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## PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, Code of Iowa as amended by Sixty-seventh General Assembly, H.F. 2099, section 3, and supersedes Part I of the Iowa Administrative Code Supplement.

The Bulletin contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies [continue to refer to General Information for drafting style and form], all proclamations and executive orders of the Governor which are general and permanent in nature, and other "materials deemed fitting and proper by the Administrative Rules Review Committee."

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, objections filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

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

**The ARC number which appears before each agency heading is assigned by the Administrative Rules Coordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.**

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6 of the Code as amended by 67 GA, H.F. 2099 and S.F. 244. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules co-ordinator and published in the Bulletin.

**WAYNE A. FAUPEL, CODE EDITOR**  
**PHYLLIS BARRY, DEPUTY CODE EDITOR**  
**LAVERNE SWANSON, ADMINISTRATIVE CODE ASSISTANT**

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**Iowa State Printing Division**  
**Grimes State Office Building**  
**Des Moines, IA 50319**  
**Phone: (515) 281-6298**

# **ATTENTION**

## **ADMINISTRATIVE RULES REVIEW COMMITTEE**

The Administrative Rules Review Committee's recessed meeting of January 9, 1980, will be reconvened January 23, 1980, at 7:00 a.m. in Senate Committee Room 24.

Agriculture Department rule 30—10.6(206), relating to state registration of pesticides, published as ARC 0799 in the December 26, 1979, IAB will be reviewed at this time.

## AGENDUM

The Administrative Rules Review Committee will hold its regular meeting, Tuesday, February 12, 1980, 7:00 a.m. Senate Committee Room 24. The following rules will be reviewed.

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**ARC 0821****BEEF INDUSTRY COUNCIL[145]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 181.18, The Code, the Iowa Beef Industry Council intends to adopt the following rules, including rules of organization and operation, rules of practice, and rules relating to the excise tax on beef sales.

Interested persons may submit opinions or arguments in writing on the proposed rules on or before March 6, 1980, to the Iowa Beef Industry Council, 123 Airport Road, Ames, Iowa 50010. In addition, interested persons may make oral presentation at a public hearing to be held in the office of the Iowa Beef Industry Council at 123 Airport Road, Ames, Iowa, on March 6, 1980, at 10:00 a.m. In the event of bad weather on this date, the hearing will be held in the same location on April 3, 1980, at 10:00 a.m. If there is any question on this matter, interested persons should contact the Iowa Beef Industry Council by writing to the office or phoning (515) 232-0428.

**CHAPTER 1****ORGANIZATION AND OPERATION**

**145—1.1(181) Iowa beef industry council composition and purpose.** The Iowa beef industry council is the "executive committee" referred to in section 181.6(3), The Code. It consists of eight members, two of whom serve ex officio and six of whom are appointed by the parties listed in that section. The council engages in market development for beef cattle and veal calves and their products, advances public relations for the beef cattle and veal calf industry, and administers the excise tax on beef cattle and veal calf sales imposed in chapter 181, The Code.

**145—1.2(181) Officers.** The officers of the Iowa beef industry council shall be as follows: Chair, vice-chair, secretary, and treasurer. Each officer shall be elected by a vote of the council. A term of office is one year.

**1.2(1)** The chair shall set the date for meetings, preside at meetings, and sign vouchers and other documents as approved by the council.

**1.2(2)** The vice-chair shall act in the chair's place when the chair is unable to act.

**1.2(3)** The secretary shall supervise the preparation of minutes of meetings.

**1.2(4)** The treasurer shall supervise the financial records and financial reports of the cattle and veal calf fund.

**145—1.3(181) Staff.** The Iowa beef industry council may employ an executive director and such other persons as it deems necessary to aid in the completion of its duties.

**145—1.4(181) Meetings.** The Iowa beef industry council shall meet at those times designated by the chair. All meetings shall be held at such locations as are determined by the chair.

**145—1.5(181) Quorum.** Two-thirds of the members eligible to vote shall constitute a quorum. Two-thirds of the council is five members.

**145—1.6(181) Actions taken.** The votes of a majority of all members eligible to vote shall be required to take any agency action, whether or not all members eligible to vote are present at the meeting in question.

**145—1.7(181) Forms.** The following forms are available at the council office without charge:

**1.7(1)** Transmittal form. This form is used to accompany the receipt of checkoff moneys to the council.

**1.7(2)** Refund application form. This form must accompany any request for refund of checkoff moneys remitted.

**CHAPTER 2****RULES OF PRACTICE**

**145—2.1(181) Public information.** The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the Iowa Beef Industry Council, 123 Airport Road, Ames, Iowa 50010.

**145—2.2(181) Informal settlement of controversies.** Every possible attempt will be made to handle all complaints and controversies, whether raised by the council or by members of the public, in an informal manner.

**2.2(1)** In cases of a routine nature, the executive director or chair shall attempt to settle the matter.

**2.2(2)** In cases not of a routine nature, or in cases in which the efforts of the executive director or chair are unsuccessful, the council itself shall act to resolve the matter.

**145—2.3(181) Declaratory rulings.** On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the council may issue a declaratory ruling with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of the law or policy, decision, or order of the council.

**2.3(1)** Petition shall be entitled "PETITION FOR DECLARATORY RULING" and shall include the name and address of all petitioners. The body of the petition must state the precise factual situation involved, the exact question to which an answer is desired, and the exact words, passages, sentences, or paragraphs which are the subject of inquiry.

**2.3(2)** The petition shall be filed at the office of the council at 123 Airport Road, Ames, Iowa 50010.

**2.3(3)** The council will refuse to issue a declaratory ruling if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the ruling would not be in the best interests of the public; or for any other reason it deems just and proper.

**2.3(4)** The council shall issue a ruling or dismiss the petition within sixty days of the filing of the petition except that when additional information is requested, the ruling shall be issued within sixty days following receipt of the requested information. If the requested information is not provided within thirty days of receipt of the request, the petitioner will be deemed to have withdrawn the petition.

**145—2.4(181) Petition for adoption of rules.** An interested person may file with the council a written request that the council adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Beef Industry Council, 123 Airport Road, Ames, Iowa 50010 and shall include:

**BEEF INDUSTRY COUNCIL**[145] (cont'd)

1. The names of those requesting the change.
2. The proposed rule or present rule as it would read following the desired amendment.
3. The reason for the proposed rule or amendment.
4. The statutory authority for the proposed rule or amendment.

Within sixty days following receipt of the petition, the council shall either deny the petition in writing on the merits, stating its reasons for denial, or initiate rule-making proceedings.

**CHAPTER 3****EXCISE TAX ON BEEF SALES**

**145—3.1(181) Collection of tax.** All persons required to pay the excise tax under chapter 181, The Code, must remit to the council all excise taxes collected during any calendar month, no later than the last day of the month following that calendar month.

**145—3.2(181) Refunds.** Refunds shall be paid by the council to any person from whom the excise tax is collected, upon timely application to the council as prescribed in section 181.12, The Code.

