



IOWA ADMINISTRATIVE BULLETIN

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CONTENTS IN THIS ISSUE

Pages 1345 to 1370 include **ARC 6605B** to **ARC 6625B**

AGENDA

Administrative rules review committee 1337

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice, On-site containment of pesticides;
secondary containment for aerial applicator
aircraft, 44.1, 44.2, 44.12, 45.26(3)
ARC 6614B 1345

ALL AGENCIES

Agency identification numbers 1342
Citation of administrative rules 1335
Schedule for rule making 1336

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"
Notice, Principal endorsements—out-of-state
applicants, 14.142 **ARC 6606B** 1345

EDUCATION DEPARTMENT[281]

Notice, Iowa public charter schools,
68.1 to 68.7 **ARC 6623B** 1346
Filed, Administrator and teacher quality
programs, 12.7, 72.9(1), 83.1 to 83.12
ARC 6624B 1357
Filed, Open enrollment, 17.2, 17.6(2), 17.14
ARC 6625B 1365

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

PUBLIC DEFENSE DEPARTMENT[601]"umbrella"
Notice—Availability of public funds 1344

HUMAN SERVICES DEPARTMENT[441]

Notice, Medicaid for employed people with
disabilities (MEPD)—premiums assessed,
75.1(39) **ARC 6615B** 1349

IOWA FINANCE AUTHORITY[265]

Filed, Water pollution control works
and drinking water facilities financing—
prepayment of loan, 26.5(7) **ARC 6622B** 1368

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"
Filed, OSHA standards—general industry and
construction, 10.20, 26.1 **ARC 6617B** 1368

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"
Notice, Physician licensure—examinations,
9.4 **ARC 6607B** 1350

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"
Filed, Chiropractic physicians, amendments
to chs 40 to 45 **ARC 6605B** 1368

PUBLIC FUNDS—AVAILABILITY

Homeland Security and Emergency
Management Division[605]
Hazard mitigation grant program (HMGP) 1344

PUBLIC HEARINGS

Summarized list 1340

REVENUE DEPARTMENT[701]

Filed, Interest rate—calendar year 2008,
10.2(27) **ARC 6621B** 1369
Filed, Efficiency of engines—fuel consumed
during idle time, 68.8(9) **ARC 6619B** 1369
Filed, Continuing education committee—
terms of two assessors, 122.2 **ARC 6620B** 1370
Filed, Exclusive web search portal business
and its exemptions, 230.10 **ARC 6618B** 1370

STATE PUBLIC DEFENDER[493]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"
Notice, Claims for indigent defense and other
professional services, amendments to chs 7,
12, 13 **ARC 6610B** 1350
Notice, Mileage reimbursement rate; cap on
claims in termination cases, 12.8(1), 14.3
ARC 6609B 1352
Filed Emergency, Mileage reimbursement rate;
cap on claims in termination cases, 12.8(1),
14.3 **ARC 6608B** 1356

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through letters~~ indicate deleted material.

KATHLEEN K. WEST, Administrative Code Editor

Telephone: (515)281-3355

STEPHANIE A. HOFF, Deputy Editor

(515)281-8157

Fax: (515)281-5534

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

| | |
|--|------|
| Notice, ICN—change in organizational structure, 1.5(2)“e” ARC 6611B | 1352 |
| Notice, Authorized spending limit, 5.1(1)“c” ARC 6612B | 1353 |

TREASURER OF STATE[781]

| | |
|--|------|
| Notice—Public funds interest rates | 1353 |
| Filed, Iowa educational savings plan trust, ch 16 ARC 6613B | 1370 |

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]“umbrella”

| | |
|---|------|
| Notice, Electric energy adjustment clause, amendments to ch 20 ARC 6616B | 1354 |
|---|------|

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

- 441 IAC 79 (Chapter)
- 441 IAC 79.1(249A) (Rule)
- 441 IAC 79.1(1) (Subrule)
- 441 IAC 79.1(1)“a” (Paragraph)
- 441 IAC 79.1(1)“a”(1) (Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 2008

| NOTICE SUBMISSION DEADLINE | NOTICE PUB. DATE | HEARING OR COMMENTS 20 DAYS | FIRST POSSIBLE ADOPTION DATE 35 DAYS | ADOPTED FILING DEADLINE | ADOPTED PUB. DATE | FIRST POSSIBLE EFFECTIVE DATE | POSSIBLE EXPIRATION OF NOTICE 180 DAYS |
|----------------------------------|------------------------|--------------------------------------|--|-------------------------------|-------------------------|--|---|
| *Dec. 26 '07* | Jan. 16 '08 | Feb. 5 '08 | Feb. 20 '08 | Feb. 22 '08 | Mar. 12 '08 | Apr. 16 '08 | July 14 '08 |
| Jan. 11 '08 | Jan. 30 | Feb. 19 | Mar. 5 | Mar. 7 | Mar. 26 | Apr. 30 | July 28 |
| Jan. 25 | Feb. 13 | Mar. 4 | Mar. 19 | Mar. 21 | Apr. 9 | May 14 | Aug. 11 |
| Feb. 8 | Feb. 27 | Mar. 18 | Apr. 2 | Apr. 4 | Apr. 23 | May 28 | Aug. 25 |
| Feb. 22 | Mar. 12 | Apr. 1 | Apr. 16 | Apr. 18 | May 7 | June 11 | Sept. 8 |
| Mar. 7 | Mar. 26 | Apr. 15 | Apr. 30 | May 2 | May 21 | June 25 | Sept. 22 |
| Mar. 21 | Apr. 9 | Apr. 29 | May 14 | ***May 14*** | June 4 | July 9 | Oct. 6 |
| Apr. 4 | Apr. 23 | May 13 | May 28 | May 30 | June 18 | July 23 | Oct. 20 |
| Apr. 18 | May 7 | May 27 | June 11 | June 13 | July 2 | Aug. 6 | Nov. 3 |
| May 2 | May 21 | June 10 | June 25 | ***June 25*** | July 16 | Aug. 20 | Nov. 17 |
| ***May 14*** | June 4 | June 24 | July 9 | July 11 | July 30 | Sept. 3 | Dec. 1 |
| May 30 | June 18 | July 8 | July 23 | July 25 | Aug. 13 | Sept. 17 | Dec. 15 |
| June 13 | July 2 | July 22 | Aug. 6 | Aug. 8 | Aug. 27 | Oct. 1 | Dec. 29 |
| ***June 25*** | July 16 | Aug. 5 | Aug. 20 | ***Aug. 20*** | Sept. 10 | Oct. 15 | Jan. 12 '09 |
| July 11 | July 30 | Aug. 19 | Sept. 3 | Sept. 5 | Sept. 24 | Oct. 29 | Jan. 26 '09 |
| July 25 | Aug. 13 | Sept. 2 | Sept. 17 | Sept. 19 | Oct. 8 | Nov. 12 | Feb. 9 '09 |
| Aug. 8 | Aug. 27 | Sept. 16 | Oct. 1 | Oct. 3 | Oct. 22 | Nov. 26 | Feb. 23 '09 |
| ***Aug. 20*** | Sept. 10 | Sept. 30 | Oct. 15 | Oct. 17 | Nov. 5 | Dec. 10 | Mar. 9 '09 |
| Sept. 5 | Sept. 24 | Oct. 14 | Oct. 29 | Oct. 31 | Nov. 19 | Dec. 24 | Mar. 23 '09 |
| Sept. 19 | Oct. 8 | Oct. 28 | Nov. 12 | ***Nov. 12*** | Dec. 3 | Jan. 7 '09 | Apr. 6 '09 |
| Oct. 3 | Oct. 22 | Nov. 11 | Nov. 26 | ***Nov. 26*** | Dec. 17 | Jan. 21 '09 | Apr. 20 '09 |
| Oct. 17 | Nov. 5 | Nov. 25 | Dec. 10 | ***Dec. 10*** | Dec. 31 | Feb. 4 '09 | May 4 '09 |
| Oct. 31 | Nov. 19 | Dec. 9 | Dec. 24 | ***Dec. 24*** | Jan. 14 '09 | Feb. 18 '09 | May 18 '09 |
| ***Nov. 12*** | Dec. 3 | Dec. 23 | Jan. 7 '09 | Jan. 9 '09 | Jan. 28 '09 | Mar. 4 '09 | June 1 '09 |
| ***Nov. 26*** | Dec. 17 | Jan. 6 '09 | Jan. 21 '09 | Jan. 23 '09 | Feb. 11 '09 | Mar. 18 '09 | June 15 '09 |
| ***Dec. 10*** | Dec. 31 | Jan. 20 '09 | Feb. 4 '09 | Feb. 6 '09 | Feb. 25 '09 | Apr. 1 '09 | June 29 '09 |
| ***Dec. 24*** | Jan. 14 '09 | Feb. 3 '09 | Feb. 18 '09 | Feb. 20 '09 | Mar. 11 '09 | Apr. 15 '09 | July 13 '09 |

PRINTING SCHEDULE FOR IAB

| <u>ISSUE NUMBER</u> | <u>SUBMISSION DEADLINE</u> | <u>ISSUE DATE</u> |
|---------------------|----------------------------|-------------------|
| 20 | Friday, March 7, 2008 | March 26, 2008 |
| 21 | Friday, March 21, 2008 | April 9, 2008 |
| 22 | Friday, April 4, 2008 | April 23, 2008 |

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

The Administrative Rules Review Committee will hold a special meeting on Friday, March 7, 2008, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Pesticides—containment, record keeping, 44.1, 44.2, 44.12,
45.26(3), Notice **ARC 6614B** 2/27/08

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]“umbrella”

All Iowa opportunity scholarship program, ch 8, Filed **ARC 6587B** 2/13/08
All Iowa opportunity foster care grant program, ch 9, Filed **ARC 6588B** 2/13/08

CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]“umbrella”

Debt cancellation products, ch 5, Filed **ARC 6602B** 2/13/08

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Administrator endorsements for out-of-state applicants,
14.142(2) to 14.142(4), Notice **ARC 6606B** 2/27/08

EDUCATION DEPARTMENT[281]

Student achievement and teacher quality program; beginning administrator mentoring
and induction program, 12.7, 72.9(1)“g,” ch 83 title, ch 83 div I title, 83.1, 83.2,
ch 83 div II title, 83.3 to 83.5, 83.5(3), 83.6, 83.7, ch 83 div III,
83.8 to 83.12, Filed **ARC 6624B** 2/27/08
Open enrollment—prohibition of attendance center assignment based solely on race,
17.2, 17.6(2), 17.14, Filed **ARC 6625B** 2/27/08
Public charter schools, 68.1 to 68.7, Notice **ARC 6623B** 2/27/08

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Controlling air pollution—grain elevators, 20.2, 22.1(1)“d,” 22.10, 22.100, 23.4(7), Filed **ARC 6599B** 2/13/08
Recreational use assessment and attainability analysis protocol,
61.3(8), Filed **ARC 6595B** 2/13/08
Underground storage tanks—corrective action and technical standards, 135.2,
135.8(1)“a” and “c,” 135.10(1), 135.10(4)“a” and “b,” 135.12(3)“d” and “e,”
135.12(9)“a” and “d,” 135.18(5) to 135.18(7), ch 135 appendix B, Notice **ARC 6596B** 2/13/08
Packaging—heavy metal content, 213.3, 213.4(3), 213.5, 213.7(2), Filed **ARC 6598B** 2/13/08

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Exemption to penalty for late filing of campaign reports, 4.59(1), Notice **ARC 6594B** 2/13/08
Penalty for late filing of lobbyist disclosure report, 8.11(1), Notice **ARC 6593B** 2/13/08
Retention of portion of civil penalty to cover incidental costs, 9.4(5), Notice **ARC 6592B** 2/13/08

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

PUBLIC DEFENSE DEPARTMENT[601]“umbrella”

Filing of reports, 104.1(1), 104.2(3) to 104.2(5), 104.3, Filed **ARC 6589B** 2/13/08

HUMAN SERVICES DEPARTMENT[441]

Premiums for Medicaid for employed people with disabilities (MEPD),
75.1(39)“b”(3), Notice **ARC 6615B** 2/27/08

IOWA FINANCE AUTHORITY[265]

Water pollution control works and drinking water facilities financing—prepayment of loan,
26.5(7), Filed **ARC 6622B** 2/27/08

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

OSHA standards for general industry and construction—adoption by reference,
10.20, 26.1, Filed **ARC 6617B** 2/27/08
Elevators—waivers, safety tests, 66.10(10), 66.15, 71.2(2)“c,” Filed **ARC 6603B** 2/13/08

LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]Professional Licensing and Regulation Bureau[193]
COMMERCE DEPARTMENT[181]"umbrella"Registration—inactive status, 2.8(8), 2.9, 2.10, Notice **ARC 6601B** 2/13/08**MEDICINE BOARD[653]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Physician licensure—examination, 9.4(2)"e"(1), 9.4(6)"a"(1), Notice **ARC 6607B** 2/27/08

Licensure of physicians enrolled in Iowa resident training programs,

10.3(1)"b," Notice **ARC 6590B** 2/13/08Pain management, 13.2, Notice **ARC 6604B** 2/13/08**NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Boating—No-wake zoning of Mississippi River, Des Moines County, city of Burlington,

40.56, Notice **ARC 6597B** 2/13/08

Cabin and lodge rental fees; Honey Creek Resort State Park, 61.2, 61.5(1)"a" and "c,"

61.15, Notice **ARC 6600B** 2/13/08**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Chiropractic physicians, 41.5(6), 41.14(3)"a"(2), 41.14(3)"b"(2), 43.10, 43.11,

44.3(2)"b"(2) and (4) to (6), Filed **ARC 6605B** 2/27/08**PUBLIC SAFETY DEPARTMENT[661]**

Closed circuit surveillance systems, 141.1, 141.4(1), 141.4(3), 141.5(9)"d,"

141.10, 141.10(1), Filed **ARC 6591B** 2/13/08**REVENUE DEPARTMENT[701]**Interest rate for calendar year 2008, 10.2(27), Filed **ARC 6621B** 2/27/08Motor fuel and undyed special fuel—tax refund for idle time, 68.8(9), Filed **ARC 6619B** 2/27/08Assessor continuing education committee—term limits, 122.2, Filed **ARC 6620B** 2/27/08Web search portal business—exemption, 230.10, Filed **ARC 6618B** 2/27/08**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Claims for indigent defense services and other professional services, 7.1, 12.2(1)"b"(4) and (5),

12.2(10), 12.2(13), 12.5, 12.5(3), 12.6(1), 12.6(2), 12.9(2)"f," 13.2(4)"a"(8),

13.2(4)"d" to "f," Notice **ARC 6610B** 2/27/08

Claims—increase in mileage reimbursement, removal of cap for 600A termination cases, 12.8(1)"a,"

14.3 Notice **ARC 6609B**, also Filed Emergency **ARC 6608B** 2/27/08**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]**Organizational structure, 1.5(2)"e," Notice **ARC 6611B** 2/27/08Authorized spending limit, 5.1(1)"c," Notice **ARC 6612B** 2/27/08**TREASURER OF STATE[781]**Iowa educational savings plan trust, ch 16, Filed **ARC 6613B** 2/27/08**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Electric energy adjustment clause, 20.1(3), 20.9(2)"b"(8), 20.9(2)"e"(1), 20.13(1)"h,"

20.17(1), 20.17(2), 20.17(8) to 20.17(10), Notice **ARC 6616B** 2/27/08

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2011.

