



Administrative Rules Review Committee

THE RULES DIGEST

January 2013

Scheduled for Committee review
Tuesday January 8th & 9th, 2013
Room #116

Reference
XXXV IAB No. 12(12/12/12)
XXXV IAB No. 13(12/26/12)

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DEPARTMENT ON AGING

9:05

Aging and disability resource center, 12/12/12 IAB, ARC 0507C, NOTICE.

In 2009 and 2012, the legislature enacted legislation creating aging and disability resource centers. These centers provide coordination services to ensure that elderly Iowans receive necessary care or assistance. The centers also provide counseling services to assist individuals in planning for their future needs.

The centers are supported by “access points” which provide local client service on behalf of the centers.

EDUCATION DEPARTMENT

10:50

Community colleges: associate of professional studies, 12/12/12 IAB, ARC 0531C, NOTICE.

The Department proposes to revise degree requirements for community colleges. The rules create an “Associate of professional studies” as a pilot program. The associate degree consists of between 62 and a maximum of 68 semester credit hours. The general education component consists of a minimum of 30 semester credit hours including 3 credit hours of each of the following: speech, mathematics, humanities, social and behavioral sciences, science; 6 credit hours of writing; and 9 credit hours distributed among mathematics, social and behavioral sciences, humanities, and science.

The technical specialty component of the associate degree consists of a minimum of 16 credit hours of career and technical coursework accepted by a receiving baccalaureate degree-granting institution as applying toward a specific major or program of study. The technical specialty component of the degree also consists of a minimum of 16 additional credit hours of career and technical coursework accepted by the receiving institution as electives.

An associate of professional studies degree program of study must have a minimum of three agreements with baccalaureate degree-granting institutions, at least one of which must be a public institution. The agreements shall provide for the application of no fewer than 60 credit hours toward the graduation requirements of each baccalaureate degree program.

EDUCATION DEPARTMENT

10:50

Online learning, 12/12/2012 IAB, ARC 0522C, ADOPTED.

2012 Acts, Senate File 2284 provides for the regulation of on-line education, which is defined as educational instruction and content which are delivered primarily over the internet. The Act specifically prohibits the open enrollment of publicly enrolled elementary and secondary students whose educational instruction and course content are delivered primarily over the internet, limits statewide enrollment in educational instruction and course content that are delivered primarily over the internet to not more than 00.18% of the statewide enrollment of all pupils, and limits the number of pupils participating in open enrollment for purposes of receiving educational instruction that are delivered primarily over the internet to no more than one percent of a sending district's enrollment.

Priority for the statewide cap is apportioned to:

- students already open enrolled to Cumberland-Anita-Massena (CAM) and Clayton Ridge school districts and students with a sibling already open enrolled to these districts.
- students who have been the documented victims of harassment or bullying at school.
- students suffering from a serious health condition, or are medically fragile.

Once these priorities have been considered, approval of any remaining student requests for open enrollment shall be determined by lottery.

The rules also establish general standards for on-line learning. The rules prohibit the use of on-line learning as a long term substitute for courses required under the school accreditation standards; a one year waiver is available.

The department will annually evaluate the quality of courses offered on line to ensure that coursework is rigorous and of high quality and is aligned with Iowa's core curriculum and core content requirements and standards as well as with national standards of quality for online courses.

EDUCATION DEPARTMENT

10:50

Project lead the way program, 12/12/12 IAB, ARC 0519C, ADOPTED.

A project lead the way program (PLTW) is administered by the Department to promote rigorous science, technology, engineering, and mathematics pursuits. The program that integrates science, technology, engineering and math (STEM) in a problem-based learning environment. According to the PLTW promotional material:

PLTW's programs emphasize critical thinking, creativity, innovation and real-world problem solving. The hands-on learning engages students on multiple levels, exposes them to areas of study that they may not otherwise pursue, and provides them with a foundation and proven path to post-secondary training and career success in STEM-related fields.

For high schools that wish to provide a PLTW program, they must offer at least three courses within a period of three academic years from the date that it commences the curricular program.