**145—3.3(181) Applicable dates.** A tax is considered "paid" or "remitted," and a refund application is considered "filed":

**3.3(1)** If mailed, on the date it is postmarked by the United States mail in an envelope addressed to the Iowa Beef Industry Council at the council office.

**3.3(2)** If not mailed, on the date it is received at the council office.

**ITEM 2.** Amend subrule **4.3(3)**, paragraph "a", subparagraph (5) to read as follows:

(5) If a state of Iowa ambient air quality standard for sulfur dioxide specified in chapter 10 of these rules is exceeded as demonstrated by valid air monitoring data collected under the supervision of the department or a local air pollution control program which holds a certificate of acceptance, then the sulfur dioxide emission standard for all solid fuel-burning facilities not subject to 4.1(2)"a" or 4.1(2)"z" located within 20 kilometers of the air monitor shall, sixty days following notice to the affected facilities, be six pounds of sulfur dioxide, replicated maximum two-hour average, per million BTU of heat input. Within sixty days of receipt of notification by the department, facilities affected by this subparagraph shall submit an emission reduction program to the department.

**ITEM 3.** Amend subrule **4.3(3)**, paragraph "b", to read as follows:

b. Sulfur dioxide from use of liquid fuels. No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 2.5 pounds of sulfur dioxide, replicated maximum two-hour average, per million BTU of heat input from a liquid fuel-burning unit. Notwithstanding this paragraph, a fossil fuel-fired steam generator to which 4.1(2)"a" or 4.1(2)"z" applies shall comply with 4.1(2)"a" or 4.1(2)"z".

**ARC 0836****ENVIRONMENTAL QUALITY[400]****WATER QUALITY COMMISSION****NOTICE OF TERMINATION**

Pursuant to authority of section 455B.32 The Code, the Department of Environmental Quality, Water Quality Commission proposes to terminate a section of a notice of intended action that was published in the IAB on June 27, 1979 (ARC 0348).

The section proposed for termination relates to the antidegradation policy of subrule 16.2(2) of the department rules or Item #2 of the notice of intended action. Earlier the two items in the notice of intended action were separated and Item #1 has been adopted, published; and became effective.

**ARC 0837****ENVIRONMENTAL QUALITY[400]****AIR QUALITY COMMISSION****AMENDED NOTICE OF INTENDED ACTION**

Pursuant to the authority of section 455B.12, The Code, the Air Quality Commission is considering amending some of its rules that relate to emission standards for contaminants. These rules appear in chapter 4 of the Iowa Administrative Code.

This amended notice outlines the sulfur dioxide emission standards for electric utility steam generating units. The original notice [ARC 0791] was published December 26, 1979, in the Iowa Administrative Bulletin.

A public hearing on amending these rules will be held February 26, 1980, at 10:00 a.m. in the 2nd floor Auditorium of the Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

Any interested person may make an oral presentation on the proposed rules at the public hearing. Interested persons may also submit written comments on the proposed rules on or before March 7, 1980, to the Executive Director, Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319.

**ITEM 1.** Amend subrule **4.3(3)**, paragraph "a", subparagraph (4) to read as follows:

(4) Subparagraphs (1) through (3) notwithstanding, a fossil fuel-fired steam generator to which 4.1(2)"a" or 4.1(2)"z" applies shall comply with 4.1(2)"a" or 4.1(2)"z".

**ARC 0824**

**PUBLIC INSTRUCTION  
DEPARTMENT[670]  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Public Instruction will propose to the State Board of Public Instruction that rules regarding the approval for graduate teacher education programs leading to certification, endorsement or approval be adopted. The authority for said action is found at section 257.10(11), The Code.

Interested persons may submit their views in writing on or before February 22, 1980, to the Director, Teacher Education and Certification Division, Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319.

A public hearing will be held on the intended action at 10:00 a.m. on February 22, 1980, in the State Board of Public Instruction conference room, second floor, Grimes State Office Building, Des Moines, Iowa 50319. Interested persons may appear personally or by representative. Persons should submit complete written data or arguments at that time specifying suggested amendments, modifications or deletions.

Here follows the substance of the intended action:

Pursuant to the authority of section 257.10(11), The Code, the following rules are adopted.

TEACHER EDUCATION AND CERTIFICATION DIVISION

CHAPTER 20

STANDARDS FOR GRADUATE TEACHER  
EDUCATION PROGRAMS

**670—20.1(257) Authority.** Graduate programs of teacher education leading to certification (hereinafter "graduate teacher education programs") in Iowa are subject to approval by the Iowa state board of public instruction (hereinafter the "state board"), as provided in section 257.10, subsection 11, The Code.

All Iowa colleges and universities offering graduate study and which are seeking state board approval of their graduate teacher education programs (hereinafter "institutions") shall meet the standards contained in this chapter.

**670—20.2(257) Criteria for graduate teacher education programs.** Each institution seeking approval of its graduate programs shall file evidence of the extent to which it meets the standards contained in this chapter by means of a self-evaluation report.

Such filing shall include the specific program or curricular pattern designed to meet the requirements and the teaching privileges or services to be authorized for each endorsement and shall specify the courses or competencies that students must complete or exhibit and the standards which must be attained as a condition for being recommended for certification or endorsement(s) or approval(s). Each program for which approval is sought must be submitted for review and approval by the state board.

The self-evaluation shall include a definition of the scope and limitations of the graduate offerings and services, indicating the basic level, whether it is prekindergarten-kindergarten, elementary, secondary, elementary-secondary, or post-secondary, and the specific fields of specialization.

After the state board has approved the specific programs filed by an institution, students who complete such programs and are recommended by an authorized official of that institution will be issued the appropriate certificate bearing one or more teaching or specific service endorsements, and also, where applicable, approval indicating the subject or areas of approval.

**670—20.3(257) Approval of programs.** The state superintendent of public instruction (hereinafter "superintendent") shall base his recommendations to the state board for approval of graduate teacher education programs on a study of the factual and evaluative evidence on record about each program in terms of the standards contained in this chapter.

Approval, if granted, shall be for a term of five years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

If approval is not granted, the applying institution will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the institution shall be given the opportunity to present factual information concerning its program at the next regularly scheduled meeting of the state board. The institution may also reapply at its discretion when it is ready to show what actions have been taken along the lines of suggested improvement.

**670—20.4(257) Visiting teams.** Upon application or reapplication for approval, a team shall visit each institution for evaluation of its graduate teacher education programs. The membership of the team shall be selected by the teacher education and certification division with the concurrence of the institution being visited. The team may include faculty members of other teacher education institutions within or outside the state, personnel from the elementary and secondary schools, to include classroom teachers, personnel of the state department of public instruction, representatives from professional education organizations, and students in graduate teacher education programs from other than the institution being visited. Each team member should have appropriate competencies, background, and experience to enable the member to contribute to the evaluation effort. The expenses for the visiting team shall be borne by the state department of public instruction (hereinafter "department").