Senator Jeff Angelo
P.O. Box 604
Creston, Iowa 50801

Senator Michael Connolly
2600 Renaissance Drive, #3
Dubuque, Iowa 52001

Senator Thomas Courtney
2200 Summer Street
Burlington, Iowa 52601

Senator John P. Kibbie
P.O. Box 190
Emmetsburg, Iowa 50536

Senator James Seymour
901 White Street
Woodbine, Iowa 51579

Joseph A. Royce
Legal Counsel
Capitol
Des Moines, Iowa 50319
Telephone (515)281-3084
Fax (515)281-8451

Representative Marcella R. Frevert
P.O. Box 324
Emmetsburg, Iowa 50536

Representative David Heaton
510 East Washington
Mt. Pleasant, Iowa 52641

Representative David Jacoby
2308 North Ridge Drive
Coralville, Iowa 52241

Representative Linda Upmeyer
2175 Pine Avenue
Garner, Iowa 50438

Representative Philip Wise
503 Grand Avenue
Keokuk, Iowa 52632

James Larew
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319
Telephone (515)281-0208

| AGENCY | HEARING LOCATION | DATE AND TIME OF HEARING |
|---|---|-------------------------------|
| EDUCATIONAL EXAMINERS BOARD[282] | | |
| Administrator endorsement—out-of-state applicants, 14.142 IAB 2/27/08 ARC 6606B | Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa | March 19, 2008 1 p.m. |
| EDUCATION DEPARTMENT[281] | | |
| Iowa public charter schools, 68.1 to 68.7 IAB 2/27/08 ARC 6623B | State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa | March 18, 2008 1 to 2 p.m. |
| EMPOWERMENT BOARD, IOWA[349] | | |
| Community empowerment gifts and grants accounts, 1.4, 1.6(3), 1.9 IAB 1/30/08 ARC 6584B | Room 142 Lucas State Office Bldg. Des Moines, Iowa | March 4, 2008 10 a.m. |
| ENVIRONMENTAL PROTECTION COMMISSION[567] | | |
| Underground storage tanks—Tier 2 model, 135.2, 135.8(1), 135.10, 135.12, 135.18, Appendix B IAB 2/13/08 ARC 6596B | Community Meeting Room Clerk's Office, City Hall 111 N. Main St. Denison, Iowa | March 4, 2008 1 to 3 p.m. |
| | Meeting Room B, Public Library 123 S. Linn St. Iowa City, Iowa | March 5, 2008 1 to 3 p.m. |
| | Fifth Floor Conference Rooms Wallace State Office Bldg. Des Moines, Iowa | March 6, 2008 1 to 3 p.m. |
| MEDICINE BOARD[653] | | |
| Physician licensure—USMLE and COMLEX, 9.4 IAB 2/27/08 ARC 6607B | Board Office, Suite C 400 SW 8th St. Des Moines, Iowa | March 18, 2008 3 p.m. |
| Resident physician licensure, 10.3(1) IAB 2/13/08 ARC 6590B | Board Office, Suite C 400 SW 8th St. Des Moines, Iowa | March 4, 2008 2:45 p.m. |
| Standards of practice—pain management, 13.2 IAB 2/13/08 ARC 6604B | Board Office, Suite C 400 SW 8th St. Des Moines, Iowa | March 11, 2008 3 p.m. |
| NATURAL RESOURCE COMMISSION[571] | | |
| No-wake zone, Mississippi River, Burlington, 40.56 IAB 2/13/08 ARC 6597B | Fourth Floor W. Conference Rm. Wallace State Office Bldg. Des Moines, Iowa | March 5, 2008 9 a.m. |
| State parks and recreation areas, 61.2, 61.5(1), 61.15 IAB 2/13/08 ARC 6600B | Fourth Floor W. Conference Rm. Wallace State Office Bldg. Des Moines, Iowa | March 4, 2008 10 a.m. |

STATE PUBLIC DEFENDER[493]

| | | |
|---|---|-----------------------------|
| Submission of claims; fee limitations, 7.1, 12.2, 12.5, 12.6, 12.9(2), 13.2(4) IAB 2/27/08 ARC 6610B | Conference Room 424 Lucas State Office Bldg. Des Moines, Iowa | March 24, 2008 9:15 a.m. |
| Mileage reimbursement; rate and fee limitations, 12.8(1), 14.3 IAB 2/27/08 ARC 6609B (See also ARC 6608B herein) | Conference Room 424 Lucas State Office Bldg. Des Moines, Iowa | March 24, 2008 9 a.m. |

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

| | | |
|--|--|-----------------------------|
| Service delivery bureau, 1.5(2) IAB 2/27/08 ARC 6611B | ICN Grand Conference Room Grimes State Office Bldg. Des Moines, Iowa | March 19, 2008 2:30 p.m. |
| Authorized spending limit, 5.1(1) IAB 2/27/08 ARC 6612B | ICN Grand Conference Room Grimes State Office Bldg. Des Moines, Iowa | March 19, 2008 2:30 p.m. |

UTILITIES DIVISION[199]

| | | |
|---|-----------------------------------|--------------------------|
| Electric energy adjustment clause, 20.1(3), 20.9(2), 20.13(1), 20.17 IAB 2/27/08 ARC 6616B | 350 Maple St. Des Moines, Iowa | April 8, 2008 10 a.m. |
|---|-----------------------------------|--------------------------|

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF INDUSTRY COUNCIL, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CITIZENS’ AIDE[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Savings and Loan Division[197]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
 Grow Iowa Values Board[264]
 IOWA FINANCE AUTHORITY[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 ELDER AFFAIRS DEPARTMENT[321]
 EMPOWERMENT BOARD, IOWA[349]
 ENERGY INDEPENDENCE, OFFICE OF[350]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 HUMAN RIGHTS DEPARTMENT[421]
 Community Action Agencies Division[427]
 Criminal and Juvenile Justice Planning Division[428]
 Deaf Services Division[429]
 Persons With Disabilities Division[431]
 Latino Affairs Division[433]
 Status of African-Americans, Division on the[434]
 Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
 Homeland Security and Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Professional Licensure Division[645]
 Dental Board[650]
 Medicine Board[653]
 Nursing Board[655]
 Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

| AGENCY | PROGRAM | ELIGIBLE APPLICANTS | TYPES OF PROJECTS |
|---|---|---|--|
| <p>Iowa Homeland Security and Emergency Management Division (HSEMD)</p> | <p>Hazard Mitigation Grant Program (HMGP) DR 1737 Authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by §102 of the Disaster Mitigation Act of 2000 (DMA)</p> | <ul style="list-style-type: none"> • State Agencies and Local Governments • Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations. • Private Non Profit (PNP) Organizations or institutions which operate a PNP facility as defined in the 44 Code of Federal Regulations (CFR), Section 206.221 (e) • All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP. • All Applicants for a project grant MUST have a FEMA approved local hazard mitigation plan. <p>Application Process:</p> <ul style="list-style-type: none"> - Potential project & planning applicants must complete a Notice of Interest (NOI) Form located on the HSEMD website at: http://www.iowahomelandsecurity.org/asp/CoEM_FR/grant/index.asp - NOI Form must be emailed to hsemd.mitigation@iowa.gov - NOI's will be selected for full application development based on funding availability, the State's priority, and an initial eligibility review. - Entities selected for full project application development will be provided a minimum of two months to complete the application. <p>For additional information please contact:</p> <p style="text-align: center;">John Wageman 515-725-3225 Jim Russell 515-725-3217 Jessica Alaniz 515-725-3247 Sherry McCloskey 515-725-3283</p> <p style="text-align: center;">Iowa Homeland Security and Emergency Management Division Camp Dodge, Bldg W4 Johnston, Iowa 50131</p> | <p style="text-align: center;">Eligible Project Types</p> <p>Projects may be of any nature that will result in protection to public or private property, including but not limited to:</p> <ul style="list-style-type: none"> • Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity • Construction of safe rooms (tornado and severe wind shelters) • Structural and non-structural retrofitting of existing buildings and facilities (including designs and feasibility studies when included as part of the construction project) for wildfire, seismic, wind or flood hazards (e.g., elevation, floodproofing, storm shutters, hurricane clips) • Minor structural hazard control or protection projects that may include vegetation management, stormwater management (e.g., culverts, floodgates, retention basins), or shoreline/landslide stabilization • Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system • Backup power generation for critical facilities and critical functions (limited amount). |

ARC 6614B

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 206.5(2), 206.6, and 206.15, the Department of Agriculture and Land Stewardship gives Notice of Intended Action to amend Chapter 44, “On-Site Containment of Pesticides, Fertilizers, and Soil Conditioners,” and Chapter 45, “Pesticides,” Iowa Administrative Code.

The proposed amendments to Chapter 44 add definitions of “aerial applicator” and “certified commercial applicator,” strike outdated references in rule 21—44.2(206), and require that secondary containment be used when a spray component is being drained or repaired during aircraft maintenance. The proposed amendment to Chapter 45 requires that additional sets of licensing records be maintained.

Any interested person may send comments to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, 502 East 9th Street, Des Moines, Iowa 50319-0051, on or before March 19, 2008. Comments made by E-mail should be sent to Margaret.Thomson@idals.state.ia.us.

These amendments are intended to implement Iowa Code sections 206.11(3) and 206.15.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 21—44.1(206) by adopting the following **new** definitions in alphabetical order:

“Aerial applicator” means a commercial applicator who is certified in #11—Aerial Application and who applies the pesticide by using an aircraft.

“Certified commercial applicator” means a pesticide applicator or individual who applies or uses a pesticide or device on any property of another for compensation.

ITEM 2. Amend rule 21—44.2(206) as follows:

21—44.2(206) On-site containment of pesticides. Commencing two years after the adoption of these rules, all *All* nonmobile bulk pesticide storage containers shall be located within a watertight secondary containment facility.

Commencing two years after the adoption of these rules, all *All* mixing, repackaging and transfer of pesticides from one container to another performed at a permanent pesticide storage and mixing site shall be done within a containment area. The designated site shall be paved with asphalt or concrete and be elevated above *the* surrounding area or curbed so as not to receive runoff from surrounding areas that would overload *the* recovery system and shall slope to a discharge point that allows materials to flow to a watertight containment structure in compliance with rule 21—44.10(206).

ITEM 3. Adopt **new** rule 21—44.12(206) as follows:

21—44.12(206) Secondary containment for aerial applicator aircraft. If the spray component of an aircraft is being drained or repaired during aircraft maintenance, secondary containment with permanent devices or portable devices suitable for use with pesticides is required.

ITEM 4. Amend subrule 45.26(3), introductory paragraph, as follows:

45.26(3) Commercial applicators. Every commercial applicator shall make, or cause to have made, office records of all application activities on each pesticide applied which. *Records for application activities involving more than one licensed commercial applicator or billed through a licensed pesticide dealer shall be maintained by each licensee. Each set of records shall include the following:*

ARC 6606B

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practitioner’s Licenses and Endorsements,” Iowa Administrative Code.

The proposal to amend rule 281—14.142(272) allows an administrator from another state to obtain the same license in Iowa that is held in the other state, and the administrator will not be required to complete the coursework for other grade levels.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, March 19, 2008, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, March 21, 2008. Written comments and suggestions should be addressed to Marcia J. Henderson, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to marcia.henderson@iowa.gov, or by fax to (515)281-7669.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

This amendment is intended to implement Iowa Code chapter 272.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend rule 282—14.142(272) by renumbering subrule **14.142(3)** as **14.142(4)** and adopting the following new subrules:

14.142(2) PK-8 principal—out-of-state applicants. This endorsement is only for applicants from out-of-state institutions.

a. Authorization. The holder of this endorsement is authorized to serve as a principal of programs serving children from birth through grade eight.

b. Program requirements.

(1) Degree—master's.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early childhood, elementary, and early adolescent level administration, supervision, and evaluation.

2. Knowledge and skill related to early childhood, elementary, and early adolescent level curriculum development.

3. Knowledge of child growth and development from birth through early adolescence and developmentally appropriate strategies and practices of early childhood, elementary, and early adolescence, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, child care issues, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Planned field experiences in early childhood and elementary or early adolescent school administration.

7. Completion of evaluator training component.

(3) Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

1. Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

2. Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.

5. Acts with integrity, fairness, and in an ethical manner.

6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

c. Other. The applicant must have had three years of teaching experience at the early childhood through grade eight level.

14.142(3) 5-12 principal—out-of-state applicants. This endorsement is only for applicants from out-of-state institutions.

a. Authorization. The holder of this endorsement is authorized to serve as a principal in grades five through twelve.

b. Program requirements.

(1) Degree—master's.

(2) Content: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements.

1. Knowledge of early adolescent and secondary level administration, supervision, and evaluation.

2. Knowledge and skill related to early adolescent and secondary level curriculum development.

3. Knowledge of human growth and development from early adolescence through early adulthood, to include an observation practicum.

4. Knowledge of family support systems, factors which place families at risk, and home-school community relationships and interactions designed to promote parent education, family involvement, and interagency collaboration.

5. Knowledge of school law and legislative and public policy issues affecting children and families.

6. Planned field experiences in early adolescence or secondary school administration.

7. Completion of evaluator training component.

(3) Competencies: Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. A school administrator is an educational leader who promotes the success of all students by accomplishing the following competencies.

1. Facilitates the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

2. Advocates, nurtures, and sustains a school culture and instructional program conducive to student learning and staff professional growth.

3. Ensures management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

4. Collaborates with families and community members, responds to diverse community interests and needs, and mobilizes community resources.

5. Acts with integrity, fairness, and in an ethical manner.

6. Understands, responds to, and influences the larger political, social, economic, legal, and cultural context.

c. Other. The applicant must have had three years of teaching experience at the secondary level (5-12).

ARC 6623B**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 68, “Iowa Public Charter Schools,” Iowa Administrative Code.

EDUCATION DEPARTMENT[281](cont'd)

Upon initial enactment of Iowa's Charter Schools Act (Iowa Code chapter 256F) in 2003, Chapter 68 was adopted in September of 2003. The initial ten charters that were authorized as pilots in the original legislation and for which federal funding was available have now been granted by the State Board. Changes made to Iowa Code chapter 256F authorize the granting of ten additional charters, although no funds—federal or state—are available for new charters.

Items 1 through 5 reflect the changes in the number and type of charters available. Numbered paragraph "3" in Item 4 adds a deadline by which charter school applications approved by school boards shall be submitted to the Department (no later than December 15 immediately preceding the school year for which the charter school desires to start operations). Two existing charters expire at the end of the current (2007-08) school year. The new rules proposed in Item 6 address a process for renewal or revocation of existing charters. Item 7 amends the implementation clause for Chapter 68.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before March 18, 2008, at 4:30 p.m. Comments on the proposed amendments should be directed to Del Hoover, Deputy Administrator, Bureau of Accreditation and Improvement Services, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8402; E-mail del.hoover@iowa.gov; or fax (515)281-7700.

A public hearing will be held on March 18, 2008, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5296.

These amendments are intended to implement Iowa Code chapter 256F.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend **281—Chapter 68** by changing the parenthetical implementation statute from "79GA,ch1124" to "256F" wherever it appears.

ITEM 2. Amend rule 281—68.1(256F) as follows:

281—68.1(256F) Purpose. ~~The purpose of a public charter school is established pursuant to 2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79. All charter schools in Iowa are public schools whose purpose is established pursuant to Iowa Code chapter 256F.~~ A charter school may be established by creating a new school within an existing public school or by converting an existing public school to charter status. This chapter provides the criteria and weighting for those criteria that the state board shall use to determine if an application for a public charter school shall be selected as one of ten authorized pilot public charter schools approved.

ITEM 3. Amend rule **281—68.2(256F)** by adding the following **new** definitions in alphabetical order:

"Advisory council" means a council appointed by the school board of a charter school. No more than one member of the council may be a member of the school board. A district's school improvement advisory committee may also serve as its advisory council. The advisory council is subject to the provisions of Iowa Code chapter 21.