As provided in 2012 Iowa Acts, Senate File 2284, courses offered by a school district through collaboration with a community college in partnership with a nationally recognized, not-for-profit provider of rigorous and innovative science, technology, engineering, and mathematics curriculum are courses eligible for supplementary weighting.

A school district offering a project lead the way program must offer the curriculum developed by the national organization that administers the program, and employ teachers trained in the program requirements .

EDUCATION DEPARTMENT

10:50

School business official knowledge and skills standards and criteria, 12/12/12 IAB, ARC 0479C, ADOPTED.

This filing revises existing rules which establish criteria for school business officials. These officials are responsible for the financial operation of a school district. The rules set out nine generalized standards, each of which is supplemented with detailed, specific examples or the required skill. The nine standards provide:

Standard 1. Each school business official shall demonstrate an understanding of Uniform Financial Accounting, governmental GAAP accounting, and statutory concepts.

Standard 2. Each school business official shall demonstrate the ability to implement effective internal controls and accounting processes.

Standard 3. Each school business official shall demonstrate an understanding of and compliance with federal, state, and local reporting requirements.

Standard 4. Each school business official shall demonstrate compliance with applicable federal, state, and local laws.

Standard 5. Each school business official shall demonstrate competence in technology appropriate to the school business official position.

Standard 6. Each school business official shall demonstrate appropriate personal skills.

Standard 7. Each school business official shall engage in professional growth.

Standard 8. Each school business official shall fulfill professional responsibilities established by the school district.

Standard 9. If a school business official is also employed as the secretary or treasurer of the school board, the school business official shall:

- a.* Take the oath of office within ten days following appointment.
- b.* File a bond and ensure the level of coverage is adequate.
- c.* Hold office until a successor has been appointed and qualified.
- d.* Publish minutes, bills, and salaries on a timely basis.
- e.* Ensure that the department, the county auditor, and the treasurer are informed timely of the names and addresses for board officers as well as any changes therein.
- f.* File and preserve copies of all required reports and all papers transmitted pertaining to the business of the school corporation, including all certificates, reports, and proofs related to compulsory education.
- g.* Maintain separate books for minutes and elections and ensure that the records are complete.
- h.* Deliver all claims to the board for audit and allowance.

EDUCATIONAL EXAMINERS BOARD

10:25

Substitute teacher's license, 12/12/12 IAB, ARC 0509C, NOTICE.

This rulemaking addresses the issue of applicants who have completed a nontraditional teacher preparation program and have one or more years of teaching experience and who apply for a substitute teacher's license or for full licensure. Currently, in many cases such applicants can only obtain a substitute authorization. This amendment would allow an applicant in these circumstances to be issued a substitute

license. Such an applicant must hold a valid or expired teaching certificate based on a nontraditional teacher preparation program, be able to verify three years of teaching experience, and provide passing scores on tests mandated by the state that issued the certificate.

ENVIRONMENTAL QUALITY COMMISSION

11:20

Wastewater construction and disadvantaged communities, 12/12/12 IAB, ARC 0529C, ADOPTED.

In 2008 the EPC began a series of actions to evaluate all Iowa streams; each stream is scientifically evaluated and assigned to one of three water quality categories based on its condition. As specific designations were established effluents from treatment facilities must be reduced to meet the assigned level. This will result in reduced levels of ammonia and bacteria. The 20-year cost to achieve this reduction is estimated to be as high as \$1 billion.

This filing in part establishes a process to assist disadvantaged communities to comply with the new requirements. If compliance will result in “substantial and widespread economic and social impact” to the ratepayers and the affected community, the EPC may establish a schedule of compliance that will improve of water quality and still continue reasonable progress toward compliance and to achieve that compliance.

Disadvantaged status is determined by several factors:

- The ability of the regulated entity and the affected community to pay for a project based on the ratio of the total annual project costs per household to median household income;
- median household income in the community and the unemployment rate of the county;
- the outstanding debt of the system and the bond rating of the community.