**670—20.5(257) Periodic report.** Each institution shall keep its graduate teacher education programs under continuous, faculty-wide review. Institutions placed on the approved programs list will be asked to make periodic reports upon request of the department which shall provide basic information necessary to keep the records of each graduate teacher education program up-to-date.

**670—20.6(257) Re-evaluation of graduate teacher education programs.** An institution shall file a self-evaluation of its graduate programs at any time deemed necessary by the superintendent. Any action for continued approval or rescission of approval shall be approved by the state board.



## PUBLIC INSTRUCTION[670] (cont'd)

**670—20.7(257) Approval of program changes.** Upon application by an institution, the superintendent is authorized to approve minor additions or changes within the institution's approved graduate teacher education programs. When an institution proposes major revisions in one or more of its approved graduate teacher education programs, or a revision which exceeds the primary scope of its programs, such revisions shall become operative only after having been approved by the state board.

**670—20.8(257) Purposes and objectives.** Each institution seeking approval of its graduate teacher education programs shall have defined statements of purposes and objectives. The objectives for graduate teacher education programs shall be consistent with the overall objectives of the institution.

**670—20.9(257) Organization.** An institution shall be organized to facilitate the planning, the administration, and the evaluation for continuous improvement of a unified program of graduate education.

**20.9(1) Control.** Overall control of the institution shall reside in a board or an otherwise designated body.

Institutions shall present evidence that the board is fulfilling its responsibility in providing policy, facilities, and faculty for graduate teacher education programs.

**20.9(2) General administration.** The institution shall be under the direction of an administrative officer.

**20.9(3) Organization for graduate teacher education.** Responsibility for assuring the quality of the various graduate teacher education programs within an institution shall be centralized and vested in a single designated administrative unit. Although aspects of this responsibility may be shared with appropriate units or committees, responsibility shall be unified, specific, widely understood, and the administrative unit shall be generally accessible.

The provisions for communication, co-operation, and co-ordination shall be clear in institutions operating several programs.

**20.9(4) Finances for graduate teacher education programs.** Financial resources shall be available to support the scope of the graduate teacher education programs and institutions shall be expected to set forth in a self-evaluation the adequacy of their resources for conducting such programs.

**20.9(5) Extended services.** Institutions offering extended services for graduate teacher education programs including summer sessions, evening and weekend programs, off-campus extension, and correspondence courses, shall be expected to set forth in a self-evaluation the adequacy of their resources for conducting such programs.

**670—20.10(257) Students in graduate teacher education programs.**

**20.10(1) Admission to the institution.** The institution shall comply with its announced entrance requirements.

**20.10(2) Admission to and retention in graduate teacher education programs.** There shall be announced and written policies by which students apply for, are admitted to, and are retained in graduate teacher education programs. These policies shall be sufficiently selective to maintain a quality of students in each program appropriate to its objectives.

**20.10(3) Evaluation.** Each institution shall design and implement a plan for continuous evaluation of students as they progress through the graduate teacher education programs. Measures of academic ability,

observation by faculty in courses, laboratory field experiences, and other modes of appraisal should be utilized to assess specific strengths and weaknesses as they affect the programming for students, their retention within the graduate teacher education programs, and their readiness to assume the professional role for which they are preparing.

**20.10(4) Student services.** Graduate students in teacher education shall have available to them counseling and advisory services. The advisory system for students in graduate teacher education programs shall reflect attention to individual student potentialities.

Supporting student services. Each student should be aware of the scope of supporting student services and who is responsible for this program. An organizational chart shall present the extent of all services connected with student personnel work and their relationship to the total institutional program. The institution shall provide a placement service for its students in graduate teacher education programs.

**20.10(5) Student records.** The institution shall maintain a system of student records for those enrolled in graduate teacher education programs.

**20.10(6) Students participation in graduate teacher education program evaluation and development.** Students enrolled in graduate teacher education programs shall have the opportunity to express at least annually their views regarding such programs. Clear lines of communication must be open for student input affecting the development and evaluation of the graduate teacher education programs. This could be evidenced by student participation, student advisory committees to the graduate teacher education programs, and student written evaluations of courses in the graduate teacher education program.

**20.10(7) Residence requirement.** The residence requirement shall be appropriate to the objectives of the programs in which they apply.

**670—20.11(257) Faculty.**

**20.11(1) Faculty competence.** The collective competence and background of the graduate faculty in teacher education shall include a balance of theory, and knowledge of current practices in program areas offered.

Faculty members shall have actual experiences in situations similar to those for which the students are being prepared.

The faculty should experience and participate in such professional activities as curriculum improvement, research, writing, travel, advanced study, and in those activities closely related to their instructional assignments.

The institution shall have written policies of selection, retention, and promotion of personnel.

**20.11(2) Part-time faculty.** The part-time faculty in graduate teacher education programs shall be identified as such. Part-time faculty shall meet the requirements for appointment to the full-time faculty or shall be employed on a proportionate basis when they can make a contribution to the graduate teacher education programs.

The institution shall monitor the use of part-time faculty in order to prevent the fragmentation of instruction in graduate teacher education programs.

**20.11(3) Service load of faculty.** The total service load of the faculty in graduate teacher education shall not exceed other units in the institution and should be interpreted to include not only regular instruction but

PUBLIC INSTRUCTION[670] (*cont'd*)

also extension teaching, committee assignments, supervisory responsibilities in connection with research advisement, independent study, advisory and consultative services, testing, and guidance services.

**20.11(4) Instruction.** The institution shall evaluate instruction systematically. Appraisal of the graduate teacher education faculty shall be made in terms of instructional competence to provide the programs for which approval is being sought. Graduate teacher education faculty shall utilize a variety of appropriate instructional techniques.

**670—20.12(257) Facilities.** Each institution shall provide facilities essential for conducting graduate teacher education programs.

**20.12(1) Physical facilities.** The physical plant shall be designed to serve the accomplishment of the defined purposes for graduate teacher education.

**20.12(2) Library.** The library shall serve as the principal resource center for the instruction, research, and other services pertinent to the graduate teacher education programs. Administrative procedures and equipment shall conform to accepted media practices, including cataloguing methods, and adequate hours of accessibility. The library shall be administered by professionally prepared personnel.

**20.12(3) Instructional materials center.** A materials laboratory or center shall be maintained either as part of the library or as a separate unit. It shall be open to students as a laboratory of materials for instruction and supervision and shall be administered by professionally prepared personnel.

**20.12(4) Laboratories.** The laboratories and equipment shall be adequate for instructional purposes in graduate education.

**20.12(5) Other resources.** Classrooms, offices, clerical assistance, equipment and other resources essential for graduate teacher education programs shall be comparable to those available in other units within the institution which offer graduate programs. The resources shall be adequate for the scope of the programs offered.

**670—20.13(257) Curriculum planning and program development.** All programs beyond the baccalaureate for educational personnel shall include the following common development and planning areas:

**20.13(1) Curriculum development, planning and patterns.** Responsibilities for the administration of a continuing program of curriculum development, evaluation, and revisions for graduate teacher education programs shall be centralized in a designated administrative unit.