"Family unit" means a household in which reside one or more students enrolled at the existing public school whose board seeks to convert the school to a charter school.

ITEM 4. Amend rule 281—68.3(256F) as follows:

281—68.3(256F) Application to a school board. ~~Beginning April 28, 2003, a~~ A local school board may ~~begin accepting~~ *accept* applications from the principal, teachers, or parents or guardians of students at an existing public school for the planning and operation of a charter school within the boundary lines of an existing public school district. ~~Local school boards may receive applications for both charter school planning and for charter school status, and could be eligible to receive both levels of financial support (pending available federal funding). Both charter school planning and charter school status applications~~ An application for a charter school must be approved by the local school board as a prerequisite for submission of the application to the state board. An applicant may appeal the local school board denial of the application to the state board under the procedures set forth in Iowa Code chapter 290.

1. Prior to accepting applications, a local school board shall adopt procedures, criteria, and weighting of the criteria that will determine whether an application is approved or denied. The local school board may adopt the procedures, criteria, and weighting of the criteria as established in this chapter for public charter schools. *The procedures shall include a requirement that a majority of family units of the proposed charter school support the approval of the application.* In addition, any application that has been submitted and for which subsequent school board action has been taken shall, at minimum, meet the provisions of 2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79 Iowa Code chapter 256F. An application that is received by a school board on or before October 1 of a calendar year shall be considered for approval and for the establishment of a charter school at the beginning of the school district's next school year or at a time agreed to by the applicant and the local school board.

2. ~~However,~~ Subject to the provision in numbered paragraph "3," a local school board may receive and consider applications after October 1 at its discretion. A local school board, by majority vote, must approve or deny the application within 60 calendar days after the application is received. An application approved by the local school board and state board of education shall constitute, at a minimum, an agreement between the local school board and the charter school for the operation of the charter school for no less than four years.

3. All applications approved by school boards shall be submitted to the department no later than December 15 immediately preceding the school year for which the charter school desires to start operations.

ITEM 5. Amend rule 281—68.4(256F) as follows:

281—68.4(256F) Review process.

68.4(1) Application to the department. The department will review two types of public charter school applications: (1) charter school planning, and (2) charter status. A planning application is to be of a duration no longer than one year

EDUCATION DEPARTMENT[281](cont'd)

and based on the intent of moving to public charter school status. A charter status application may be made without first applying for planning.

Upon a local school board's approval of an application for the proposed establishment of a charter school, the local school board must submit ~~an~~ *the* application for such establishment to the department. The department shall appoint, at minimum, ~~seven~~ *five* individuals knowledgeable in student achievement and nontraditional learning environments to review each application for charter status. A reviewer shall not participate in the review of any application in which the individual may have an interest, direct or indirect.

68.4(2) Ranking of applications. Applications shall be ranked on a point system, and applications shall be recommended in rank order beginning with the application with the highest points. In the event that two or more applications tie, the applications will be reviewed until the tie is broken.

The maximum points for an application shall be 100. The maximum points for each criterion provided in ~~2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79, Iowa Code section 256F.5~~ shall be as follows:

a. No change.
b. Organization and structure. The maximum number of points that can be awarded is 25. The description of the organization and structure shall include:

(1) to (3) No change.

(4) The method for admission to the public charter school. The admission policy shall support the purpose and specialized mission of the public charter school. A lottery process must be described in the application for a public charter school in the event that the number of applicants exceeds the capacity of the public charter school. The admission process shall not discriminate against prospective students on the basis of race, creed, color, sex, *sexual orientation*, *gender identity*, national origin, religion, ancestry, or disability, except if a charter school limits enrollment pursuant to ~~2002 Iowa Acts, chapter 1124, section 4, as amended by 2003 Iowa Acts, chapter 79, section 1 Iowa Code section 256F.4(3)~~.

(5) to (9) No change.

c. No change.
d. Student achievement. The maximum number of points that can be awarded is 40. The description shall include:

(1) and (2) No change.

(3) A statement that indicates how the public charter school will meet the purpose of a public charter school as outlined in ~~2002 Iowa Acts, chapter 1124, section 1, subsection 3, Iowa Code section 256F.1(3)~~, and the minimum state and federal statutory requirements of a public charter school as outlined in ~~2002 Iowa Acts, chapter 1124, section 4, subsection 2 Iowa Code section 256F.4(2)~~.

68.4(3) State board review. The state board shall review the recommendations provided by the department. The state board shall, by a majority vote, approve or deny an application within 60 calendar days of receipt of the application and shall notify applicants within 14 days of the state board's decision. *An approved application shall be a part of the contract for the operation of the charter school. The terms of the contract for the operation of the charter school shall also outline the reasons for revocation or nonrenewal of the charter.*

ITEM 6. Adopt the following new rules:

281—68.5(256F) Ongoing review by department. A charter school shall be reviewed periodically by the department to

ensure continuing compliance with the charter school's contract. The department may schedule mandatory meetings with the administrators of all charter schools at the department's sole discretion.

281—68.6(256F) Renewal of charter. After the initial four-year contract for a charter school and at the end of each renewal period thereafter, the school board that established the charter school shall, in the absence of revoking the charter pursuant to subrules 68.7(1) and 68.7(2), take affirmative action to renew a charter school contract. The school board shall hold a public hearing on the issue of renewal and shall submit to the department a copy of the minutes of the public hearing showing that a majority of the school board members voted in favor of renewal of the charter. Any action to renew a charter must specify the number of years, which shall not be more than four years, for which the charter was renewed by the school board.

A school board must submit a new application to the department if the board modifies any of the terms of the original charter.

281—68.7(256F) Revocation of charter.

68.7(1) Reasons for revocation. A charter may be revoked by the state board or by the school board that established the charter if either board determines that one or more of the following occurred:

a. The charter school has failed to meet the provisions set forth in the contract for the operation of the charter school.

b. The charter school has failed to comply with the provisions in Iowa Code chapter 256F.

c. The charter school has failed to meet generally accepted accounting principles for public entities.

68.7(2) Revocation by school board. A school board considering the revocation of a contract with its charter school shall notify the advisory council, the family units, and the teachers and administrators employed by the charter school at least 60 days prior to the date by which the contract must be renewed, but not later than the last day of classes in the school year. The decision of a school board to revoke or fail to renew a charter school contract is subject to appeal by a member of the advisory council, an affected student, or an individual employed by the charter school under procedures set forth in Iowa Code chapter 290.

68.7(3) Revocation by state board. If the state board determines that reason exists under subrule 68.7(1) to revoke a charter school contract, the state board shall notify the school board and the advisory council of the charter school of the state board's intention to revoke the contract at least 60 days prior to the revocation of the contract, and the school board shall assume oversight authority, operational authority, or both oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The school board may request in writing an informal hearing before the state board within 14 days of receiving notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the school board of the hearing date. The state board shall conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least disruptive to the students enrolled in the charter school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under Iowa Code section 256F.8 occurs prior to the last day of classes in the school year, a charter school

EDUCATION DEPARTMENT[281](cont'd)

student may enroll in the resident district. The decision of the state board to revoke a contract under Iowa Code section 256F.8 is solely within the discretion of the state board and is final.

68.7(4) Voluntary revocation. A charter school may voluntarily revoke its charter school contract by giving notice not later than the last day of classes to the school board, the advisory council, and the department of its intent to cease to exist as a charter school for the immediate successive school year. Once voluntarily revoked, the contract shall not be renewed unless the school board undertakes anew the charter process.

ITEM 7. Amend **281—Chapter 68**, implementation clause, as follows:

These rules are intended to implement ~~2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79 Iowa Code chapter 256F.~~

ARC 6615B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The proposed amendment adjusts the premiums assessed for the coverage group “Medicaid for employed people with disabilities” (MEPD). Iowa Code section 249A.3, subsection 2, paragraph “a,” specifies that a person in this group whose gross income exceeds 150 percent of the federal poverty level shall pay a premium based on a sliding fee schedule. The maximum premium must be commensurate with the cost of state employee group health insurance. The Iowa State Plan for Medical Assistance, approved by the federal Centers for Medicare and Medicaid Services as a condition of federal funding, provides that the maximum premium shall be equal to 7.5 percent of the person’s gross income.

The cost of state employee health insurance changes each year in January. Previously the Department has adjusted the premiums effective January 1 using the insurance costs for the previous year. The Department of Health and Human Services announces new poverty level guidelines annually in the first months of the year. Therefore, the income levels used to calculate the premium increments quickly become out of date. Effective with this amendment, the Department intends to make the annual premium adjustment after both the state employee insurance costs and the federal poverty level for the year are known.

This amendment will move the premium adjustment to the middle of the calendar year, apply changes in state insurance costs sooner, and minimize the period when the poverty level in effect for eligibility does not match the poverty level used in calculating the premium levels. Because the federal poverty level has increased at a lower percentage than the cost of state employee health insurance, the top of the new premium scale ends at a higher percentage of the federal poverty level.

This amendment is necessary to keep the maximum premium at 7.5 percent of income.

Under the proposed amendment, the maximum premium amount increases from \$443 per month to \$535 per month, for a person whose income is 824 percent of the federal poverty level. Approximately one-fourth of the MEPD members pay premiums. Most have incomes close to 150 percent of the federal poverty level, so their premiums will increase \$1 per month. Premiums will decrease for members whose income will fall into a lower poverty level increment because of the new poverty level amounts and increment breaking points.

This amendment does not provide for waivers in specific situations because all members should be subject to the same premium collection activity based on similar income tests. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before March 19, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 249A.3(2)“a.”

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule **75.1(39)**, paragraph “b,” subparagraph (3), as follows:

(3) Premiums shall be assessed as follows:

| IF THE INCOME OF THE ELIGIBLE INDIVIDUAL APPLICANT IS ABOVE: | THE MONTHLY PREMIUM IS: |
|--|-------------------------|
| 150% of Federal Poverty Level | \$28 \$29 |
| 178% 180% of Federal Poverty Level | \$52 \$53 |
| 206% 220% of Federal Poverty Level | \$78 \$80 |
| 234% 240% of Federal Poverty Level | \$101 \$110 |
| 262% of Federal Poverty Level | \$126 \$140 |
| 290% 318% of Federal Poverty Level | \$151 \$170 |
| 318% 342% of Federal Poverty Level | \$175 \$200 |
| 346% of Federal Poverty Level | \$202 |
| 374% 390% of Federal Poverty Level | \$225 \$230 |
| 402% 425% of Federal Poverty Level | \$250 \$260 |
| 430% 460% of Federal Poverty Level | \$275 \$291 |
| 489% 500% of Federal Poverty Level | \$307 \$323 |
| 548% of Federal Poverty Level | \$341 \$354 |
| 607% of Federal Poverty Level | \$374 \$392 |
| 666% of Federal Poverty Level | \$406 \$430 |
| 725% of Federal Poverty Level | \$443 \$471 |
| 824% of Federal Poverty Level | \$535 |

ARC 6607B**MEDICINE BOARD[653]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3 and chapter 148, the Board of Medicine hereby gives Notice of Intended Action to amend Chapter 9, “Permanent Physician Licensure,” Iowa Administrative Code.

The Board approved the proposed amendments to Chapter 9 during a telephone conference call on January 28, 2008.

The Board has consistently granted waivers of the seven-year requirement for applicants who have failed within a seven-year period to successfully complete the current licensure examination series—USMLE or COMLEX—when the applicant is otherwise qualified. The Board is proposing amendments so that applicants who pass the USMLE or COMLEX series within ten years no longer must file an application for a waiver. Item 2 also requires that anyone who takes more than ten years to pass the COMLEX series must be board-certified by the American Board of Medical Specialties or the American Osteopathic Association in order to be considered for licensure in Iowa. This is a similar requirement to that which is already required of those who take ten years to pass the USMLE series.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on March 18, 2008. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686, or by E-mail to ann.mowery@iowa.gov.

There will be a public hearing on March 18, 2008, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medicine office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code Supplement section 148.3(2).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subparagraph **9.4(2)“e”(1)** as follows:

(1) Passing Steps 1, 2, and 3 is required within a seven-year *ten-year* period beginning with the date of passing either Step 1 or Step 2, whichever occurred first. ~~Those who have been delayed in taking Step 1, 2, or 3 because of enrollment in a joint M.D./Ph.D. or D.O./Ph.D. program shall pass Steps 1, 2, and 3 as prescribed in these rules within a ten-year period.~~ Board certification by the ABMS or AOA is required if the applicant was not able to pass Steps 1, 2, and 3 within the required time as specified in this paragraph.

ITEM 2. Amend subparagraph **9.4(6)“a”(1)** as follows:

(1) COMLEX is a three-level examination that replaced the three-part NBOME examination. COMLEX Level 3 was first administered in February 1995; Level 2 was first

administered in March 1997; and Level 1 was first administered in June 1998. All three examinations must be successfully completed in sequential order within ~~seven~~ *ten* years of the successful completion of COMLEX Level 1. ~~Those who have been delayed in taking Level 1, 2, or 3 because of enrollment in a joint D.O./Ph.D. program shall pass Levels 1, 2, and 3 as prescribed in these rules within a ten-year period.~~ *Board certification by the ABMS or AOA is required if the applicant was not able to pass Steps 1, 2, and 3 within the required time as specified in this paragraph.*

ARC 6610B**STATE PUBLIC DEFENDER[493]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender gives Notice of Intended Action to amend Chapter 7, “Definitions,” Chapter 12, “Claims for Indigent Defense Services,” and Chapter 13, “Claims for Other Professional Services,” Iowa Administrative Code.

These proposed amendments make changes to reflect current practice; increase certain fee limitations pertaining to certain classes of cases, which was necessitated by an attorney fee rate increase enacted as part of 2007 Iowa Acts, chapter 213; and impose limitations on the submission of claims for services from certified shorthand reporters.

Interested persons may make written comments or suggestions on the proposed amendments on or before March 24, 2008. Written materials should be addressed to the State Public Defender, Lucas State Office Building, Fourth Floor, 321 East 12th Street, Des Moines, Iowa 50319-0087; faxed to (515)281-7289; or E-mailed to msmith@spd.state.ia.us.

There will be a public hearing on March 24, 2008, at 9:15 a.m. in Conference Room 424 of the Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Public Defender and advise of specific needs.

These amendments are intended to implement Iowa Code chapters 13B and 815 and 2007 Iowa Acts, chapter 213.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **493—7.1(13B,815)**, definition of “timely claim,” as follows:

“Timely claim” means a claim submitted to the state public defender for payment within 45 days of the date of service in a case in which the attorney was appointed after June 30, 2004. A claim not submitted within 45 days of the date of service shall be deemed a timely claim if the delay in submit-

STATE PUBLIC DEFENDER[493](cont'd)

ting the claim was due to the extended illness, hospitalization or death of the attorney. A timely claim returned to the claimant for additional information shall continue to be deemed timely only if resubmitted with the required information within 20 45 days of being returned by the state public defender.

ITEM 2. Renumber subparagraph **12.2(1)“b”(4)** as **12.2(1)“b”(5)** and adopt **new** subparagraph **12.2(1)“b”(4)** as follows:

(4) An appointment order is not necessary for trial counsel to request or resist an interlocutory appeal or an application for discretionary review.

ITEM 3. Amend subrule 12.2(10) as follows:

12.2(10) Time and expenses claimed by an attorney in withdrawing from a case, or related to withdrawing from a case, in order to either retire from the practice of law or pursue another job will be denied.

ITEM 4. Adopt **new** subrule 12.2(13) as follows:

12.2(13) Time and expenses claimed by an attorney for representing a parent in a child in need of assistance case or termination of parental rights case for work performed subsequent to the date on which the termination of that parent’s parental rights becomes final, either on appeal or because no appeal was taken, will be denied.