INSPECTIONS AND APPEALS DEPARTMENT

1:20

Tuberculosis (TB) screening requirements, 12/12/12 IAB, ARC 0484C, ADOPTED.

This filing sets out requirements and procedures to conduct tuberculosis screenings for health care workers employed in hospitals and health care facilities; the rules include

the screening process to be used, the risk classification, and who may conduct TB screenings. All health care workers must be screened on hire.

Annually, a health care facility or hospital must conduct a TB risk assessment to evaluate the risk for transmission of the disease, regardless of whether a person with suspected or confirmed TB disease is expected to be encountered in the facility or hospital. The assessment will determine whether the hospital or facility is low risk, medium risk or potential ongoing.

If a facility or hospital with 200 beds or more has fewer than six TB patients for the preceding year, it is classified as low risk. If a facility or hospital with less than 200 beds or more has fewer than three TB patients for the preceding year, it is classified as low risk. After the initial screening, additional screening of health care workers is not necessary unless an exposure occurs.

Higher numbers place the facility or hospital at medium risk. If ongoing transmission exists, the facility or hospital shall be classified as potential ongoing transmission, regardless of the facility's or hospital's previous classification.

MEDICINE BOARD

1:50

Mandatory reporting--hospital action, 12/26/12 IAB, ARC 0532C, ADOPTED; grounds for discipline--failure to report hospital action, 12/26/12 IAB, ARC 0533C, ADOPTED.

These rulemakings require licensees to report to the Board any disciplinary action taken which results in a limitation, restriction, suspension or revocation of their hospital privileges or any voluntary limitation, restriction, suspension or revocation of hospital privileges to avoid a hospital investigation or hospital action; and add failure to make such a report to the grounds for which the board may take disciplinary action. At the Committee's July meeting, public comment was received questioning the statutory authority for these rulemakings. Additional public comments were received thereafter. The Board has modified the rulemakings in response to these concerns.

PUBLIC SAFETY DEPARTMENT

Wednesday-9:20

Electricians and electrical contractors--licensing, fees, 12/26/12 IAB, ARC 0540C, NOTICE.

This rulemaking establishes procedures for issuing licenses to master electricians licensed in states which have entered into reciprocal licensing agreements with the Board, establishes procedures for issuance of renewal or new licenses to electricians and

electrical contractors whose previous licenses have expired, and provides for refunds based on the overpayment of fees or the death of the licensee.

PUBLIC SAFETY DEPARTMENT

Wednesday-9:20

Qualifications of political subdivision electrical inspectors, 12/26/12 IAB, ARC 0542C, NOTICE.

This rulemaking implements Iowa Code sections 103.24 and 103.29 by establishing uniform certification requirements for electrical inspectors employed by political subdivisions choosing to perform their own electrical inspections. The certification requirement is effective January 1, 2014. The rulemaking sets out two sources of certification which are commonly used in the electrical trade. Political subdivisions are permitted to limit an inspector's duties to either residential or commercial inspections; an inspector need only be certified for the duties the inspector performs.

SECRETARY OF STATE

Wednesday-10:50

Noncitizen registered voter identification and removal process, 12/12/12 IAB, ARC 0528C, AMENDED NOTICE.

This rulemaking was placed into effect on an emergency basis and also published as a notice of intended action. The Secretary of State now amends the notice of intended action. The Secretary states that over 3000 non-US citizens are registered to vote in Iowa. Under this new program the Secretary will obtain lists of foreign nationals who are residing in Iowa and match the lists against the voter registration records. A federal immigration database will be used to verify citizenship status. The program does have a review process; a registered voter who may not be a citizen of the United States and may be illegally registered to vote will be notified of the voter's right to dispute and respond to the information received by the Secretary's office within 30 days of the date of the notice, or 60 days if the voter requests additional time. This 30 to 60 day period is an increase from the 14 days provided in the original notice. The rulemaking also requires the Secretary of State to notify county auditors of potentially ineligible voters who do not timely respond to the notice sent by the Secretary of State and sets out a process for county auditors to follow thereafter.