The process of curriculum development for the various graduate teacher education programs should make provision for enlisting the co-operation and participation of representatives of local school systems, college teachers in fields related to the area of specialization, professional associations, and appropriate committees.

**20.13(2) Program objectives** shall be stated specifically and an outline of each program shall be published giving evidence of the provision for achieving the objectives of the program. The program objectives shall reflect the institution's conception of the professional roles for which the graduate teacher education programs are designed.

A fundamental criterion of excellence in a graduate teacher education program is the extent of awareness on the part of all concerned of the aims and goals of the

program and the degree to which these aims and goals are being achieved. The stated objectives should become the basis on which the graduates are evaluated.

**20.13(3) Both specialization and advanced study** require penetration beyond that achieved in general or undergraduate education. Planning shall make clear the provisions for assuring scholarship in depth appropriate to the announced level. Each program shall provide for maintaining quality of scholarship.

**20.13(4) Programs** shall provide sufficient breadth of coverage to enable the student to develop supporting and related competencies and insights in addition to a major emphasis.

**20.13(5) Curriculum** designed for the development of initial competence in teaching or in an area of educational specialization shall include a program of supervised practical experience in the functions for which the student is being prepared or in lieu thereof, equivalent experiences as judged by the institution.

**20.13(6) Each program** shall have sufficient flexibility to permit adaptation to the individual backgrounds and objectives of the students.

**670—20.14(257) Graduate fields of specialization.** All programs in the different graduate fields of specialization in teacher education shall be designed to meet the guidelines established by the state board. These guidelines will be based on current practices and recommendations of professional organizations representing the area of specialization as well as recommendations of recognized professional education specialists in higher education programs leading to certification.

**670—20.15(257) Statement of objectives.** Each graduate field of specialization leading to certification shall be built upon a statement of purposes and objectives of teaching/serving in the area of the school curriculum. These statements shall be available in writing upon request.

**670—20.16(257) Statement of course content or competencies.** Each graduate field of specialization leading to certification shall be built on a statement of the courses or competencies needed by persons to teach or to serve in the appropriate area of the school program or curriculum. These courses or competencies shall include attitudes, knowledges, understanding and skills that are required, and the degree of expertise necessary. These course outlines, descriptions or statements of competencies shall be available in writing.

**670—20.17(257) Evaluation of graduates.** There shall be a continuous program of evaluation which provides for a systematic followup of graduates of graduate education programs to determine the adequacy of their preparation and their competence as professionals. Program evaluation procedures should assure continued professional appraisal and improvement.

This rule is intended to implement section 257.10(11), The Code.

**ARC 0831****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 239.18, The Code, proposes the adoption of the following rules relating to aid to dependent children.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 239.18, The Code, rules of the department of social services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended.

Rule 770—41.6(239) is amended by adding the following subrule:

**41.6(8) Trusts.** *When a member of the eligible group is a beneficiary of a trust or conservatorship, except a trust or conservatorship set up for medical expenses, which when added to other real and personal reserves exceeds resource limitations, such person shall present a petition to the court requesting release of the funds to help meet current basic or special needs. Payments received from the trust or conservatorship for basic or special needs are considered income.*

**ARC 0830****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 249A.4, The Code, proposes the adoption of the following rules relating to medical assistance.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 249A.4, The Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended.

Rule 770—78.13(249A) and the last two unnumbered paragraphs are amended to read as follows:

**770—78.13(249A) Transportation to receive medical care.** Payment will be approved for transportation to receive medical care only to the nearest institution or practitioner having appropriate facilities for care of the recipient; ~~not to exceed the charge that would be made by the most economical available source of public transportation~~; when the following conditions are met.

**78.13(5)** *Transportation may be of any type and may be provided from any source. When transportation is by car, the maximum payment which may be made will be the actual charge made by the provider for transportation to and from the source of medical care, but not in excess of the rate per mile payable to state employees for official travel. When public transportation is utilized, the basis of payment will be the actual charge made by the provider of transportation. In all cases where public transportation is reasonably available to or from the source of care, it must be utilized.*

**78.13(6)** In the case of a child too young to travel alone, or an adult or child who because of physical or mental incapacity is unable to travel alone, payment subject to the above conditions shall be made for the transportation costs of an escort. *The worker is responsible for making a decision concerning the necessity of an escort and recording the basis for the decision in the case record.*

**78.13(7)** **Transportation costs shall include lodging when necessary and meals when lodging is required.** *When meals and lodging or other travel expenses are required in connection with transportation, the maximum amount payable shall not exceed the maximum payable to a state employee for the same expenses in connection with official travel.*

**78.13(8)** *When the services of an escort are required subject to the conditions outlined above, payment may be made for meals and lodging, when required, on the same basis as for the recipient.*

**ARC 0829****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 249A.4, The Code, proposes the adoption of the following rules relating to intermediate care facilities.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 249A.4, The Code, rules of the department of social services appearing in the IAC relating to intermediate care facilities (chapter 81) are hereby amended.

## SOCIAL SERVICES[770] (cont'd)

ARC 0828

**SOCIAL SERVICES  
DEPARTMENT[770]  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 249A.4, The Code, proposes the adoption of the following rules relating to intermediate care facilities for the mentally retarded.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 249A.4, The Code, rules of the department of social services, appearing in the IAC relating to intermediate care facilities for the mentally retarded (chapter 82) are hereby amended.

ITEM 1. Subrule 82.5(11), paragraph "e", subparagraphs (4), (5), and (6), and paragraph "g" are amended to read as follows:

(4) The maximum allowed compensation for the administrator is ~~\$1,000.00~~ \$1,250.00 per month plus ~~\$15.00~~ \$13.00 per month per bed licensed capacity for each bed over sixty, not to exceed ~~\$1666.67~~ \$1,775.00 per month.

(5) The maximum allowed compensation for an assistant administrator in facilities having a licensed capacity of one hundred fifty-one or more beds is ~~\$750.00~~ \$950.00 per month.

(6) The maximum allowed compensation for a nursing director is sixty percent of the amount allowed for the administrator but not less than ~~\$750.00~~ or \$950.00 per month, whichever is greater. The nursing director shall be a licensed ~~professional~~ registered or practical nurse.

g. Depreciation based upon tax cost using only the straight-line method of computation, recognizing the estimated ~~normal~~ useful life of the asset, may be included as a patient cost. When accelerated methods of computation have been elected for income tax purposes, an adjustment shall be made. For change of ownership, refer to 82.5(12)"c".

ITEM 2. Subrule 82.5(12) is amended to read as follows:

82.5(12) Termination or change of owner.

a. A participating facility contemplating termination of participation or negotiating a change of ownership shall provide the department of social services with at least sixty days prior notice. A transfer of ownership or operation terminates the participation agreement. A new owner or operator shall establish that the facility meets the conditions for participation and enter into a new agreement. The person responsible for transfer of ownership or for termination is responsible for submission of a final financial and statistical report through the date of the transfer. No payment to the new owner will be made until formal notification is received. The following situations are defined as transfer of ownership:

ITEM 1. Subrule 81.6(11), paragraph "j" is amended to read as follows:

j. Depreciation based upon tax cost using only the straight-line method of computation, recognizing the estimated ~~normal~~ useful life of the asset, may be included as a patient cost. When accelerated methods of computation have been elected for income tax purposes, an adjustment shall be made. For change of ownership, refer to 81.6(12)"c".