ITEM 5. Amend rule 493—12.5(13B,815), introductory paragraph, as follows:

493—12.5(13B,815) Appellate contracts. Subject to the provisions of this rule, an attorney who has entered into a contract with the state public defender shall be paid \$1,750 1,800 for each appellate case to which the attorney is appointed. Following submission of the attorney’s proof brief, \$1,200 is payable; the remainder shall be paid after the final brief is filed.

ITEM 6. Amend subrule 12.5(3) as follows:

12.5(3) Applications for further review. In a case in which an application for further review is filed, the contract amount will be increased by the reasonable amount of time necessary for the further review, payable at \$55 60 per hour.

ITEM 7. Amend subrule 12.6(1), introductory paragraph and categories of fee limitations, as follows:

12.6(1) Adult cases. The state public defender establishes fee limitations for combined attorney time and paralegal time for the following categories of adult cases:

| | |
|--|---------------|
| Class A felonies | \$18,000 |
| Class B felonies | \$3,600 |
| Class C felonies | \$1,200 1,800 |
| Class D felonies | \$1,200 |
| Aggravated misdemeanors | \$1,200 |
| Serious misdemeanors | \$600 |
| Simple misdemeanors | \$300 |
| Simple misdemeanor appeals to district court | \$250 300 |
| Contempt/show cause proceedings | \$250 300 |
| Proceedings under Iowa Code chapter 229A | \$10,000 |
| Probation/parole violation | \$250 300 |
| Extradition | \$250 300 |
| Postconviction relief—the greater of \$1,000 or one-half of the fee limitation for the conviction from which relief is sought. | |

ITEM 8. Amend subrule 12.6(2) as follows:

12.6(2) Juvenile cases. The state public defender establishes fee limitations for combined attorney time and paralegal time for the following categories of juvenile cases:

| | |
|--|---------------|
| Delinquency (through disposition) | \$1,100 1,200 |
| Child in need of assistance (CINA) (through disposition) | \$1,100 1,200 |
| Termination of parental rights (TPR) (through disposition) | \$1,650 1,800 |
| Juvenile court review and other postdispositional court hearings | \$300 |
| Judicial bypass hearings | \$150 180 |
| Juvenile commitment hearings | \$150 180 |
| Juvenile petition on appeal | \$550 600 |
| Motion for further review after petition on appeal | \$275 300 |

Nothing in this subrule is intended to in any manner diminish, increase, or modify the state public defender’s authority to review any and all claims for services as authorized by the Iowa Code.

The fee limitations are applied separately to each case, as that term is defined in rule 493—7.1(13B,815).

For example, in a juvenile proceeding in which the attorney represents a parent whose four children are the subject of four child in need of assistance petitions, if the court handles all four petitions at the same time or the incident that gave rise to the child in need of assistance action is essentially the same for each child, the fee limitation for the attorney representing the parent is \$1,100 1,200 for all four proceedings, not \$1,100 1,200 for each one.

For a child in need of assistance case that becomes a termination of parental rights case, the fee limitations shall apply to each case separately. For example, the attorney could claim up to \$1,100 1,200 for the child in need of assistance case and up to \$1,650 1,800 for the termination of parental rights case.

In a delinquency case, if the child has multiple petitions alleging delinquency and the court handles the petitions at the same time, the fee limitation for the proceeding is the fee limitation for one delinquency.

In a juvenile case in which a petition on appeal is filed, the appointed trial attorney does not need to obtain a new appointment order to pursue a petition on appeal. The claim, through the filing of a petition on appeal, must be submitted on a Juvenile form. If an appellate court orders full briefing, the attorney fee claim for services subsequent to an order requiring full briefing must be submitted on an Appellate form and is subject to the rules governing appeals.

ITEM 9. Amend paragraph **12.9(2)“f”** as follows:

f. If a ruling is entered allowing additional fees modifying the state public defender’s action on the claim, the attorney must file a new claim with the state public defender within 45 days of the date of the court’s order modifying the state public defender’s action on the claim. A copy of the court’s ruling must be attached to the claim form. The date of service on the claim form is the date of the court’s order.

ITEM 10. Amend subparagraph **13.2(4)“a”(8)** as follows:

(8) The claimant’s name, address, social security number or federal tax identification number, E-mail address, if any, and telephone number.

ITEM 11. Adopt **new** paragraphs **13.2(4)“d”** to **13.2(4)“f”** as follows:

d. Claims for services completed before July 1, 2008, are timely if submitted to the state public defender for payment before August 15, 2008. Claims for services completed after June 30, 2008, are timely if submitted to the state public defender for payment within 45 days of the date on which services are completed.

STATE PUBLIC DEFENDER[493](cont'd)

e. For depositions, services are completed on the date the deposition transcript is delivered or on the date of disposition of the case if no transcript is ordered, whichever date is earlier. For trial transcripts, services are completed on the date the trial transcript is delivered.

f. Claims which are not timely will be denied.

ARC 6609B

STATE PUBLIC DEFENDER[493]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender gives Notice of Intended Action to amend Chapter 12, “Claims for Indigent Defense Services,” and Chapter 14, “Claims for Attorney Fees in 600A Terminations,” Iowa Administrative Code.

These proposed amendments increase the mileage reimbursement rate paid to court-appointed attorneys in all cases and remove the cap on claims for court-appointed attorneys in Iowa Code chapter 600A termination cases.

Interested persons may make written comments or suggestions on the proposed amendments on or before March 24, 2008. Written materials should be addressed to the State Public Defender, Lucas State Office Building, Fourth Floor, 321 East 12th Street, Des Moines, Iowa 50319-0087; faxed to (515)281-7289; or E-mailed to msmith@spd.state.ia.us.

There will be a public hearing on March 24, 2008, at 9 a.m. in Conference Room 424 of the Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Public Defender and advise of specific needs.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 6608B**. The content of that submission is incorporated by reference.

These amendments are intended to implement Iowa Code chapters 13B, 815 and 600A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

ARC 6611B

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8D.3(3)“b,” the Iowa Telecommunications and Technology Commission hereby gives Notice of Intended Action to amend Chapter 1, “Description of the Organization,” Iowa Administrative Code.

This amendment reflects the changes made in the organizational structure of the Iowa Communications Network.

Any interested person may make written comments or suggestions on the proposed amendment on or before March 19, 2008. Such written comments should be directed to Tamara Fujinaka, Government Relations Manager, Iowa Communications Network, First Floor, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa 50319. E-mail may be sent to tami.fujinaka@iowa.gov.

Also, there will be a public hearing on March 19, 2008, beginning at 2:30 p.m. in the ICN Grand Conference Room, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment. Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

This amendment was approved at the January 31, 2008, meeting of the Iowa Telecommunications and Technology Commission.

This amendment is intended to implement Iowa Code sections 17A.3(1)“a,” 8D.1, 8D.3(3)“b,” 8D.5 and 8D.6.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule **1.5(2)**, paragraph “e,” as follows:

e. The ~~sales and marketing~~ *service delivery* bureau coordinates the activities between the engineers, individual sites, and authorized users. It is responsible for providing cost estimates for services;; tracking service requests;; executing installation services;; assisting authorized users in finding the best structure to meet the users’ needs;; *developing new products and services; maintaining price tables; and providing customer service and assistance.*

ARC 6612B

**TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION,
IOWA[751]**

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8D.3(3)“b,” the Iowa Telecommunications and Technology Commission hereby gives Notice of Intended Action to amend Chapter 5, “Purchasing,” Iowa Administrative Code.

This amendment reflects the change in the authorized spending limit permitted by Iowa Code Supplement section 8D.11.

Any interested person may make written comments or suggestions on the proposed amendment on or before March 19, 2008. Such written comments should be directed to Tamara Fujinaka, Government Relations Manager, Iowa Communications Network, First Floor, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa 50319. E-mail may be sent to tami.fujinaka@iowa.gov.

Also, there will be a public hearing on March 19, 2008, beginning at 2:30 p.m. in the ICN Grand Conference Room, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment. Any person who plans to attend the public hearing and who may have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

This amendment was approved at the January 31, 2008, meeting of the Iowa Telecommunications and Technology Commission.

This amendment is intended to implement Iowa Code sections 8D.3(3)“b” and 8D.13 and Iowa Code Supplement section 8D.11.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule **5.1(1)** by adopting the following **new** paragraph “**c**”:

c. For any single item, the commission may spend up to the maximum amount permitted by Iowa Code Supplement section 8D.11 to acquire the item. This maximum amount is not applicable to purchases under the contracting authority permitted by Iowa Code section 8D.13 or any other authority of the commission.

**NOTICE—PUBLIC FUNDS
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Banking James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for February is 6.00%.

**INTEREST RATES FOR PUBLIC
OBLIGATIONS AND ASSESSMENTS**

- 74A.2 Unpaid Warrants Maximum 6.0%
- 74A.4 Special Assessments Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective February 9, 2008, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

- 7-31 days Minimum 1.65%
- 32-89 days Minimum 2.00%
- 90-179 days Minimum 2.20%
- 180-364 days Minimum 2.50%
- One year to 397 days Minimum 2.50%
- More than 397 days Minimum 2.55%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 6616B**UTILITIES DIVISION[199]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 17A.7, 476.1, 476.2, and 476.6(8), the Utilities Board (Board) gives notice that on February 7, 2008, the Board issued an order in Docket No. RMU-07-11, *In re: Electric Energy Adjustment Clause, “Order Granting Petition and Commencing Rule Making.”* The Board is noticing for public comment proposed amendments to 199 IAC 20.1(3), 20.9(476), 20.13(476), and 20.17(476). The amendments impact the energy adjustment clause (EAC) and were proposed by Interstate Power and Light Company (IPL) in a petition for rule making filed with the Board.

In its petition for rule making, IPL stated that amendments to the current EAC rules were necessary to reflect new emissions allowances under the federal Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR). IPL noted that the CAIR and CAMR programs are to be implemented in Iowa by a cap and trade program that will rely on the interstate emission allowance markets to achieve reductions. The Board’s current rules only address emissions allowances created by the federal Clean Air Act to address sulfur dioxide (SO₂) and nitrogen oxide (NO_x) discharges. With the adoption of CAIR and CAMR, there are additional SO₂ and NO_x requirements as well as requirements for mercury reductions.

IPL also argued in its petition that the Board’s current rules create a generational mismatch because proceeds from the sale of emissions allowances flow through the EAC, while purchases of allowances are valued at historical cost. IPL’s proposal would exempt from the EAC refund what it calls “vintage trades” (sale or trade of allowances from one year for allowances from another year). Under IPL’s proposal, only the difference between the sale or trade values of the different vintages of allowances would flow through the EAC. Other changes proposed by IPL include an amendment to the definition of “historical costs” and definitions of options to use as a recognized hedging strategy.

An example illustrates the intergenerational equity argument. According to IPL, allowances for a given year, such as 2008, have no monetary value once the year is over; a utility with surplus allowances for 2008 will want to sell them by year-end. If a utility with an EAC sold its surplus 2008 allowances for \$50 million, all the sales proceeds would currently flow through the EAC. If the utility used \$48 million of the proceeds to purchase 2012 allowances, the \$48 million would be booked as inventory and added to rate base in the utility’s next rate case, where it would earn a return; only when the allowances were used for environmental compliance in 2012 would they be expensed through the EAC. Under IPL’s proposal, only the difference in cost between the two vintages of allowances, or \$2 million, would flow through the EAC.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to the petition for rule making on December 27, 2007. Consumer Advocate

did not take a position on IPL’s proposed amendments, but said it was willing to consider them in a rule-making proceeding. Consumer Advocate also noted that additional changes might be proposed by Consumer Advocate or others. The Board indicated in its order granting the rule-making petition that other changes could be considered in this or subsequent rule makings.

Pursuant to Iowa Code sections 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before March 18, 2008, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author’s name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive comments on the proposed amendments will be held at 10 a.m. on April 8, 2008, in the Board’s hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3 is applicable to these amendments.

These amendments are intended to implement Iowa Code section 476.6(8).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **20.1(3)** as follows:

Amend the definitions of “affected unit,” “allowance,” and “compliance plan” as follows:

“Affected unit” means a unit or source that is subject to any emission reduction requirement or limitation under the Acid Rain Program, *the Clean Air Interstate Rule (CAIR) or the Clean Air Mercury Rule (CAMR)*, or a unit or source that opts in under 40 CFR Part 74.

“Allowance” means an authorization, allocated by the United States Environmental Protection Agency (EPA) under the Acid Rain Program, to emit ~~up to one ton of~~ sulfur dioxide (SO₂), *any SO₂ and nitrogen oxide (NO_x) emissions subject to the Clean Air Interstate Rule (CAIR), or mercury (Hg) emissions subject to the Clean Air Mercury Rule (CAMR)*, during or after a specified calendar year.

“Compliance plan” means the document submitted for an affected source to the ~~Environmental Protection Agency~~ EPA which specifies the methods by which each affected unit at the source will meet the applicable emissions limitation and emissions reduction requirements.

Adopt the following **new** definitions in alphabetical order:

“Allowance forward contract” is an agreement between a buyer and seller to transfer an allowance on a specified future date at a specified price.

“Allowance option contract” is an agreement between a buyer and seller whereby the buyer has the option to transfer an allowance(s) at a specified date at a specified price. The seller of a call or put option will receive a premium for taking on the associated risk.

UTILITIES DIVISION[199](cont'd)

“Clean Air Interstate Rule” or “CAIR” means the requirements EPA published in the Federal Register (70 Fed. Reg. 25161) on May 12, 2005.

“Clean Air Mercury Rule” or “CAMR” means the requirements EPA published in the Federal Register (70 Fed. Reg. 28605) on May 18, 2005.

“Emission for emission trade” is an exchange of one type of emission for another type of emission. For example, the exchange of SO₂ emission allowances for NO_x emission allowances.

“Vintage trade” is an exchange of one vintage of allowances for another vintage of allowances with the difference in value between vintages being cash or additional allowances.

ITEM 2. Amend subparagraph **20.9(2)“b”(8)** as follows:

(8) The gains and losses, *as described in subrule 20.17(9)*, from allowance sales transactions occurring during the month. *Allowance transactions shall include vintage trades and emission for emission trades.*

ITEM 3. Amend subparagraph **20.9(2)“e”(1)** as follows:

(1) The number and weighted average unit cost of allowances used during the month to offset sulfur dioxide emissions from the utility’s affected units;

ITEM 4. Amend paragraph **20.13(1)“h”** as follows:

h. Compliance plans. Each utility shall file its SO₂ emissions compliance plan as submitted to the EPA. Revisions to the compliance plan shall be filed with each subsequent procurement plan.

ITEM 5. Amend subrule 20.17(1) as follows:

20.17(1) Applicability and purpose. This rule applies to all rate-regulated utilities providing electric service in Iowa. Under Title IV of the Clean Air Act Amendments of 1990, each electric utility is required to hold sufficient emission allowances to offset sulfur dioxide emissions at all affected and new units. The acquisition and disposition of emission allowances will be treated for ratemaking purposes as defined in this rule.

ITEM 6. Amend subrule **20.17(2)** as follows:

Amend the definition of “historical cost” as follows:

“Historical cost” is the amount of cash or its equivalent paid to acquire an asset, *including any direct acquisition expenses. Any commissions paid to brokers shall be considered a direct acquisition expense.*

Adopt the following **new** definitions in alphabetical order:

“Allowance futures contract” is an agreement between a futures exchange clearinghouse and a buyer or seller to buy or sell an allowance on a specified future date at a specified price.

“Allowance option contract” is an agreement between a buyer and seller whereby the buyer has the option to transfer

an allowance(s) at a specified date at a specified price. The seller of a call or put option will receive a premium for taking on the associated risk.

