertaining to the program.

2. The obligation is fulfilled by assessing and diagnosing mental health needs and problems and providing mental health counseling services to clients, individually or in groups, in eligible practice areas on a full-time basis for five consecutive years or on a part-time basis for seven consecutive years. Progression toward completion of the obligation is verified annually.

"Eligible institution" means the same as defined in Iowa Code section 256.225(1).

"Eligible loan" means the same as defined in Iowa Code section 256.225(1). Only the outstanding portion of a federal consolidation loan that was used to repay an eligible loan qualifies as an eligible loan. An eligible applicant who signs a program agreement and then refinances an eligible loan by obtaining a private education loan may continue to receive loan repayment awards.

"Eligible practice area" means the same as defined in Iowa Code section 256.225(1). Mental health professionals who serve clients who reside in eligible practice areas, including rural locations outside of city limits but within the federal mental health shortage area, on at least a part-time basis are eligible. After an eligible applicant signs an agreement to practice in an eligible practice area, subsequent changes to eligible practice areas will not impact that applicant's continued eligibility for the program.

"Mental health professional" means the same as defined in Iowa Code section 256.225(1). The required clinical experience is completed after receipt of a master's degree in a mental health field.

"Part-time" means an average of at least 28 hours but fewer than 40 hours per week.

[**ARC 8870C**, IAB 2/19/25, effective 3/26/25]

283—31.2(256) Awarding of funds.

31.2(1) *Selection criteria.* All eligible applicants will be considered for an award.

31.2(2) *Extent of award and maximum award.* Eligible applicants may receive up to $40,000 upon completion of the obligation. The loan repayment award will not exceed the outstanding balance of the eligible applicant's eligible loans. An eligible applicant selected for an award under a priority category will continue to meet the provisions of that category to maintain eligibility.

31.2(3) *Priority for awards.* New awards will be made in the order of the following priority categories if funding is insufficient to award all eligible applicants.

a. Eligible applicants who are Iowa residents or who are members of the Iowa national guard if requested by the adjutant general. Members of the Iowa national guard will have satisfactorily completed required guard training and will maintain satisfactory performance of guard duty. If all eligible applicants cannot be funded, awards will be made first to eligible applicants who are in their final year of the degree program that leads to their qualification as a mental health professional, by application date; then to eligible applicants completing the two-year post-master's degree clinical experience, by application date; and finally to practicing mental health professionals, with priority to those meeting the definition of mental health professional in the most recent fiscal year.

b. Eligible applicants who are not Iowa residents and are not members of the Iowa national guard requested by the adjutant general. If all eligible applicants cannot be funded, awards will be made first to eligible applicants who are in their final year of the degree program that leads to their qualification as a mental health professional, by application date; then to eligible applicants completing the two-year post-master's degree clinical experience, by application date; and finally to practicing mental health professionals, with priority to those meeting the definition of mental health professional in the most recent fiscal year.

31.2(4) *Awarding process.* The commission will:

a. Provide notice of the eligibility criteria and application process annually.

b. Designate eligible applicants for awards and notify applicants of their eligibility.

c. Track eligible applicants selected to receive awards through completion of their obligation. An obligation is satisfied if it aligns with Iowa Code section 256.225(4).

d. Send the award to the holder of the selected eligible applicant's eligible loans upon verifying completion of the obligation with the eligible applicant's employer.

[**ARC 8870C**, IAB 2/19/25, effective 3/26/25]

283—31.3(256) Failure to fulfill obligation. An eligible applicant who fails to fulfill the obligation pursuant to Iowa Code section 256.225(4) will be subject to repayment of any loan repayment awards paid under this chapter toward the eligible applicant's eligible loans as specified in the program agreement.

[**ARC 8870C**, IAB 2/19/25, effective 3/26/25]

These rules are intended to implement Iowa Code chapter 256.

[Filed ARC 6888C (Notice ARC 6759C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

[Filed ARC 8870C (Notice ARC 8405C, IAB 11/27/24), IAB 2/19/25, effective 3/26/25]

CHAPTER 32
CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN PROGRAM

Rescinded **ARC 8871C**, IAB 2/19/25, effective 3/26/25

CHAPTER 33
CHIROPRACTIC LOAN FORGIVENESS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—33.1(261) Chiropractic loan forgiveness program.

33.1(1) The chiropractic loan forgiveness program is a state-supported and state-administered loan forgiveness program for Iowans who are chiropractors practicing in Iowa.