ITEM 2. Subrule 81.6(12) is amended to read as follows:

81.6(12) Termination or change of owner.

a. A participating facility contemplating termination of participation or negotiating a change of ownership shall provide the department of social services with at least sixty days prior notice. A transfer of ownership or operation terminates the participation agreement. A new owner or operator shall establish that the facility meets the conditions for participation and enter into a new agreement. The person responsible for transfer of ownership or for termination is responsible for submission of a final financial and statistical report through the date of the transfer. No payment to the new owner will be made until formal notification is received. The following situations are defined as transfer of ownership.

a. (1) In the case of a partnership which is a party to an agreement to participate in the medical assistance program, the removal, addition, or substitution of an individual for a partner in the association in the absence of an express statement to the contrary, dissolves the old partnership and creates a new partnership which is not a party to the previously executed agreement and a transfer of ownership has occurred.

b. (2) When a participating nursing home is a sole proprietorship, a transfer of title and property to another party constitutes a change of ownership.

c. (3) When the facility is a corporation, neither a transfer of corporate stock nor a merger of one or more corporations with the participating corporation surviving is a transfer of ownership. A consolidation of two or more corporations resulting in the creation of a new corporate entity constitutes a change of ownership.

d. (4) When a participating facility is leased, a transfer of ownership is considered to have taken place. When the entire facility is leased, the total agreement with the lessor terminates. When only part of the facility is leased, the agreement remains in effect with respect to the unleased portion, but terminates with respect to the leased portion.

b. Upon change of ownership, the new owner or operator shall furnish the department with an appraisal made by a department-approved appraiser. The appraisal shall be based on replacement cost.

c. The new owner or operator shall either continue the previous owner's depreciation schedule or set up a new depreciation schedule using the amount obtained by deducting the depreciation expense incurred since January 1, 1978, from the value of depreciable real property. The value will be the sale price or appraised value, whichever is less.

## SOCIAL SERVICES[770] (cont'd)

a. (1) In the case of a partnership which is a party to an agreement to participate in the medical assistance program, the removal, addition, or substitution of an individual for a partner in the association, in the absence of an express statement to the contrary, dissolves the old partnership and creates a new partnership which is not a party to the previously executed agreement and a transfer of ownership has occurred.

b. (2) When a participating nursing home is a sole proprietorship, a transfer of title and property to another party constitutes a change of ownership.

c. (3) When the facility is a corporation, neither a transfer or corporate stock nor a merger of one or more corporations with the participating corporation surviving is a transfer of ownership. A consolidation of two or more corporations resulting in the creation of a new corporate entity constitutes a change of ownership.

d. (4) When a participating facility is leased, a transfer of ownership is considered to have taken place. When the entire facility is leased, the total agreement with the lessor terminates. When only part of the facility is leased, the agreement remains in effect with respect to the unleased portion, but terminates with respect to the leased portion.

b. Upon change of ownership, the new owner or operator shall furnish the department with an appraisal made by a department-approved appraiser. The appraisal shall be based on replacement cost.

c. The new owner or operator shall either continue the previous owner's depreciation schedule, or set up a new depreciation schedule using the amount obtained by deducting the depreciation expense incurred since January 1, 1978, from the value of depreciable real property. The value will be the sale price or appraised value, whichever is less.

ITEM 3. Subrule 82.14(4), paragraph "d" is amended to read as follows and that subrule further amended by adding new paragraph "f" and subrule 82.14(5) is amended to read as follows:

d. Payment will be approved for periods the resident is absent to visit home for a maximum of thirty days annually. *Additional days may be approved for special programs of evaluation, treatment or habilitation outside the facility.* Documentation as to the appropriateness and therapeutic value of resident visits by residents and outside programming, signed by a physician or qualified mental retardation professional, shall be maintained at the facility.

f. *Payment for periods when residents are absent for visitation or hospitalization will be made at eighty percent of the allowable audited costs for those beds, not to exceed the maximum reimbursement rate.*

82.14(5) **Supplementation.** Only the amount of client participation may be billed to the resident for the cost of care. No supplementation of the state payment shall be made by any person.

*Exception: The resident, the resident's family or friends may pay to hold the resident's bed in cases where a resident spends over thirty days on yearly visitation or spends over ten days on a hospital stay. When the resident is not discharged from the facility, such payments shall not exceed eighty percent of the allowable audited costs for the facility, not to exceed the maximum reimbursement rate. When the resident is discharged, the facility may handle the holding of the reserve bed in the same manner as a private paying resident.*

ITEM 4. Add the following new rule:

**770—82.17(249A) Audits.**

82.17(1) Audits of financial and statistical report. Authorized representatives of the department of social services or the department of health, education and welfare shall have the right, upon proper identification, to audit, using generally accepted auditing procedures, the general financial records of a facility to determine if expenses reported on the Financial and Statistical Report for Nursing Homes—Mentally Retarded, form AA-4039-0, are reasonable and proper according to the rules set forth in 770—82.5(249A). The aforementioned audits may be done either on the basis of an on-site visit to the facility, their central accounting office, or office(s) of their agents.

a. When a proper per diem rate cannot be determined, through generally accepted auditing procedures, the auditor shall examine and adjust the report to arrive at what appears to be an acceptable rate and shall recommend to the department of social services that the indicated per diem should be reduced to seventy-five percent of the established payment rate for the ensuing six-month period and if the situation is not remedied on the subsequent Financial and Statistical Report for Nursing Homes—Mentally Retarded, form AA-4039-0, the facility shall be suspended and eventually canceled from the intermediate care facility program, or

b. When a facility continues to include as an item of cost an item or items which had in a prior audit been removed by an adjustment in the total audited costs, the auditor shall recommend to the department of social services that the per diem be reduced to seventy-five percent of the current payment rate for the ensuing six-month period. The department may, after considering the seriousness of the exception, make such reduction.

82.17(2) **Audit of proper billing and handling of patient funds.**

a. Field auditors of the department of social services or representatives of health, education and welfare, upon proper identification, shall have the right to audit billings to the department of social services and receipts of client participation, to insure the facility is not receiving payment in excess of the contractual agreement and that all other aspects of the contractual agreement are being followed, as deemed necessary.

b. Field auditors of the department of social services or representatives of health, education and welfare, upon proper identification, shall have the right to audit records of the facility to determine proper handling of patient funds in compliance with subrule 82.9(3).

c. The auditor shall recommend and the department of social services shall request repayment by the facility to either the department of social services or the resident(s) involved, such sums inappropriately billed to the department or collected from the resident.

d. The facility shall have sixty days to review the audit and repay the requested funds or present supporting documentation which would indicate that the requested refund amount, or part thereof, is not justified.

e. When the facility fails to comply with paragraph "d", the requested refunds may be withheld from future payments to the facility. Such withholding shall not be more than twenty-five percent of the average of the last six monthly payments to the facility. Such withholding shall continue until the entire requested refund amount is recovered. If in the event the audit results indicate significant problems, the audit results may be referred to

## SOCIAL SERVICES[770] (cont'd)

the attorney general's office for whatever action may be deemed appropriate.

f. When exceptions are taken during the scope of an audit which are similar in nature to the exceptions taken in a prior audit, the auditor shall recommend and the department may, after considering the seriousness of the exceptions, reduce payment to the facility seventy-five percent of the current payment rate.