“Emission for emission trade” is an exchange of one type of emission for another type of emission. For example, the exchange of SO₂ emission allowances for NO_x emission allowances.

“Vintage trade” is an exchange of one vintage of allowances for another vintage of allowances with the difference in value between vintages being cash or additional allowances.

ITEM 7. Amend subrule 20.17(8) as follows:

20.17(8) Expense recognition and recovery of allowance costs.

a. Expense recognition. Electric utilities shall charge allowances (including fractional amounts) to expense in the month in which related sulfur dioxide emissions occur.

b. Expense recovery. The expense associated with allowances used for compliance shall be passed through the energy adjustment as specified in rule 20.9(476). *The expense associated with allowances used for compliance shall include expenses associated with vintage trades and emission for emission trades.*

c. Allowance inventory shortage. If a utility emits more sulfur dioxide emissions in a month than it has allowances in inventory, the utility shall pass the estimated cost of acquiring the needed allowances through the energy adjustment. When the needed allowances are acquired, any difference between the estimated and actual cost of the allowances shall be passed through the energy adjustment as specified in rule 20.9(476).

ITEM 8. Amend subrule 20.17(9) as follows:

20.17(9) Gains/losses from allowance transactions. The gains and losses, *including net gains and losses*, from allowance transactions shall be passed through the energy adjustment as specified in rule 20.9(476). *Allowance transactions shall include vintage trades and emission for emission trades.*

ITEM 9. Amend subrule 20.17(10) as follows:

20.17(10) Allowance futures or option contracts.

a. Price hedging. Electric utilities shall defer the costs or benefits from hedging transactions and include such amounts in inventory values when the related allowances are acquired, sold, or otherwise disposed of. Where the costs or benefits of hedging transactions are not identifiable with specific allowances, the amounts shall be included in inventory values when the futures contract is closed.

b. Speculation. Allowance transactions entered into for the purpose of speculation shall not affect allowance inventory pricing.

ARC 6608B**STATE PUBLIC DEFENDER[493]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender amends Chapter 12, "Claims for Indigent Defense Services," and Chapter 14, "Claims for Attorney Fees in 600A Terminations," Iowa Administrative Code.

These amendments increase the mileage reimbursement rate paid to court-appointed attorneys in all cases and remove the cap on claims for court-appointed attorneys in Iowa Code chapter 600A termination cases.

Pursuant to Iowa Code section 17A.4(2), the State Public Defender finds that notice and public participation are impractical.

The State Public Defender also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments should be made effective February 1, 2008, because the amendments confer a benefit on the public by increasing the mileage reimbursement rate paid to court-appointed attorneys in all cases and by removing the cap on claims for court-appointed attorneys in Iowa Code chapter 600A termination cases.

These amendments are also published herein under Notice of Intended Action as **ARC 6609B** to allow for public comment.

These amendments are intended to implement Iowa Code chapters 13B, 815 and 600A.

These amendments became effective February 1, 2008.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **12.8(1)**, paragraph "a," as follows:

a. Mileage for automobile travel at the rate of ~~30~~ 35 cents per mile. The number of miles driven must be listed in the itemization of services and on the claim form. Other forms of transportation costs incurred by the attorney will be reimbursed with prior approval from the ~~court~~ *state public defender*.

ITEM 2. Amend rule 493—14.3(13B,600A,815) as follows:

493—14.3(13B,600A,815) Hourly rate and fee limitations. Unless the attorney has a contract with the state public defender that provides for a different rate or manner of payment, claims for attorney fees in a termination of parental rights case under Iowa Code chapter 600A to which the attorney was appointed after March 11, 2004, and before July 1, 2006, shall be paid at the rate of \$50 per hour, with a fee limitation of \$500 for the trial court proceedings and \$500 for appellate proceedings. Claims for attorney fees in a termination of parental rights case under Iowa Code chapter 600A to which the attorney was appointed after June 30, 2006, and before July 1, 2007, shall be paid at the rate of \$55 per hour, with a fee limitation of \$550 for the trial court proceedings and \$550 for appellate proceedings. Claims for attorney fees in a termination of parental rights case under Iowa Code chapter 600A to which the attorney was appointed after June 30, 2007, shall be paid at the rate of \$60 per hour, with a fee limitation of \$600 for the trial court proceedings and \$600 for appellate proceedings. ~~Claims shall not be approved for an amount in excess of these fee limitations.~~

[Filed Emergency 2/1/08, effective 2/1/08]

[Published 2/27/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6624B

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 12, "General Accreditation Standards," Chapter 72, "Accreditation of Area Education Agencies," and Chapter 83, "Teacher Quality Program," Iowa Administrative Code.

These amendments implement changes made to the Student Achievement and Teacher Quality program in Iowa Code chapter 284 and the Beginning Administrator Mentoring and Induction program in Iowa Code chapter 284A as amended by 2007 Iowa Acts, chapter 108. The Iowa teaching standards and criteria have been in rule since 2002. These rules add standards and criteria by which AEA staff who meet the definition of teacher should be evaluated. These rules also add a new division of rules with specific standards applicable to administrators and administrator quality programs, including mentoring and induction for administrators, standards and criteria by which to evaluate administrators, and professional development of administrators. Related amendments to Chapters 12 and 72 regarding those aspects of professional development that are included in the accreditation standards for K-12 schools and for area education agencies are found in Items 1 and 2 of the amendments.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 19, 2007, Iowa Administrative Bulletin as **ARC 6475B**. A public hearing was held on January 8, 2008, and public comments were allowed until 4:30 p.m. on the same date. No one attended the public hearing; two written comments were received. A representative of the School Administrators of Iowa had some implementation questions, which the Department answered, and a representative of an area education agency found some places in the amendments where area education agency had inadvertently been omitted. That oversight has been corrected in subrules 83.3(2) and 83.5(3).

Since the Notice of Intended Action was published, additional minor edits have been made as follows:

- The modifier "comprehensive" was struck in the purposes statement in rule 281—83.1(284,284A), introductory paragraph, because this chapter addresses all teacher evaluations and not just those of beginning teachers, as was incorrectly suggested by use of the modifier "comprehensive."
- The definition of "beginning teacher" in rule 281—83.2(284,284A) was amended to add Class A and exchange licenses, both of which can be conferred on a beginning teacher by the Board of Educational Examiners.
- The word "beginning" was added to the catch phrase for rule 281—83.3(284) to clarify that the mandatory mentoring and induction program is limited to beginning teachers.
- The word "not" was stricken from the final sentence in paragraph 83.5(3)"e," first unlettered paragraph, to be consistent with the change in statute.
- In subrule 83.9(3) and rule 281—83.11(284A), the term "standard" license was changed to the correct term "professional administrator" license.

These amendments are intended to implement Iowa Code chapters 284 and 284A as amended by 2007 Iowa Acts, chapter 108.

These amendments shall become effective April 2, 2008. The following amendments are adopted.

ITEM 1. Rescind rule 281—12.7(256) and adopt **new** rule 281—12.7(256,284,284A) as follows:

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

12.7(1) Provisions for school district professional development.

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

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

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

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

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

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

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

ITEM 2. Amend subrule **72.9(1)** by adopting **new** paragraph **"g"** as follows:

g. Professional development plan. The plan shall contain a summary of the agencywide professional development plan developed pursuant to 281—subrule 83.6(2).

ITEM 3. Amend **281—Chapter 83**, title, as follows:

EDUCATION DEPARTMENT[281](cont'd)

CHAPTER 83
TEACHER QUALITY PROGRAM ~~TEACHER AND~~
ADMINISTRATOR QUALITY PROGRAMS

ITEM 4. Amend **281—Chapter 83** by adding the following new division title to precede rule 281—83.1(284):

DIVISION I
GENERAL STANDARDS APPLICABLE TO
BOTH ADMINISTRATOR AND TEACHER
QUALITY PROGRAMS

ITEM 5. Amend rule 281—83.1(284) as follows:

281—83.1(284,284A) Purpose Purposes. The goal of the teacher quality program is to enhance the learning, achievement, and performance of all students through the recruitment, support, and retention of quality Iowa teachers. ~~It is expected that each Iowa school district will implement the teacher quality program by July 2003.~~ The program shall contain specific strategies that include a mentoring and induction program for beginning teachers, comprehensive teacher evaluations, and district and building support for professional development that includes best practices *practice* aimed at increasing student achievement.

The goal of the administrator quality program is to promote high student achievement and enhanced educator quality. The program consists of mentoring and induction programs that provide support for administrators, professional development designed to directly support best practice for leadership, and evaluation of administrators against the Iowa standards for school administrators.

ITEM 6. Amend rule 281—83.2(284) as follows:

Amend the parenthetical implementation statute as follows:

281—83.2(284,248A) Definitions.

Amend the definitions of “beginning teacher,” “comprehensive evaluation,” “mentor,” “school board,” and “teacher” as follows:

“Beginning teacher” means an individual serving under an initial, *Class A, exchange, or intern* license, issued by the board of educational examiners under Iowa Code chapter 272, who is assuming a position as a ~~classroom~~ teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to Iowa Code section 284.5, “beginning teacher” also includes preschool teachers who are licensed by the board of educational examiners under Iowa Code chapter 272 and are employed by a school district or area education agency.

“Comprehensive evaluation” means, *with respect to a beginning teacher*, a summative evaluation of a beginning teacher conducted by an evaluator for purposes of determining a beginning teacher’s level of competency relative to the Iowa teaching standards and for recommendation for licensure based upon models developed pursuant to Iowa Code section 256.9, subsection 50, and to determine whether the teacher’s practice meets the school district expectations for a career teacher. *With respect to a beginning administrator*, “comprehensive evaluation” means a summative evaluation of a beginning administrator conducted by an evaluator in accordance with 2007 Iowa Code Supplement section 284A.3 for purposes of determining a beginning administrator’s level of competency for recommendation for licensure based on the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27).

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

“School board” means the board of directors of a school district, or a collaboration of boards of directors of school districts, or the board of directors of an area education agency, as the context requires.

“Teacher” means an individual holding a practitioner’s license or a statement of professional recognition issued under Iowa Code chapter 272, who is employed in a nonadministrative position as a teacher, librarian, media specialist, preschool teacher, or counselor by a school district or area education agency pursuant to a contract issued by a board of directors under Iowa Code section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position. “Teacher” includes a licensed individual employed on a less than full-time basis by a school district through a contract between the school district and an institution of higher education with a practitioner preparation program in which the licensed teacher is enrolled.

Rescind the definition of “classroom teacher.”

Adopt the following new definitions in alphabetical order:

“Administrator” or “school leader” means an individual holding a professional administrator license issued under Iowa Code chapter 272, who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under Iowa Code section 279.23. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position.

“Beginning administrator” means an individual serving under an initial administrator license, issued by the board of educational examiners under Iowa Code chapter 272, who is assuming a position as a school district administrator for the first time.

“Leadership standards” are synonymous with the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27).

ITEM 7. Amend **281—Chapter 83** by adding the following new division title to precede rule 281—83.3(284):

DIVISION II
SPECIFIC STANDARDS APPLICABLE TO
TEACHER QUALITY PROGRAMS

ITEM 8. Amend rule 281—83.3(284) as follows:

EDUCATION DEPARTMENT[281](cont'd)

281—83.3(284) Mentoring and induction program for beginning teachers.

83.3(1) Purpose. The beginning teacher mentoring and induction program is created to promote excellence in teaching, enhance student achievement, build a supportive environment within school districts *and area education agencies*, increase the retention of promising beginning teachers, and promote the personal and professional well-being of classroom teachers.

83.3(2) District participation Participation. A school district is eligible to receive moneys appropriated for purposes specified in this chapter if the school board applies to the department to implement a beginning teacher mentoring and induction program in the manner prescribed by the department and approved by the department. A school district, with the coordination of a district facilitator, *All school districts and area education agencies* shall provide a beginning teacher mentoring and induction program for all beginning teachers in the school year beginning July 1, 2002. A beginning teacher, as defined in this chapter, shall be informed by the school district *or area education agency*, prior to the beginning teacher's participation in a mentoring and induction program, of the Iowa teaching standards and criteria upon which the beginning teacher shall be evaluated and of the evaluation process utilized by the school district *or area education agency*. The beginning teacher shall be comprehensively evaluated by the end of the beginning teacher's second year of teaching to determine whether the teacher meets expectations to move to the career level. The school district *or area education agency* shall recommend for a standard license a beginning teacher who has successfully met the Iowa teaching standards as determined by a comprehensive evaluation.

If a beginning teacher who is participating in a mentoring and induction program leaves the employ of a participating school district or area education agency prior to completion of the program, the participating school district or area education agency subsequently hiring the beginning teacher shall credit the beginning teacher with the time earned in a program prior to the subsequent hiring. If the general assembly appropriates moneys for purposes of Iowa Code section 284.5, a school district or area education agency is eligible to receive state assistance for up to two years for each beginning teacher the school district or area education agency employs who was formerly employed in an accredited nonpublic school or in another state as a first-year teacher. The school district or area education agency employing the teacher shall determine the conditions and requirements of a teacher participating in a mentoring and induction program.

A school district or area education agency may offer a teacher a third year of participation in the program if, after conducting a comprehensive evaluation, the school district or area education agency determines that the teacher is likely to successfully complete the mentoring and induction program by meeting the Iowa teaching standards by the end of the third year of eligibility. The third year of eligibility is offered at the employing district's *or area education agency's* expense. A teacher granted a third year of eligibility shall, in cooperation with the teacher's evaluator, develop a plan to meet the Iowa teaching standards and district *or area education agency* career expectations. This plan will be implemented by the teacher and supported through the district's *or area education agency's* mentoring and induction program. The school district or area education agency shall notify the board of educational examiners that the teacher will participate in a third year of the school district's program. The

teacher shall undergo a comprehensive evaluation at the end of the third year.

For purposes of comprehensive evaluations for beginning teachers, including the comprehensive evaluation required for the beginning teacher to progress to career teacher, the Iowa teaching standards and criteria shall be as described in rule 281—83.4(284). A school district or area education agency shall participate in state program evaluations.

83.3(3) District plan Plan. Each participating school district or area education agency shall develop a sequential two-year beginning teacher mentoring and induction plan based on the Iowa teaching standards. The plan shall be included in the school district's comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7, subsection 21. A school district or area education agency shall have the board adopt a beginning teacher mentoring and induction program plan and written procedures for the program. At the board's discretion, the district or area education agency may choose to use or revise the model plan provided by the area education agency or develop a plan locally. The components of a district's or area education agency's beginning teacher mentoring and induction program shall include, but are not limited to, the following:

a. and b. No change.

c. A mentor training process which shall:

(1) Be consistent with effective staff development practices and adult professional needs to include skills needed for classroom teaching, demonstration, and coaching.

(2) to (5) No change.

d. No change.

e. Evaluation process for the program, which shall include:

(1) An evaluation of the district *and area education agency* program goals,

(2) and (3) No change.

f. No change.

g. A plan that reflects the needs of the beginning teacher employed by the district *or area education agency*.

h. No change.

83.3(4) Budget. Funds received by a school district *or area education agency* from the beginning teacher mentoring and induction program shall be used for any or all of the following purposes:

a. To pay mentors as they implement the plan. A mentor in a beginning teacher induction program approved under this chapter shall be eligible for an award of \$500 per semester for full participation in the program. A district *or area education agency* may use local dollars to increase the mentor award.

b. To pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system for a pension and annuity retirement system established under Iowa Code chapter 294 for such amounts paid by the district *or area education agency*.

These funds are miscellaneous funds or are considered encumbered. A school district *or area education agency* shall maintain a separate listing within its budget for payments received and expenditures made for this program. Funds that remain unencumbered or unobligated at the end of the fiscal year will not revert, but will remain available for expenditure for the purposes of the program until the close of the succeeding fiscal year.