33.1(2) Definition. As used in this chapter, "chiropractic practice" means working as a licensed chiropractor in the state of Iowa as certified by the state board of chiropractic under Iowa Code chapter 151.

283—33.2(261) Eligibility.

33.2(1) Applicants must be:

a. Residents of the state of Iowa; and

b. Employed in chiropractic practice in Iowa.

33.2(2) Applicants must complete and file annual applications for the chiropractic 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.

33.2(3) Applicants must annually complete and return to the commission affidavits of practice verifying that they are employed as licensed chiropractors in Iowa.

33.2(4) Applicants must begin their first licensed chiropractic positions in Iowa on or after July 1, 2008.

283—33.3(261) Awarding of funds.

33.3(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. Applicant renewal status:

(1) Date of application;

(2) Applicant debt level;

b. Full-time employment status:

(1) Date of application;

(2) Applicant debt level;

c. Part-time employment status:

(1) Date of application;

(2) Applicant debt level.

33.3(2) *Annual award.* The maximum annual award to an eligible chiropractor shall be the lesser of:

a. The average resident tuition rate established for students attending universities governed by the Iowa board of regents for the first year following the chiropractor's graduation from a college of chiropractic approved by the board of chiropractic in accordance with Iowa Code section 151.4; or

b. Twenty percent of the chiropractor'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.

33.3(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 chiropractors in Iowa will not be considered for subsequent years of forgiveness.

33.3(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 or by submission of an affidavit of practice that the chiropractor 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—33.4(261) Loan forgiveness cancellation.

33.4(1) Within 30 days following termination of employment as a chiropractor in Iowa, the recipient shall notify the commission of the nature of the chiropractor's employment status.

33.4(2) The chiropractor is responsible for notifying the commission immediately of a change in name, place of employment, home address, or lender.

283—33.5(261) Restrictions. A chiropractor 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 2008 Iowa Acts, House File 2679, section 34.

[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]
[Filed 11/26/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

CHAPTER 34
WORKFORCE GRANT AND INCENTIVE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/17/28

283—34.1(261) Basis of aid. Assistance available under the Iowa workforce grant and incentive program is based on the financial need of Iowa residents enrolled in eligible programs of study at universities under the Iowa board of regents.
[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—34.2(261) Definitions.

"Academic year" is defined as the fall, spring and summer semesters, in that sequence, within a state fiscal year.

"Eligible institution" means the same as defined in Iowa Code section 256.230.

"Eligible program" means an undergraduate program of study as defined in 283—Chapter 10 that meets the provisions of Iowa Code section 256.230.

"Financial metric" means the same as defined in 283—Chapter 10.

"Financial need" means the same as defined in 283—Chapter 10.

"Full-time" means the same as defined in 283—Chapter 10.

"High-demand job" means the same as described in Iowa Code section 84A.1B(17).

"Iowa resident" means the same as defined in 283—Chapter 10.

"Part-time" means the same as defined in 283—Chapter 10.

"Satisfactory academic progress" means the same as defined in 283—Chapter 10.
[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—34.3(261) Eligible workforce grant applicant. An eligible applicant is an Iowa resident who is enrolled full-time or part-time as an undergraduate student in an eligible program at an eligible institution and who meets the following provisions:

1. Annually completes the applications the commission deems necessary on or before the date established by the commission.

2. Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).
[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—34.4(261) Awarding of workforce grant funds.

34.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

34.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than four full-time or eight part-time semesters of awards, or the equivalent.

a. The maximum award for full-time students will not exceed the student's financial need and will not exceed $2,000 per full-time semester.

b. A part-time student will receive a prorated award, as established by the commission, based on the number of credit hours for which the student is enrolled.

c. Awards will be provided during the fall and spring semesters of enrollment. Awards during the summer semester of enrollment may be provided if funding allows.

34.4(3) *Priority for awards.* In the event that funds available are insufficient to provide an award to all eligible applicants, awards will be prioritized as follows:

a. Eligible applicants who received a workforce grant in the prior academic year.

b. Eligible applicants with the lowest financial metrics.

c. Eligible applicants who are closest to the completion of their eligible program.