This rule is intended to implement section 249A.12, The Code.

**ARC 0826****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 218.4, The Code, proposes the adoption of the following rules relating to the Iowa State Juvenile Home.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 218.4, The Code, rules of the department of social services appearing in the IAC relating to the Iowa State Juvenile Home (chapter 101) are hereby amended.

Subrule 101.2(4) is amended to read as follows, subrule 101.2(8) is rescinded, and subrule 101.2(9) is renumbered as 101.2(8).

101.2(4) Residents are permitted to visit with their parents or ~~adult~~ members of the immediate family. ~~Children~~ *Family members* under twelve years of age may visit only with ~~parental~~ *adult* supervision. Friends may visit when approved by the administrative officer ~~and~~. *Friends under eighteen years of age may visit only with proper adult supervision.*

**ARC 0827****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 218.4, The Code, proposes the adoption of the following rules relating to the Mitchellville Training School.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 218.4, The Code, rules of the department of social services appearing in the IAC relating to the Mitchellville training school (chapter 102) are hereby amended.

Subrules 102.2(1) and 102.2(4) are amended to read as follows, subrule 102.2(8) is rescinded, and subrule 102.2(9) is renumbered as 102.2(8).

102.2(1) Visiting hours are from 10:00 a.m. to ~~4:00~~ 4:30 p.m. Saturday and Sunday. The superintendent may designate certain weekdays or holidays for visiting. The resident shall be responsible for informing the visitor of such days. Visitation by the family will be encouraged and necessary flexibility in these hours and days will be allowed.

102.2(4) Residents are permitted to visit with their parents or ~~adult~~ members of the immediate family. ~~Children~~ *Family members* under twelve years of age may visit only with ~~parental~~ *adult* supervision. Friends may visit when approved by the treatment director ~~and~~. *Friends under eighteen years of age may visit only with proper adult supervision.*

**ARC 0825****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services under the authority of section 218.4, The Code, proposes the adoption of the following rules relating to Eldora Training School.

Consideration will be given to written data, views, or arguments thereto received by the Bureau of Policy, Research, and Analysis, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319, on or before February 15, 1980.

Pursuant to the authority of section 218.4, The Code, rules of the department of social services appearing in the IAC relating to the Eldora training school (chapter 103) are hereby amended.

Subrule 103.2(4) is amended to read as follows, subrule 103.2(8) is rescinded, and subrule 103.2(9) is renumbered as 103.2(8).

103.2(4) Residents are permitted to visit with their parents or ~~adult~~ members of the immediate family. ~~Children~~ *Family members* under twelve years of age may visit only with ~~parental~~ *adult* supervision. Friends may visit when approved by the counselor ~~and~~. *Friends under eighteen years of age may visit only with proper adult supervision.*



**ARC 0832****COMMERCE COMMISSION[250]**

Pursuant to the authority of Acts of the Sixty-eighth General Assembly, Chapter 118, Section 1(1), the Iowa State Commerce Commission hereby adopts chapter 9.

**CHAPTER 9**

**PROTECTION OF UNDERGROUND  
IMPROVEMENTS AND SOIL CONSERVATION  
STRUCTURES AND RESTORATION OF  
AGRICULTURAL LANDS AFTER PIPELINE  
CONSTRUCTION**

**250—9.1(68GA,ch118) General information.**

**9.1(1) Authority.** The standards contained herein are prescribed by the Iowa state commerce commission pursuant to authority granted to the commission in Acts of the Sixty-eighth General Assembly of the State of Iowa, chapter 118, relating to construction standards for pipelines.

**9.1(2) Purpose.** The purpose of this chapter is to establish standards for the protection of underground improvements during construction of pipelines located outside the boundaries of a city, to protect soil conservation and drainage structures from being permanently damaged by such pipeline construction, and to provide for the restoration of agricultural lands after such pipeline construction.

**9.1(3) Definitions.** The following words and terms, when used in these rules, shall have the meanings indicated below:

a. "Agricultural land" shall mean:

- (1) Land which is presently under cultivation, or
- (2) Land which has previously been cultivated and not subsequently developed for nonagricultural purposes, or
- (3) Cleared land capable of being cultivated.

b. "Drainage structures" or "underground improvements" means any permanent structure used for draining agricultural lands including drain tile systems and buried terrace outlets.

c. "Pipeline" means any pipe, pipes or pipelines used for the transportation or transmission of any solid, liquid or gaseous substance, except water.

d. "Pipeline company": Any person, firm, copartnership, association, corporation or syndicate engaged in or organized for the purpose of owning, operating or controlling pipelines.

e. "Pipeline construction" shall refer to scheduled new construction and shall not include normal maintenance or emergency construction.

f. "Soil conservation practices" means any land conservation practice recognized by the soil conservation service including grassed waterways, hay land planting, pasture and timber.

g. "Soil conservation structures" means any permanent structure recognized by the soil conservation service including toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

h. "Topsoil" means the uppermost part of the soil, frequently designated as the plow layer, the Ap layer, or the Ap horizon, which is ordinarily moved in tillage, or its equivalent in uncultivated soils, and ranging in depth from three to twelve inches.

**250—9.2(68GA,ch118) Protection of underground improvements.**

**9.2(1) Existing drain tile.**

a. Pipeline clearance from drain tile. Where underground drain tile is encountered, the pipeline shall

be installed in such a manner as to clear such tile line at its permanently repaired location.

b. Temporary repair. Any underground drain tile damaged, cut or removed shall be temporarily repaired and maintained as necessary to allow for its proper function during construction of the pipeline. If temporary repair is not determined to be necessary, the exposed tile line will nonetheless be screened or otherwise protected to prevent the entry of foreign material, small animals, etc., into the tile line system.

c. Marking. Any underground drain tile damaged, cut or removed shall be marked by placing a highly visible flag in the trench spoil bank directly opposite such tile. This marker shall not be removed until the tile has been permanently repaired and such repairs have been approved and accepted.

d. Permanent repairs. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

- (1) All broken or cracked tile shall be removed.
- (2) Only unobstructed tile shall be used for replacement.

(3) Tile furnished for replacement purposes shall be of a quality and size at least equal to that of the tile being replaced.

(4) Tile shall be replaced so that its original gradient and alignment are restored, except where relocation or rerouting is required by Drawing No. ISCC PL-1.