ITEM 9. Amend rule 281—83.4(284) as follows:

281—83.4(284) Iowa teaching standards and criteria. The Iowa teaching standards and supporting criteria represent

EDUCATION DEPARTMENT[281](cont'd)

a set of knowledge and skills that reflects the best evidence available regarding effective teaching. The purpose of the standards and supporting criteria is to provide Iowa school districts and area education agencies with a consistent representation of the complexity and the possibilities of quality teaching. The standards shall serve as the basis for comprehensive evaluations of teachers and as a basis for professional development plans. Each standard with supporting criteria is outlined as follows:

83.4(1) Demonstrates ability to enhance academic performance and support for and implementation of the school district's student achievement goals.

a. The teacher:

Ⓐ (1) Provides evidence of student learning to students, families, and staff.

Ⓑ (2) Implements strategies supporting student, building, and district goals.

Ⓒ (3) Uses student performance data as a guide for decision making.

Ⓓ (4) Accepts and demonstrates responsibility for creating a classroom culture that supports the learning of every student.

Ⓔ (5) Creates an environment of mutual respect, rapport, and fairness.

Ⓕ (6) Participates in and contributes to a school culture that focuses on improved student learning.

Ⓖ (7) Communicates with students, families, colleagues, and communities effectively and accurately.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Uses knowledge and understanding of the area education agency's mission, goals, and strategic priorities to provide services that enhance academic performance.*

(2) *Understands and uses knowledge of area education agency and district goals and data to provide services that enhance academic performance.*

(3) *Participates in and contributes to a positive learning culture.*

(4) *Communicates with students, families, colleagues, and communities effectively and accurately.*

(5) *Uses area education agency, district, and student data as a guide for decision making.*

83.4(2) Demonstrates competence in content knowledge appropriate to the teaching position.

a. The teacher:

Ⓐ (1) Understands and uses key concepts, underlying themes, relationships, and different perspectives related to the content area.

Ⓑ (2) Uses knowledge of student development to make learning experiences in the content area meaningful and accessible for every student.

Ⓒ (3) Relates ideas and information within and across content areas.

Ⓓ (4) Understands and uses instructional strategies that are appropriate to the content area.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Understands, communicates, and uses key concepts and best practice in fulfillment of area education agency roles and responsibilities.*

(2) *Uses knowledge of child and adolescent development and of adult learning to make interventions and strategies meaningful, relevant, and accessible.*

(3) *Relates professional knowledge and services within and across multiple content and discipline areas.*

(4) *Understands and supports strategies and interventions that are best practice across content and discipline areas.*

83.4(3) Demonstrates competence in planning and preparing for instruction.

a. The teacher:

Ⓐ (1) Uses student achievement data, local standards, and the district curriculum in planning for instruction.

Ⓑ (2) Sets and communicates high expectations for social, behavioral, and academic success of all students.

Ⓒ (3) Uses students' developmental needs, backgrounds, and interests in planning for instruction.

Ⓓ (4) Selects strategies to engage all students in learning.

Ⓔ (5) Uses available resources, including technologies, in the development and sequencing of instruction.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Demonstrates the ability to organize and prioritize time, resources, and responsibilities.*

(2) *Demonstrates the ability to individually and collaboratively plan and prepare professional services that address the range of district, teacher, parent, and student needs.*

(3) *Uses district and student data to develop goals and interventions.*

(4) *Demonstrates the flexibility to plan for professional services based on changing conditions of the work context and environment.*

(5) *Uses available resources, including technology, to plan and develop professional services.*

83.4(4) Uses strategies to deliver instruction that meets the multiple learning needs of students.

a. The teacher:

Ⓐ (1) Aligns classroom instruction with local standards and district curriculum.

Ⓑ (2) Uses research-based instructional strategies that address the full range of cognitive levels.

Ⓒ (3) Demonstrates flexibility and responsiveness in adjusting instruction to meet student needs.

Ⓓ (4) Engages students in varied experiences that meet diverse needs and promote social, emotional, and academic growth.

Ⓔ (5) Connects students' prior knowledge, life experiences, and interests in the instructional process.

Ⓕ (6) Uses available resources, including technologies, in the delivery of instruction.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Aligns service delivery to district, teacher, parent, and student needs.*

(2) *Provides consultation, instruction, interventions, and strategies that align with learner needs.*

(3) *Demonstrates flexibility and responsiveness in adjusting services to meet diverse learner needs.*

(4) *Uses and supports research-based and evidence-based practices to meet learner needs.*

(5) *Uses available resources, including technology, to provide professional services that meet learner needs.*

83.4(5) Uses a variety of methods to monitor student learning.

a. The teacher:

Ⓐ (1) Aligns classroom assessment with instruction.

EDUCATION DEPARTMENT[281](cont'd)

b. (2) Communicates assessment criteria and standards to all students and parents.

e. (3) Understands and uses the results of multiple assessments to guide planning and instruction.

d. (4) Guides students in goal setting and assessing their own learning.

e. (5) Provides substantive, timely, and constructive feedback to students and parents.

f. (6) Works with other staff and building and district leadership in analysis of student progress.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Uses appropriate assessment, data collection, and data analysis methods that support alignment of services with learner needs.*

(2) *Works collaboratively within the learning community to establish measurable goals and to identify formative and summative methods to monitor progress and the quality of implementation.*

(3) *Communicates the rationale and criteria of assessment and monitoring methods.*

(4) *Elicits and provides timely and quality feedback on assessment and monitoring.*

83.4(6) Demonstrates competence in classroom management.

a. The teacher:

a. (1) Creates a learning community that encourages positive social interaction, active engagement, and self-regulation for every student.

b. (2) Establishes, communicates, models, and maintains standards of responsible student behavior.

e. (3) Develops and implements classroom procedures and routines that support high expectations for student learning.

d. (4) Uses instructional time effectively to maximize student achievement.

e. (5) Creates a safe and purposeful learning environment.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Models respectful dialogue and behaviors within and across job responsibilities.*

(2) *Promotes and maintains a positive, safe, and productive environment.*

(3) *Works collaboratively and is flexible.*

(4) *Communicates accurately and effectively.*

83.4(7) Engages in professional growth.

a. The teacher:

a. (1) Demonstrates habits and skills of continuous inquiry and learning.

b. (2) Works collaboratively to improve professional practice and student learning.

e. (3) Applies research, knowledge, and skills from professional development opportunities to improve practice.

d. (4) Establishes and implements professional development plans based upon the teacher's needs aligned to the Iowa teaching standards and district/building student achievement goals.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Demonstrates habits and skills of continuous inquiry and learning.*

(2) *Works collaboratively to improve professional practices.*

(3) *Applies and shares research, knowledge, and skills from professional development.*

(4) *Establishes and implements professional development plans aligned to area education agency, district, and student learning goals.*

83.4(8) Fulfills professional responsibilities established by the school district.

a. The teacher:

a. (1) Adheres to board policies, district procedures, and contractual obligations.

b. (2) Demonstrates professional and ethical conduct as defined by state law and district policy.

e. (3) Contributes to efforts to achieve district and building goals.

d. (4) Demonstrates an understanding of and respect for all learners and staff.

e. (5) Collaborates with students, families, colleagues, and communities to enhance student learning.

b. *Alternative criteria for area education agency staff who meet the definition of "teacher" herein. The staff member:*

(1) *Adheres to board policies, area education agency procedures, federal and state rules, and contractual obligations.*

(2) *Demonstrates professional and ethical conduct as defined by state law and area education agency policies.*

(3) *Contributes to efforts to achieve area education agency goals.*

(4) *Demonstrates an understanding of and respect for all learners.*

(5) *Collaborates with all learners.*

83.4(9) The school board shall provide comprehensive evaluations for beginning teachers using the Iowa teaching standards and criteria listed in rule 281—83.4(284). The school board, for the purposes of performance reviews for teachers other than beginning teachers, shall provide evaluations that contain, at a minimum, the Iowa teaching standards and criteria listed in rule 281—83.4(284). A local school board and its certified bargaining representative may negotiate, pursuant to Iowa Code chapter 20, additional teaching standards and criteria for use in a performance review. In any school district or area education agency where there is no certified bargaining unit, additional standards and criteria may be determined by the board.

ITEM 10. Amend rule 281—83.5(284), introductory paragraph, as follows:

281—83.5(284) Evaluator approval training. The department shall approve eligible providers and their programs to conduct evaluator training. Only individuals certified through programs approved by the department shall qualify for evaluator certification by the board of educational examiners. Approved evaluator training programs shall be designed to align with the Iowa teaching standards and criteria, provide evaluators with the skills to conduct comprehensive evaluations and performance reviews as required by Iowa Code chapter 284, and provide for the evaluation of the progress made on individual ~~career~~ professional development plans. This training for evaluators shall incorporate components of theory, demonstration, practice, and application of evaluation knowledge and skills.

ITEM 11. Amend subrule 83.5(3) as follows:

83.5(3) Local teacher evaluation plans. ~~By July 1, 2004,~~ ~~local~~ Local districts and area education agencies shall de-

EDUCATION DEPARTMENT[281](cont'd)

velop and implement a teacher evaluation plan that contains the following components:

- a. and b. No change.
- c. Provisions for the performance reviews of teachers other than beginning teachers once every three years that include, at a minimum, classroom observation of the teacher, a review of the teacher's progress on the Iowa teaching standards as set forth in rule 281—83.4(284) and additional standards and criteria if established under subrule 83.4(9), a review of the implementation of the teacher's individual ~~career~~ *professional* development plan, and supporting documentation from other evaluators, teachers, parents, and students;
- d. Provisions for individual ~~career~~ *professional* development plans for teachers other than beginning teachers;
- e. Provisions for an intensive assistance program as provided in Iowa Code section 284.8 that addresses the remediation defined under subrules 83.4(1) through 83.4(7 8) or any other standards or criteria established by a collective bargaining agreement.

A local school board and its certified bargaining representative ~~may~~ *shall* negotiate, pursuant to Iowa Code chapter 20, evaluation and grievance procedures for beginning teachers and for teachers other than beginning teachers that are not in conflict with Iowa Code chapter 284. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under subrules 83.4(1) through 83.4(7 8) or any other standards or criteria established in the collective bargaining agreement, the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are ~~not~~ subject to negotiation or grievance procedures established pursuant to Iowa Code chapter 20.

ITEM 12. Amend rule 281—83.6(284) as follows:

281—83.6(284) Professional development for teachers.

83.6(1) Individual teacher ~~career~~ *professional* development plan. Each school ~~or~~ district *and area education agency* shall support the development and implementation of the individual teacher ~~career~~ *professional* development plan for teachers other than beginning teachers. The purpose of the individual plan is to promote individual and collective professional development. At a minimum, the goals for an individual teacher ~~career~~ *professional* development plan must be based on the relevant Iowa teaching standards that support the student achievement goals of the attendance center and school district or area education agency, as appropriate, as outlined in the comprehensive school improvement plan, and the needs of the teacher. *The goals shall go beyond those required under the attendance center professional development plan described in subrule 83.6(2), paragraph "c."* The learning opportunities provided to meet the goals of the individual teacher plan include individual study and collaborative study of district-determined *or area education agency-determined* content to the extent possible. The individual plan shall be developed by the teacher in collaboration with the teacher's evaluator. An annual meeting shall be held between the teacher's evaluator and the teacher to review the goals and refine the plan.

83.6(2) Professional development for school districts *and area education agencies*. The following requirements shall apply to professional development for school districts ~~as required by Iowa Code section 284.6 and area education agencies~~.

a. District ~~career~~ *or area education agency professional* development plan. Each school district shall incorporate the district ~~career~~ *professional* development plan into its comprehensive school improvement plan pursuant to Iowa Code subsection 284.6(3). *Each area education agency shall develop a professional development plan for the agency as a whole and shall incorporate the same into its comprehensive improvement plan pursuant to rule 281—72.9(273).* The district ~~career~~ *or area education agency professional* development plan shall be a long-term plan designed and implemented to increase student achievement and shall include all site and district *or area education agency* personnel responsible for instruction. The district ~~career~~ *or area education agency professional* development plan shall contain, but not be limited to, the following:

- (1) Documentation that the professional development is based on student data and other needs assessment; aligned with district student achievement goals; and focused on instruction, curriculum, and assessment.
- (2) Documentation that professional development learning opportunities are research-based and aligned with the Iowa teaching standards and criteria.
- (3) Identification of the approved professional development provider(s).
- (4) A description of a process that includes theory, demonstration, practice, observation, collaboration, and the study of implementation.
- (5) A description of a program evaluation design for formative and summative evaluation processes.

b. Professional development standards. Implementation of a school district's ~~career~~ *or area education agency's professional* development plan shall meet the following standards:

- (1) Align with the Iowa teaching standards and criteria;
- (2) Deliver research-based instructional strategies aligned with the student achievement goals established by the district;
- (3) Deliver professional development training and learning opportunities that are targeted at instructional improvement and designed with the following components:
 1. Student achievement data and analysis;
 2. Theory;
 3. Classroom demonstration and practice;
 4. Observation and reflection;
 5. Teacher collaboration and study of implementation;
 and
 6. Integration of instructional technology, if applicable;
- (4) Include an evaluation component of professional development that documents the improvement in instructional practice and the effect on student learning; and
- (5) Support the professional development needs of district licensed staff responsible for instruction.

c. *Attendance center professional development plans. Each attendance center within a school district shall develop an attendance center professional development plan as a means of promoting group professional development. An attendance center professional development plan shall further the needs of the teachers in the attendance center and shall enhance the student achievement goals of the attendance center and the goals of the district.*

e d. Individual ~~career~~ *professional* development plans. The school district *and area education agency* shall support the development and implementation of the individual teacher ~~career~~ *professional* development plan for each ~~career~~ teacher as outlined in subrule 83.6(1). Each individual teacher ~~career~~ *professional* development plan shall align to

EDUCATION DEPARTMENT[281](cont'd)

the fullest extent possible with the district ~~career~~ *professional* development plan.

d.e. Beginning teacher mentoring and induction. The school district shall support the development and implementation of a beginning teacher mentoring and induction plan as outlined in subrule 83.3(3). The district beginning teacher mentoring and induction plan shall be included in the comprehensive school improvement plan submitted pursuant to Iowa Code section ~~256.7, subsection (21a),~~ 256.7(21), paragraph "a," and shall align with the district ~~career~~ *professional* development plan described in subrule 83.6(2), paragraph "a."

e.f. Organizational support for professional development. The school district shall provide resources and support for the district ~~career~~ *professional* development plan, including professional development provider(s), time for collaborative work of staff, budget, policies, and procedures.

83.6(3) Professional development provider requirements.

a. A provider may be a school district, an area education agency, a higher education institution, a public or private entity including a professional organization that provides long-term, ongoing support of the district's ~~career or area education agency's~~ *professional* development plan, or a consortium of any of the foregoing. An educational organization or program with specific professional development accreditation or approval from the department is an approved provider.

b. Provider approval procedures must be followed to approve providers identified in the district's ~~career or area education agency's~~ *professional* development plan that are not currently accredited or approved through state accreditation procedures. The potential provider must submit to the school district a written application that provides the following documentation:

(1) How the provider will deliver technical assistance that meets the Iowa professional development standards provided in subrule 83.6(2), paragraph "b."

(2) How the provider intends to assist the local district in designing, implementing, and evaluating professional development that meets the requirements established in subrule 83.6(2), paragraph "a."

(3) A description of the qualifications of the provider.

(4) Evidence of the provider's expertise in professional development.

(5) A budget.

(6) Procedures for evaluating the effectiveness of the technical assistance delivered by the provider.