34.4(4) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. Eligible institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

c. Eligible institutions will apply awards directly to student accounts to cover items included in the cost of attendance, as defined in Title IV of the federal Higher Education Act of 1965, as of July 1, 2023.

d. Eligible institutions will provide information about eligible applicants to the commission in a format specified by the commission. Eligible institutions will make necessary changes to awards due to a change in enrollment, program of study, and financial situation and promptly report those changes to the commission.

e. Eligible institutions will complete necessary verification and coordinate other aid to ensure compliance with student eligibility requirements and allowable award amounts. Eligible institutions will report changes in student eligibility to the commission.

f. The commission will periodically investigate and review compliance of eligible institutions participating in this state program with the criteria established in Iowa Code section 256.230 and this rule.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—34.5(261) Eligible incentive payment applicant. Individuals who received a workforce grant and completed the eligible program within the same academic year may apply for the incentive payment if they meet the criteria of Iowa Code section 256.230 and are employed in Iowa.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

283—34.6(261) Awarding of incentive payments.

34.6(1) *Selection criteria.* All eligible incentive payment applicants will be considered for an award.

34.6(2) *Extent of award and maximum award.* Eligible incentive payment applicants may apply for no more than one incentive payment of up to $2,000.

34.6(3) *Awarding process.*

a. The commission will provide notice of the availability of the incentive payment application to eligible incentive payment applicants following completion of the eligible program. Eligible incentive payment applicants will apply for the incentive and begin full-time employment in a high-demand job in Iowa within six months of completing the eligible program.

b. Following the application deadline, the commission will designate eligible applicants for awards and begin tracking their employment.

c. After the applicant has completed 12 consecutive months of full-time employment, commission staff will verify with the Iowa employer that the applicant was employed full-time in a job position that is aligned with a high-demand job.

d. Following verification with the employer, the commission will make payment to the eligible incentive payment applicant.

[**ARC 7130C**, IAB 12/13/23, effective 11/17/23]

These rules are intended to implement 2023 Iowa Acts, Senate File 560.

[Filed Emergency After Notice ARC 7130C (Notice ARC 7100C, IAB 10/4/23), IAB 12/13/23, effective 11/17/23]

CHAPTER 35
IOWA TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
Rescinded **ARC 8872C**, IAB 2/19/25, effective 3/26/25

CHAPTER 36
GOVERNOR TERRY E. BRANSTAD
IOWA STATE FAIR SCHOLARSHIP PROGRAM
Rescinded **ARC 8873C**, IAB 2/19/25, effective 3/26/25

CHAPTER 37
DEBT COLLECTION

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/5/30

283—37.1(256) Definitions.

"Debtor" means a person who has defaulted on any obligation owed to or collected by the commission.

"Default" means that a debtor:

1. Becomes obligated to repay the commission under any loan repayment program administered by the commission and fails to make an agreed payment within 30 days of the agreed due date;
2. Becomes obligated to repay the commission under any forgivable loan program administered by the commission and fails to make an agreed payment within 30 days of the agreed due date; or
3. Enters into a written repayment agreement with the commission and fails to make an agreed payment within 30 days of the due date stated in the repayment agreement.

"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.

[**ARC 9588C**, IAB 10/1/25, effective 11/5/25]

283—37.2(256) Administrative wage garnishment procedures. The commission shall use the general administrative wage garnishment procedures established in 34 CFR Part 34 et seq., as of July 1, 2024, in the collection of all defaulted obligations owed to the commission. Administrative hearings will be governed by 283—Chapter 4.

[**ARC 9588C**, IAB 10/1/25, effective 11/5/25]

283—37.3(261) Offset against state income tax refund or rebate. The commission may make a claim against a defaulted borrower's state income tax refund or rebate to receive a payment against defaulted obligation owed pursuant to 701—Chapter 26.

[**ARC 9588C**, IAB 10/1/25, effective 11/5/25]

These rules are intended to implement Iowa Code section 256.197.

[Filed 8/30/02, Notice 5/29/02—published 9/18/02, effective 10/23/02]
[Filed 9/24/04, Notice 8/18/04—published 10/13/04, effective 11/17/04]
[Filed emergency 6/16/06—published 7/5/06, effective 6/16/06]
[Filed 9/25/06, Notice 7/5/06—published 10/25/06, effective 11/29/06]
[Filed ARC 4719C (Notice ARC 4596C, IAB 8/14/19), IAB 10/23/19, effective 11/27/19]
[Filed ARC 9588C (Notice ARC 9392C, IAB 7/9/25), IAB 10/1/25, effective 11/5/25]