(5) Channels or rigid pipe shall be placed so as to adequately support and align the replacement structure in accordance with Drawing No. ISCC PL-1.

e. Inspection. Prior to backfilling of the applicable trench, permanent tile repairs shall be inspected for compliance by the county inspector.

f. Backfilling. The backfill surrounding the permanently repaired drain tile shall be completed at the time of the repair and in a manner that assures that any further backfilling will not damage or misalign the repaired section of the tile line. The backfill shall be inspected for compliance by the county inspector.

**9.2(2) Future drain tile.** At locations where the proposed installation of underground drain tile is made known in writing to the company prior to securing of an easement on the property, and has been defined by a qualified technician, the pipeline shall be installed at a depth which will permit proper clearance between the pipeline and the proposed tile installation. The commission shall read this paragraph at informational meetings conducted pursuant to section 479.5, The Code.

**250—9.3(68GA,ch118) Protection of soil conservation practices and structures.**

**9.3(1) Existing practices and structures.** Existing practices and structures damaged by the construction of a pipeline shall be restored to the line and grade existing at the time of pipeline construction unless otherwise agreed to by landowner and company.

a. Disturbed vegetation shall be re-established.

b. Restoration of terraces shall be in accordance with Drawing No. ISCC PL-2.

c. Such restoration shall be inspected for compliance by the county inspector.

**9.3(2) Future practices and structures.** At locations where the proposed installation of soil conservation practices and structures is made known in writing to the company prior to the securing of an easement on the property, and has been defined by a qualified technician, the pipeline shall be installed at a depth which will allow for future installation of such soil conservation practices and structures, and retain the integrity of the pipeline.

COMMERCE COMMISSION[250] (cont'd)

The commission shall read this paragraph at informational meetings conducted pursuant to section 479.5, The Code.

**250—9.4(68GA, ch118) Restoration of agricultural lands.**

**9.4(1) Separation of topsoil.**

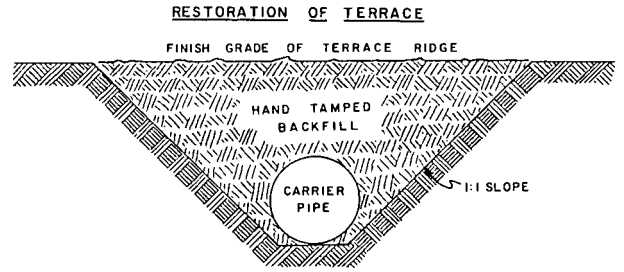
a. Removal. The existing topsoil shall be removed separately for the full width of the pipeline excavation to a maximum depth of twelve inches and shall be conserved during subsequent construction operations, unless other means for separating the topsoil is provided in the easement.

b. Backfill. The topsoil shall be replaced so the upper portion of the pipeline excavation and the crowned surface shall contain only the topsoil originally removed when required by 9.4(1)“a”.

**9.4(2) Removal of rock.**

a. The topsoil, when backfilled, shall be free of all rock and debris not native to the topsoil prior to excavation, unless otherwise provided in the easement.

b. Rock which cannot remain in the backfill according to 9.4(2)“a” shall be disposed of at locations and in a manner mutually satisfactory to the company and the landowner or his authorized agent.



ISCC PL - 2

[Filed 1/4/80, effective 2/27/80]

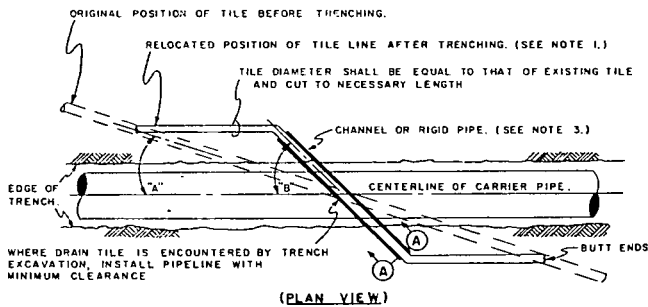
The Notice of Intended Action with respect to these rules was published in the Iowa Administrative Bulletin on October 17, 1979. The rules will become effective February 27, 1980 (thirty-five days after filing and indexing and publication in the Iowa Administrative Bulletin).

These rules are substantially similar to those published under the Notice of Intended Action. Significant areas where these final rules differ from those originally published are as follows: Land developed for nonagricultural purposes has been excluded (9.1(3)“a”); while pasture and timber lands have been included (9.1(3)“f”). The final rules require screening open tile where temporary repairs are not required (9.2(1)“b”). The reference to “permanent tile repair crews” has been dropped from 9.2(1)“c”. The backfilling requirement of hand tamping has been changed to performance language, while retaining repair integrity (9.2(1)“f”). The topsoil conservation requirement of 9.4(1) was expanded to include the total area of potential excavation when that potential exceeds the confines of the trench excavation. ISCC PL-1 was amended to require the drain tile to run the full length of the interior of any rigid pipe support so as to enhance the permanency of the drainage repair.

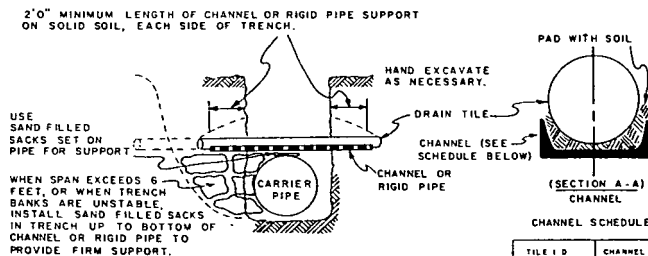
[Published 1/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/23/80.

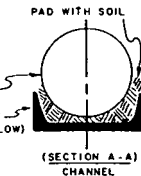
**RESTORATION OF DRAIN TILE**



(PLAN VIEW)



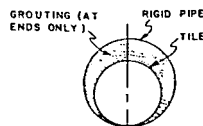
(METHOD OF SUPPORT-- ELEVATION)



CHANNEL SCHEDULE

TILE I.D.	CHANNEL SIZE
3"	4" x 3.4 #
4"-6"	5" x 4.7 #
6"-8"	7" x 6.6 #
10" & LARGER	10" x 11.8 #

NOTES:  
 1. TILE SHALL BE RELOCATED AS SHOWN WHEN ANGLE "A" BETWEEN PIPELINE AND ORIGINAL TILE IS LESS THAN 20° UNLESS REQUESTED OTHERWISE BY LANDOWNER. ANGLE "B" SHALL BE 45° FOR USUAL WIDTHS OF TRENCH FOR EXTRA WIDTHS, IT MAY BE GREATER. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR GROUTING BETWEEN THE TILE AND RIGID PIPE



(SECTION A-A) RIGID PIPE

ISCC PL - 1



**ARC 0823****COMPTROLLER, STATE[270]**

Pursuant to the authority of section 8.6(16), The Code, the State Comptroller amends chapter 5 by adding the following rules:

**270—5.3(68A) Access to official records and information.**

**5.3(1) Definitions.** "Proprietary records" means all records in the possession of the state comptroller which are generated by and are for the primary use of the state comptroller's office. "Nonproprietary records" means those records which are in the possession of the state comptroller's office but which are generated for the purposes of other units of government.