~~**83.6(4) Professional development for accredited schools.** Each accredited school shall incorporate into its comprehensive school improvement plan provisions for the professional development of staff. To meet the professional needs of instructional staff, staff development activities shall align with school achievement goals and shall be based on student achievement needs and staff professional development needs. The plan shall deliver research-based instructional practices to achieve increased student achievement, learning, and performance as stated in the comprehensive school improvement plan.~~

ITEM 13. Adopt **new** rule 281—83.7(284) as follows:

281—83.7(284) Teacher quality committees. Each school district and area education agency shall create a teacher quality committee pursuant to 2007 Iowa Code Supplement section 284.4. The committee is subject to the requirements of the Iowa open meetings law (Iowa Code chapter 21). To the extent possible, committee membership shall have balanced

representation with regard to gender. The committee shall do all of the following:

1. Monitor the implementation of the requirements of statutes and administrative code provisions relating to this chapter, including requirements that affect any agreement negotiated pursuant to Iowa Code chapter 20.

2. Monitor the evaluation requirements of this chapter to ensure evaluations are conducted in a fair and consistent manner throughout the school district or agency. In addition to any negotiated evaluation procedures, develop model evidence for the Iowa teaching standards and criteria. The model evidence will minimize paperwork and focus on teacher improvement. The model evidence will determine which standards and criteria can be met through observation and which evidence meets multiple standards and criteria.

3. Determine, following the adoption of the Iowa professional development model by the state board of education, the use and distribution of the professional development funds distributed to the school district or agency as provided in 2007 Iowa Code Supplement section 284.13, subsection 1, paragraph "d," based upon school district or agency, attendance center, and individual teacher professional development plans.

4. Monitor the professional development in each attendance center to ensure that the professional development meets school district or agency, attendance center, and individual teacher professional development plans.

5. Ensure the agreement negotiated pursuant to Iowa Code chapter 20 determines the compensation for teachers on the committee for work responsibilities required beyond the normal workday.

6. Make recommendations to the school board and the certified bargaining representative regarding the expenditures of market factor incentives.

ITEM 14. Amend **281—Chapter 83** by adopting the following **new** division:

DIVISION III
SPECIFIC STANDARDS APPLICABLE TO
ADMINISTRATOR QUALITY PROGRAMS

281—83.8(284A) Administrator quality program. An administrator quality program is established to promote high student achievement and enhanced educator quality. The program shall consist of the following four major components:

1. Adherence to the Iowa school leadership standards and criteria as the minimum basis for evaluations of administrators and as the basis for professional development plans for administrators.

2. Mentoring and induction programs that provide support for administrators in accordance with 2007 Iowa Code Supplement section 284A.5.

3. Professional development designed to directly support best practice for leadership.

4. Evaluation of administrators against the Iowa standards for school administrators.

281—83.9(284A) Mentoring and induction program for administrators.

83.9(1) Purpose. A beginning administrator mentoring and induction program is created to promote excellence in school leadership, improve classroom instruction, enhance student achievement, build a supportive environment within school districts, increase the retention of promising school leaders, and promote the personal and professional well-being of administrators.

EDUCATION DEPARTMENT[281](cont'd)

83.9(2) District participation. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by the department or develop the program locally. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming to support the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27), and to support beginning administrators' professional and personal needs. Each school board shall include in the program the mentor selection process, supports for beginning administrators, and the organizational and collaborative structures. Each district must also provide the budget, establish a process for sustainability of the program, and establish a process for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this rule. A school board shall include its plan in the school district's comprehensive school improvement plan.

83.9(3) Recommendation for licensure. By the end of a beginning administrator's first year of employment, the beginning administrator shall be comprehensively evaluated to determine if the administrator meets expectations to move to a professional administrator license. The school district or area education agency shall recommend the beginning administrator for a professional administrator license to the board of educational examiners upon the administrator's completion of a successful comprehensive evaluation. The evaluation process must include documented evidence of the administrator's competence in meeting the Iowa leadership standards. A school district or area education agency may allow a beginning administrator a second year to demonstrate competence in the Iowa standards for school administrators if, after conducting a comprehensive evaluation, the school district or area education agency determines that the administrator is likely to successfully demonstrate competence in the Iowa standards for school administrators by the end of the second year. Upon notification by the school district or area education agency, the board of educational examiners shall grant a beginning administrator who has been allowed a second year to demonstrate competence a one-year extension of the beginning administrator's initial license. An administrator granted a second year to demonstrate competence shall undergo a comprehensive evaluation at the end of the second year.

281—83.10(284A) Iowa school leadership standards and criteria for administrators. The Iowa school leadership standards and criteria represent a set of knowledge and skills that reflects the best evidence available regarding effective leadership. The standards and criteria provide school districts with a consistent basis for evaluations of administrators and serve as the basis for professional development plans for administrators. A local school board may establish additional administrator standards and related criteria, but shall at a minimum utilize the following standards, with supporting criteria listed after each, in evaluating its school leaders and adopting individual professional development plans therefor:

83.10(1) Shared vision. An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The administrator:

a. In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs.

b. Uses research and best practice in improving the educational program.

c. Articulates and promotes high expectations for teaching and learning.

d. Aligns and implements the educational program, plans, actions, and resources with the district's vision and goals.

e. Provides leadership for major initiatives and efforts to effectuate change.

f. Communicates effectively with various stakeholders regarding progress with school improvement plan goals.

83.10(2) Culture of learning. An educational leader promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional development. The administrator:

a. Provides leadership for assessing, developing, and improving the climate and culture of learning.

b. Systematically and fairly recognizes and celebrates accomplishments of staff and students.

c. Provides leadership, encouragement, opportunities, and structure for staff to continually design more effective teaching and learning experiences for all students.

d. Monitors and evaluates the effectiveness of curriculum, instruction, and assessment.

e. Evaluates staff and provides ongoing coaching for improvement.

f. Ensures that staff members have professional development that directly enhances their performance and improves student learning.

g. Uses current research and theory about effective schools and leadership to develop and revise the administrator's professional growth plan.

h. Promotes collaboration with all stakeholders.

i. Is easily accessible and approachable to all stakeholders.

j. Is highly visible and engaged in the school community.

k. Articulates the desired school culture and shows evidence about how it is reinforced.

83.10(3) Management. An educational leader promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment. The administrator:

a. Complies with state and federal mandates and local school board policies.

b. Recruits, selects, inducts, and retains staff to support quality instruction.

c. Addresses current and potential issues in a timely manner.

d. Manages fiscal and physical resources responsibly, efficiently, and effectively.

e. Protects instructional time by designing and managing operational procedures to maximize learning.

f. Communicates effectively with both internal and external audiences about the operations of the school.

83.10(4) Family and community. An educational leader promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources. The administrator:

a. Engages family and community by promoting shared responsibility for student learning and support of the educational system.

b. Promotes and supports a structure for family and community involvement in the educational system.

EDUCATION DEPARTMENT[281](cont'd)

c. Facilitates the connections of students and families to the health and social services that support a focus on learning.

d. Collaboratively establishes a culture that welcomes and honors families and community and seeks ways to engage them in student learning.

83.10(5) Ethics. An educational leader promotes the success of all students by acting with integrity and fairness and in an ethical manner. The administrator:

a. Demonstrates ethical and professional behavior.

b. Demonstrates values, beliefs, and attitudes that inspire others to higher levels of performance.

c. Fosters and maintains caring professional relationships with staff.

d. Demonstrates appreciation for and sensitivity to diversity in the school community.

e. Is respectful of divergent opinions.

83.10(6) Societal context. An educational leader promotes the success of all students by understanding the profile of the community and by responding to and influencing the larger political, social, economic, legal, and cultural context. The administrator:

a. Collaborates with service providers and other decision makers to improve teaching and learning.

b. Advocates for the welfare of all members of the learning community.

c. Designs and implements appropriate strategies to reach desired goals.

281—83.11(284A) Evaluation. The board of directors of a school district shall conduct an evaluation of an administrator who holds a professional administrator license issued under Iowa Code chapter 272 at least once every three years for purposes of assisting the administrator in making continuous improvements, documenting continued competence in the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27), and determining whether the administrator's practice meets the board's expectations for the school district. The review shall include, at a minimum, an assessment of the administrator's competence in meeting the Iowa standards for school administrators and the goals of the administrator's individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator's professional development plan.

281—83.12(284A) Professional development of administrators.

83.12(1) Responsibility of district. Each school district shall be responsible for the provision of professional growth programming for individuals employed in a school district administrative position by the school district or area education agency as deemed appropriate by the board of directors of the school district or area education agency. School districts may collaborate with other educational stakeholders, including other school districts, area education agencies, professional organizations, higher education institutions, and private providers, regarding the provision of professional development for school district administrators. Professional development programming for school district administrators may include support that meets the individual administrator's professional development needs as aligned to the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27), and that meets individual administrator professional development plans.

83.12(2) Individual plans. In cooperation with the administrator's evaluator, an administrator who has a standard administrator's license issued by the board of educational examiners pursuant to Iowa Code chapter 272 and is employed by a school district or area education agency in a school district administrative position shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator. The individual plan shall be aligned, as appropriate, to the Iowa standards for school administrators adopted pursuant to 2007 Iowa Code Supplement section 256.7(27), and the student achievement goals of the attendance center and the school district as set forth in the comprehensive school improvement plan.

83.12(3) Role of evaluator. The administrator's evaluator shall meet annually as provided in Iowa Code section 279.23A with the administrator to review progress in meeting the goals in the administrator's individual professional development plan. The purpose of the meeting shall be to review collaborative work with other staff on student achievement goals and to modify as necessary the administrator's individual professional development plan to reflect the individual administrator's and the school district's needs and the administrator's progress in meeting the goals in the plan. The administrator shall provide evidence of progress toward meeting the goals. Modifications to the plan may be made jointly by the administrator and the administrator's supervisor, or the supervisor may adjust the plan. Any changes in the plan made unilaterally by a supervisor must be clearly documented for the administrator.

ITEM 15. Amend **281—Chapter 83**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ *chapters 284 and 284A as amended by 2007 Iowa Acts, chapter 108.*

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6625B

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 17, "Open Enrollment," Iowa Administrative Code.

The amendments are in response to the June 28, 2007, decision of the United States Supreme Court that student attendance center assignments may not be based solely or primarily on race. Thus, under the amended rules, eligible school districts will still be able to deny open enrollment requests if the enrollment or release of the student will negatively impact the district's voluntary diversity plan. Rather than defining "minority student" solely in terms of race, the amendments allow eligible districts to define the term for themselves as long as race is not the sole or the determinative factor. There are five eligible school districts as that term is defined in rule: the school districts of Davenport, Des Moines, Postville, Waterloo, and West Liberty.

EDUCATION DEPARTMENT[281](cont'd)

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 19, 2007, Iowa Administrative Bulletin as **ARC 6480B**. A public hearing was held January 8, 2008, and public comments were allowed until 4:30 p.m. that same date. Three persons attended the public hearing. Two persons who attended the public hearing were in favor of neighborhood schools but had no opinion about the rules under Notice. Persons representing two school districts that are not eligible districts under these rules stated that their districts wanted the rules to be changed to retain the option for more districts to adopt a voluntary diversity plan as a means of regulating open enrollment. Finally, attorneys representing three of the eligible districts (Davenport, Des Moines, and Waterloo) submitted a written comment offering a technical correction to Item 2, asking for a specific definition of “socioeconomic status,” and also opining that “eligible district” should be more broadly defined.

Since the Notice of Intended Action was published, minor edits have been made to Item 2 to add “court-ordered” before the words “desegregation plan” to avoid confusion. The Department has also added a definition of “socioeconomic status” (SES) to clarify that SES is to be measured by the percentage of a district’s student population that meets the financial eligibility criteria for free meals or reduced price meals offered under the Child Nutrition Program. Regarding the request to expand the definition of “eligible district,” the Department believes that any decision in that regard is a policy decision that should be made by the General Assembly.

These amendments are intended to implement Iowa Code section 282.18(3) and Parents Involved in Community Schools v. Seattle School District No. 1, et al., 551 U.S. ____ (2007).

These amendments shall become effective April 2, 2008. The following amendments are adopted.

ITEM 1. Amend rule **281—17.2(282)** as follows:

Amend the definitions of “minority student” and “voluntary or court-ordered desegregation plan” as follows:

“Minority student” means a student who is a member of one of the following four groups (as used by the federal Department of Education): Black (not of Hispanic origin), Hispanic, American Indian/Alaskan Native, or Asian/Pacific Islander. For purposes of these rules, a student who is biracial or multiracial may be categorized as a minority student shall be defined by a local school board in its diversity plan, and may include consideration of any one characteristic or a combination of any of the following characteristics except that race may not be either the sole or the determinative characteristic: socioeconomic status, ethnicity/national origin, English language learner status, or race.

“Voluntary or court-ordered Court-ordered desegregation plan” means a plan that is either under direct court order or is voluntarily adopted to avoid racial isolation in the district.

Adopt the following **new** definitions in alphabetical order: “Diversity plan” or “voluntary diversity plan” means a plan that is voluntarily adopted by a local school board to promote diversity and to avoid minority student isolation in the district.

“Eligible district” means a school district whose board had adopted a voluntary desegregation plan under this chapter prior to June 28, 2007.

“Socioeconomic status” means the income level of a student or the student’s family, and shall be measured by whether a student or the student’s family meets the financial eligi-

bility criteria for free meals or reduced price meals offered under the Child Nutrition Program.

ITEM 2. Amend subrule 17.6(2) as follows:

17.6(2) Voluntary *diversity plans* or court-ordered desegregation *plans*. In districts involved with voluntary or court-ordered desegregation (~~see 17.2(282)) or voluntary diversity plans~~ where there is a requirement to maintain minority and nonminority student ratios according to a ~~desegregation the plan or order~~, the superintendent of the district may deny a request for open enrollment if it is found that the enrollment or release of a pupil will adversely affect the district’s *court-ordered desegregation plan or order voluntary diversity plan*. Open enrollment requests that would facilitate the *court-ordered desegregation plan or order voluntary diversity plan* shall be given priority over other open enrollment requests received by the district. A parent/guardian whose request for open enrollment is denied by the superintendent of the district on the basis of its adverse effect on the district’s *court-ordered desegregation plan or voluntary diversity plan* may appeal that decision to the district board.

ITEM 3. Amend rule 281—17.14(282) as follows:

281—17.14(282) Voluntary diversity plans or court-ordered desegregation plans.

17.14(1) Applicability. These rules govern only the components of a voluntary *diversity plan* or court-ordered desegregation plan as the plan affects open enrollments. Nothing herein shall prohibit a district from implementing a lawful voluntary ~~desegregation diversity plan or court-ordered desegregation plan~~ or components thereof for transfers other than open enrollment.

17.14(2) Eligibility to adopt and implement a plan applicable to open enrollments.

a. Adoption. The board of a *an eligible* school district may adopt a voluntary ~~desegregation diversity plan~~ with a component that applies to open enrollments if either of the following conditions exists: (1) ~~The district’s total student population consists of at least 20 percent minority students~~ *The percentage of minority students in the district exceeds the percentage of minority students in the state by at least 20 percentage points*; or (2) the percentage of minority students in one or more attendance centers in the district exceeds the percentage of minority students in the district as a whole by at least 20 percentage points.

b. Implementation. The open enrollment component of the plan adopted by the district board shall only be implemented by the district if other components of the ~~desegregation diversity plan~~ describe the steps the district is taking internally to avoid or reduce ~~racial minority student~~ isolation, and the district demonstrates the extent to which it has implemented those steps. For districts with multiple attendance centers at the same grade level, such steps may include intra-district student transfer policies, pairing of attendance centers, revision of boundaries of attendance centers, *selecting school sites*, realignment of feeder systems, magnet schools, and the placement of specialized programs and services. In a district without multiple attendance centers at the same grade level, such steps may include pupil assignments to classrooms, classroom pairing, community and family outreach programs, student-to-student mentoring or grouping designed to promote understanding and acceptance of and positive interactions with all ~~racial and ethnic~~ *groups of minority students*, and professional development activities designed to promote understanding and acceptance of and positive interactions with all ~~racial and ethnic~~ *groups of minority students*. The open enrollment component of the plan adopted

EDUCATION DEPARTMENT[281](cont'd)

by the district board may remain in effect for so long as the district's total minority student population exceeds 15 percent, and shall remain in effect for so long as the district demonstrates is necessary to avoid racial minority student isolation in the district.