**5.3(2) Availability.** Unless prohibited by the Code, the state comptroller's office will provide, upon request, any records in any existing form. The state comptroller may require the submission of a written request specifying the records requested. The state comptroller's office will endeavor to supply all requests for records in a timely fashion. In the event that a request cannot be fulfilled within a reasonable time, the requester will be so notified and an estimated completion date will be provided. For nonproprietary records, the state comptroller's office is only a repository and is not the "lawful custodian" of the records under the meaning of chapter 68A, The Code. Nonproprietary records shall be provided only to the unit of state government which is the lawful custodian of such records under chapter 68A, The Code.

**5.3(3) Cost.** Records will be provided at the cost to the state of producing or reproducing the records, including an appropriate administrative charge. Payment will be accepted only for records which can be provided at the time of the request. A deposit may be required in advance of actual production.

For nonautomated records, there will be a charge of twenty cents per copy whenever a copy machine is used. A maximum of five copies of each original document will be allowed to be made on the state comptroller's copy machine. The copy machine will not be used for documents secured from other than the state comptroller's records. The records may not be altered, damaged, resequenced or otherwise disturbed in the process of copying.

The examination of such records and the use of the copy machine to make copies of these records shall be available for public use during customary business hours (Monday through Friday, 8:00 a.m. to 4:30 p.m., except legal holidays). Such examination and the use of the copy machine shall be done under the supervision of an employee designated by the director of the appropriate division.

**5.3(4) New records.** Requests for records which cannot be reproduced without new programming are considered requests for new records. It may not be possible to honor such records on a timely basis. If, however, there are existing records which contain the information requested, the requester will be advised of the existence of such records.

Where such records are provided to the lawful custodian to fulfill the request of a third party, the unit of state government which is the lawful custodian of the records shall reimburse the state comptroller's office for the cost of producing or reproducing the records including an appropriate administrative charge. The

lawful custodian must inform the state comptroller's office that a request is being processed for a third party.

Rule 5.3(68A) is intended to implement section 68A.3, The Code, as it pertains to the state comptroller's office.

[Filed 1/4/80, effective 2/27/80]

The filed rule is identical to ARC 0368 [Notice of intended action] as published in the Iowa Administrative Bulletin on July 11, 1979, and will be effective February 27, 1980.

[Published 1/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/23/80.

**ARC 0835****ENVIRONMENTAL QUALITY[400]****WATER QUALITY COMMISSION**

Pursuant to the authority of section 455B.32, Code of Iowa, 1979, the rules of Water Quality Commission below relating to bacterial monitoring requirements for community water systems and noncommunity water systems serving a school, which serve populations of 2500 or below, appearing in chapter 22 of the Iowa Administrative Code are amended as follows:

ITEM 1. Rule 22.4(455B) is amended by deleting the first line of the table appearing in subrule 22.4(1)"b", on page 6, and replacing it with the following:

Population served:	Minimum number of Samples per month
25 to 1,000	1
1,001 to 2,500	2

ITEM 2. Rule 22.4(455B) is amended at the third and fourth lines of the table appearing in subrule 22.4(1)"b", on page 6, as follows:

Population served:	Minimum number of Samples per month
3,301 to 4,104	4
4,105 to 4,900	5

[Filed 1/4/80, effective 2/27/80]

Notice of Intended Action on these rule changes was published in the Iowa Administrative Bulletin on September 5, 1979. Two alternative changes were suggested for Item 1. The Water Quality Commission adopted the first proposed change. The reason for this change is the monitoring requirement of Option 1 would cut some of the cost of small communities without endangering the safety to the people.

The change outlined in Item 2 is a technical change because of a typographical error.

These rules were adopted by the Water Quality Commission on December 5, 1979, and by the Executive Committee on December 14, 1979.

These rules are intended to implement section 455B.32, The Code, 1979.

These rules shall become effective February 27, 1980.

[Published 1/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/23/80.

**ARC 0822****HEALTH DEPARTMENT[470]****BOARD OF BARBER EXAMINERS**

Pursuant to the authority of sections 147.76 and 147.80, The Code, the Board of Barber Examiners amends the rules relating to fees as follows:

ITEM 1. Amend subrule 160.6(3) to read as follows:  
**160.6(3)** Renewal of a license to practice barbering is ~~fifteen~~ *twenty-five* dollars.

ITEM 2. Amend subrule 160.6(8) to read as follows:  
**160.6(8)** Fee to license a new barber shop is ~~fifteen~~ *twenty-five* dollars.

ITEM 3. Amend subrule 160.6(9) as follows:  
**160.6(9)** Renewal of a barber shop license is ~~fifteen~~ *twenty-five* dollars.

These rules are intended to implement section 147.80, The Code.

[Filed 1/3/80, effective 2/27/80]

These rules were published under notice of intended action in the Iowa Administrative Bulletin dated November 14, 1979. These rules are the same as the proposed rules. No comments were received. The effective date of the rules is February 27, 1980.

[Published 1/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/23/80.

**ARC 0834****REVENUE, DEPARTMENT OF[730]**

Pursuant to the authority of section 421.14 and chapter 17A, The Code, the department of revenue hereby amends rules relating to the assessor education commission.

ITEM 1. Rule 730—125.2(441) is amended by striking the rule and inserting in lieu thereof the following:

**730—125.2(441) Grievance and appeal procedures.** Prior to appealing to district court any aggrieved person may petition the commission in writing to reconsider an action of the commission. In addition, the commission will accept grievances which have been filed based on any area in which the commission has jurisdiction.

A petition or grievance must be filed with the commission within thirty days of the decision or action leading to the grievance. The petition must state the reasons for reconsideration of a commission action and a grievance must contain the facts leading to the grievance and a statement showing the commission has jurisdiction.

The chairperson of the commission shall appoint a grievance committee comprised of three members of the commission to review petitions and grievances, meet with the affected parties if necessary, and recommend in writing to the commission as a whole a proposed resolution of the matter. The commission will consider the recommendation of the grievance committee at its next meeting and inform the affected parties of its decision in writing within ten days. The date of the written reply by the commission shall constitute final agency action for purposes of appeal.

[Filed 1/4/80, effective 2/27/80]

A Notice of Intended Action was published in the November 14, 1979, Administrative Bulletin. These rules are identical to those published under notice and will become effective February 27, 1980, after filing with the rules coordinator and publication in the Iowa Administrative Code.

[Published 1/23/80]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 1/23/80.

**PROCLAMATIONS**

*Robert D. Ray, Governor of the state of Iowa, proclaimed the following:*

Epilepsy Months .....	November and December, 1979
Human Rights Week .....	December 9-15, 1979
Bill of Rights Day .....	December 15, 1979
Iowa Shares Week .....	December 16-23, 1979
Women's History Week .....	March 2-8, 1980

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