17.14(3) Open enrollment elements of a ~~desegregation~~ *diversity* plan.

a. All applicable deadlines for the filing and determination of open enrollment requests, including the exceptions for good cause under rule 17.4(282), apply to open enrollment requests filed in a district that has adopted an open enrollment component in its voluntary ~~desegregation~~ *diversity* plan.

b. The plan shall establish a districtwide ratio of minority-to-nonminority students to be maintained, consistent with subrule 17.14(2). All open enrollment requests, both those into and out of the district, shall be acted on according to whether the request will adversely affect or will positively affect the implementation of the plan. Under Iowa Code section 282.18, if an open enrollment request would positively affect the plan, the district shall give priority to granting the request over other requests.

c. A district with multiple attendance centers at the same grade level shall specify in the open enrollment component of its ~~desegregation~~ *diversity* plan which attendance centers are affected by the open enrollment component. For each of those attendance centers, the district shall establish and specify the individual attendance center ratios of minority-to-nonminority students, consistent with subrule 17.14(2). The plan may provide for an initial determination of whether a requested open enrollment will negatively affect the specific attendance center ratio. With respect to a request to open enroll out of the district, if such enrollment will negatively affect the ratio established for the student's current attendance center, the request may be denied by the district with no further determination of the impact of the request on the districtwide ratio. For a request to open enroll either into or out of the district, if the open enrollment will not negatively affect the attendance center ratio, the request shall be denied only if there would be a negative impact on the districtwide ratio. As of July 1, 2003, if a district's plan sets a threshold lower than allowed in paragraph 17.14(2)"a" and that plan has not been disapproved by a court of competent jurisdiction, the district may implement its individual attendance center ratios in addition to its districtwide ratio.

d. The plan shall include provision for the formation and operation of a waiting list for those requests that could not be granted immediately. A parent/guardian of a child on the waiting list must be informed by the district of the details of the operation of the list and whether the parent/guardian must refile a timely request for open enrollment in order to remain on the waiting list.

e. The plan shall specify a district contact person to whom questions may be directed from parents/guardians.

f. The plan shall include a provision whereby a parent/guardian has a means to request that the district determine whether a hardship exists for granting a request that may not otherwise be granted under the plan.

17.14(4) Exceptions. The following exceptions shall apply:

a. If an open enrollment request is filed on behalf of a student whose sibling is already participating in open enrollment to the same district to which the student desires open enrollment, the request shall be granted.

b. If an open enrollment request is filed on behalf of a student whose parent/guardian moves out of the school district of residence and who wishes to remain in the district of

residence as an open enrolled student without interruption in the student's educational program under subrule 17.8(7), the request shall be granted. This option is not available to the parent/guardian of a student who is entering kindergarten for the first time.

c. A request for open enrollment based on repeated acts of harassment of the student shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

d. A request for open enrollment based on a serious health condition of the student that the district cannot adequately address shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

17.14(5) ~~Review by department.~~

~~a.—Initial submission of plan.—A district whose board has adopted a voluntary desegregation plan for open enrollment before July 1, 2004, shall submit a copy of its plan to the department by September 1, 2004. A district that adopts such a plan on or after July 1, 2004, shall submit a copy to the department within 60 days of the adoption of the plan. All changes to voluntary desegregation plans for open enrollment shall be submitted to the department within 60 days of local board action.~~

~~b.—Compliance—plans adopted before July 1, 2004. With respect to plans adopted prior to July 1, 2004, the department initially shall inform the district within 90 days whether the plan complies with this rule. The district has until July 1, 2006, to comply with this rule. The department shall work with the district toward compliance by providing technical assistance. If a district's plan is not in compliance with this rule by July 1, 2006, the district shall not use its plan to deny any timely open enrollment requests filed after July 1, 2006, until the district's plan is determined by the department to be in compliance with this rule. A district whose board adopted a plan prior to July 1, 2004, may use its plan for the 2004-2005, 2005-2006, and 2006-2007 school years.~~

~~c.—Compliance—plans adopted on or after July 1, 2004. With respect to plans adopted on or after July 1, 2004, the department initially shall inform the district within 90 days of submission of the plan to the department whether the plan complies with this rule. The department shall work with the district toward compliance by providing technical assistance. Until a district's plan is in compliance with this rule, the district shall not use its plan to deny any timely open enrollment requests.~~

17.14(5) Review by department. All voluntary desegregation plans adopted under this rule prior to June 28, 2007, are no longer valid. An eligible district whose board desires to adopt a voluntary diversity plan for open enrollment must do so by March 1, 2008. The district shall submit a copy of its plan to the department for review within 10 days of the adoption of the plan. Open enrollment requests received prior to March 1, 2008, by a district that has a voluntary diversity plan may be held by the district for action pursuant to the district's new voluntary diversity plan.

The department shall inform the district within 10 days of receipt of the district's voluntary diversity plan whether the plan complies with this rule. All changes to voluntary diversity plans for open enrollment shall be submitted to the department within 60 days of local board action.

[Filed 2/8/08, effective 4/2/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6622B**IOWA FINANCE AUTHORITY[265]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 17A.3(1)“b” and Iowa Code Supplement section 16.5(1)“r,” the Iowa Finance Authority adopts an amendment to Chapter 26, “Water Pollution Control Works and Drinking Water Facilities Financing,” Iowa Administrative Code.

The purpose of this amendment is to remove a burdensome loan requirement that exists for borrowers under this chapter. The rule is amended to allow for prepayment of a loan, in whole or in part, with the prior written consent of the Authority.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 2, 2008, as **ARC 6509B**. In addition, the amendment was simultaneously Adopted and Filed Emergency as **ARC 6508B** and became effective December 11, 2007. The Authority received no public comment on the amendment. This amendment is identical to that published under Notice and Adopted and Filed Emergency.

The Iowa Finance Authority adopted this amendment on February 6, 2008.

This amendment will become effective on April 2, 2008.

This amendment is intended to implement Iowa Code sections 16.133 and 17A.3(1)“b” and Iowa Code Supplement section 16.5(1)“r.”

The following amendment is adopted.

Amend subrule 26.5(7) as follows:

26.5(7) Prepayment. ~~No prepayment of the loan principal may be made within the first ten years of the loan term, other than those repayments resulting from a loan agreement adjustment based on final costs. The loan may be prepaid, in whole or in part, on any date with the prior written consent of the authority.~~

[Filed 2/8/08, effective 4/2/08]

[Published 2/27/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6617B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

The amendments adopt by reference changes to federal occupational safety and health standards affecting general industry and construction. According to an estimate by the U.S. Department of Labor, annual workplace injuries will fall by at least 21,000 nationally as a result of these changes.

The changes require employers to pay for virtually all personal protective equipment that is required by occupational safety and health standards. The changes do not create new requirements for the use of personal protective equipment in the workplace. Rather, the changes will shift the costs of cer-

tain personal protective equipment from employees to employers.

The principal reasons for adoption of these amendments are to implement Iowa Code chapter 88, to protect the safety and health of Iowa's workers, and to make Iowa's rules more current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1)“a” and 29 Code of Federal Regulations 1953.5, Iowa must adopt the federal standards.

No waiver or variance provision is included in this rule making because 875—Chapter 5 sets forth procedures for waivers or variances.

Notice of Intended Action was published in the January 2, 2008, Iowa Administrative Bulletin as **ARC 6519B**. No member of the public commented on the Notice of Intended Action. The adopted amendments do not differ from the amendments in the Notice of Intended Action.

These amendments are intended to implement Iowa Code section 88.5.

These amendments will become effective May 15, 2008.

The following amendments are adopted.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:

72 Fed. Reg. 64428 (November 15, 2007)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:

72 Fed. Reg. 64428 (November 15, 2007)

[Filed 2/8/08, effective 5/15/08]

[Published 2/27/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6605B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Chiropractic hereby amends Chapter 40, “Administrative and Regulatory Authority for the Board of Chiropractic Examiners,” Chapter 41, “Licensure of Chiropractic Physicians,” Chapter 42, “Colleges for Chiropractic Physicians,” Chapter 43, “Practice of Chiropractic Physicians,” Chapter 44, “Continuing Education for Chiropractic Physicians,” and Chapter 45, “Discipline for Chiropractic Physicians,” Iowa Administrative Code.

These amendments add references to the continuing education standards in the license reactivation rules, adopt new standards for record-keeping and billing procedures, rescind language that is not supported by statute, and implement changes necessitated by the passage of 2007 Iowa Acts, Senate File 74.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 7, 2007, as **ARC 6380B**. A public hearing was held on November 27, 2007, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board has made a change in subrule 43.10(9), first sentence, to remove the words “and/or” from the series “waive, abrogate, or rebate the deductible and/or copayment amounts” and replace “and/or” with “or.” Subrule 43.10(9) now reads as follows:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“**43.10(9)** The chiropractic physician shall not enter into an agreement to waive, abrogate, or rebate the deductible or copayment amounts of any third-party payer contract by forgiving any or all of any patient’s obligation for payment thereunder, except in substantiated hardship cases, unless the third-party payer is notified in writing of the fact of such waiver, abrogation, rebate, or forgiveness in accordance with the third-party payer contract. The chiropractic physician shall document any hardship case fee reduction provisions in the patient record.”

The amendments were adopted by the Board of Chiropractic on January 8, 2008.

These amendments will become effective April 2, 2008.

These amendments are intended to implement Iowa Code chapters 21, 147, 151 and 272C.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 40 to 45] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 6380B**, IAB 11/7/07.

[Filed 1/28/08, effective 4/2/08]
[Published 2/27/08]

[For replacement pages for IAC, see IAC Supplement 2/27/08.]

ARC 6621B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code chapter 17A and section 421.14, the Department of Revenue hereby adopts an amendment to Chapter 10, “Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXX, No. 14, p. 1168, on January 2, 2008, as **ARC 6525B**.

Iowa Code section 421.7 requires the Director of Revenue to determine the interest rate for each calendar year. The Director has determined that the rate of interest on interest-bearing taxes arising under Iowa Code Title XVI shall be 10 percent for the calendar year 2008 (0.8% per month). The Department will also pay interest at the 10 percent rate on refunds.

This amendment is identical to that published under Notice of Intended Action.

This amendment will become effective April 2, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 421.7.

The following amendment is adopted.

Amend rule 701—10.2(421) by adding the following new subrule:

10.2(27) Calendar year 2008. The interest rate upon all unpaid taxes which are due as of January 1, 2008, will be 10 percent per annum (0.8% per month). This interest rate will accrue on taxes which are due and unpaid as of, or after, January 1, 2008. In addition, this interest will accrue on tax refunds which by law accrue interest, regardless of whether the

tax to be refunded is due before or after January 1, 2008. This interest rate of 10 percent per annum, whether for unpaid taxes or tax refunds, will commence to accrue in 2008.

[Filed 2/8/08, effective 4/2/08]
[Published 2/27/08]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6619B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.4, 452A.59 and 452A.76, the Department of Revenue hereby adopts an amendment to Chapter 68, “Motor Fuel and Undyed Special Fuel,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXX, No. 14, p. 1169, on January 2, 2008, as **ARC 6522B**.

Subrule 68.8(9) is amended to reflect the use of more efficient engines that do not consume as much fuel while idling and the fact that higher gasoline prices have caused idling time to be kept to a minimum. Also, the Department has been advised by several other states of their intent to limit the amount of idling time allowed.

This amendment is identical to that published under Notice of Intended Action.

This amendment will become effective April 2, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 452A.17.

The following amendment is adopted.

Amend subrule 68.8(9) as follows:

68.8(9) Idle time. Persons who wish to claim a refund for idle time (the engine is running but not propelling the vehicle) must first apply to the department and provide statistical information on how the refund amount will be calculated. Normally, to qualify for a refund the vehicle must be equipped with an on-board monitoring device which will record the actual time the engine is idling and the amount of fuel consumed while idling. If the device only records the idle time and not fuel used, the refund amount will be calculated at ~~one~~ *one-half* gallon of fuel consumed per one hour of idle time. The computation must also consider the miles driven in Iowa versus total miles driven. The department will require a review of interstate carrier reports before approval of the computation method.

[Filed 2/8/08, effective 4/2/08]
[Published 2/27/08]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6620B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.4, 421.14 and 441.8, the Department of Revenue hereby adopts an amendment to Chapter 122, "Administration," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXX, No. 14, p. 1170, on January 2, 2008, as **ARC 6524B**.

Rule 701—122.2(441) is amended to establish time limits for the two assessors serving on the continuing education committee.

This amendment is identical to that published under Notice of Intended Action.

This amendment will become effective April 2, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 441.8.

The following amendment is adopted.

Amend rule 701—122.2(441) to read as follows:

701—122.2(441) General operation. ~~Chairperson~~ *The chairperson* of the committee shall be the director. ~~Appointed by the~~ *The* director shall appoint to the committee is a representative of the property tax ~~section~~ *division* of the department of revenue and two assessor representatives. *The assessor representatives shall serve four-year staggered terms. To initiate the staggered-term policy, one assessor shall serve through December 31, 2009, and the other assessor shall serve through December 31, 2011.* The committee will meet at least once each year.

This rule is intended to implement Iowa Code section 441.8.

[Filed 2/8/08, effective 4/2/08]

[Published 2/27/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/08.

ARC 6618B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code chapter 17A and section 421.14, the Department of Revenue hereby adopts an amendment to Chapter 230, "Exemptions Primarily Benefiting Manufacturers and Other Persons Engaged in Processing," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXX, No. 14, p. 1170, on January 2, 2008, as **ARC 6527B**.

The amendment adds new rule 701—230.10(423), which is intended to implement Iowa Code section 423.3(92)(2007 Supp.). This new rule provides a new exemption from sales and use tax on purchases of specified property and services made by a qualifying web search portal business.

This amendment is identical to that published under Notice of Intended Action.

This amendment will become effective April 2, 2008, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 423.3(92)(2007 Supp.).

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [230.10] is being omitted. This amendment is identical to that published under Notice as **ARC 6527B**, IAB 1/2/08.

[Filed 2/8/08, effective 4/2/08]

[Published 2/27/08]

[For replacement pages for IAC, see IAC Supplement 2/27/08.]

ARC 6613B**TREASURER OF STATE[781]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 12D.2, the Treasurer of State hereby rescinds Chapter 16, "Iowa Educational Savings Plan Trust," Iowa Administrative Code, and adopts a new Chapter 16 with the same title.

The rules in Chapter 16 provide for the administration and operation of the Iowa educational savings plan trust. This amendment reflects statutory changes and other changes to the Iowa educational savings plan trust.

Notice of Intended Action was published in the January 2, 2008, Iowa Administrative Bulletin as **ARC 6506B**. The adopted rules are identical to those published under Notice.

These rules are intended to implement Iowa Code chapter 12D.

These rules will become effective on April 2, 2008.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 16] is being omitted. These rules are identical to those published under Notice as **ARC 6506B**, IAB 1/2/08.

[Filed 2/6/08, effective 4/2/08]

[Published 2/27/08]

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