



Administrative Rules Review Committee

# THE RULES DIGEST

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March 2015	<b>Scheduled for Committee review</b> <b>Friday, March. 6, 2015</b> <b>Room #116</b>	Reference XXXVII IAB No. 16(02/04/15) XXXVII IAB No. 17(02/18/15) XXXVII IAB No. 18(03/04/15)
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**HIGHLIGHTS IN THIS ISSUE:**

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NPDES GENERAL PERMIT NO. 2, <i>Environmental Protection Commission</i>	3
CONTRIBUTION RATES; SERVICE PURCHASES; OTHER AMENDMENTS, <i>IPERS</i>	4

## HUMAN SERVICES DEPARTMENT

9:10

*Child development homes--emergency contact information, 02/04/15 IAB, ARC 1852C, FILED EMERGENCY AFTER NOTICE.*

This rulemaking requires that child development home providers have readily accessible accurate emergency contact information regarding the children in care. Presently, there are no administrative rules that require providers to have a paper copy of emergency contact information. When adopted, this rulemaking will supersede a previous rulemaking that was subject to a 70-day delay by the committee. The delayed rulemaking also related to a requirement that all emergency numbers also be programmed and saved into mobile telephones; in response to committee feedback, this rulemaking removes that requirement.

## HUMAN SERVICES DEPARTMENT

9:10

*Eligibility for aftercare services program and preparation for adult living stipend, 03/04/15 IAB, ARC 1894C, ADOPTED.*

This proposed amendment will allow access to aftercare services and the preparation for adult living (PAL) stipend to youth aging out of the Iowa state training school and court-ordered Iowa juvenile detention centers.

Youth between 17½ and 18 years of age who are exiting the Iowa state training school or a court-ordered Iowa juvenile detention center are eligible for the Iowa Aftercare Services Program, which will provide services and supports to these youth between the

ages of 18 and 21, for which youth who exit foster care at the same ages are already eligible. Additionally, youth who exit the Iowa state training school or a court-ordered Iowa juvenile detention center, who were in either placement when they reached the age of 18 and who have not reached the age of 21 are eligible for the PAL Program component. The PAL component includes a monthly stipend, based upon need, in addition to aftercare case management supports. The PAL component for youth who exit the state training school or a detention center is modeled after the current PAL for youth formerly in state-paid foster care.

## **EDUCATIONAL EXAMINERS BOARD**

10:15

*K-12 special education endorsement; specializations, 02/18/15 IAB, ARC 1884C, ADOPTED.*

The previously noticed rule would have eventually replaced the current instructional strategist I and II endorsements with a K-12 special education endorsement that increases specific preparation requirements of special education teachers (both in general education and special education preparation), addresses the noncategorical delivery models of special education, and includes coverage of Iowa's specific special education issues and practices. In response to significant negative public comment, the board is making the new endorsement optional and leaving current endorsements unchanged. The rule does include new optional specializations that can only be added to a teaching license with the new endorsement.

## **EDUCATION DEPARTMENT**

10:25

*Standards for paraeducator preparation programs, 02/18/15 IAB, ARC 1880C, NOTICE.*

This rulemaking rescinds the current Administrative Code chapter regulating paraeducator preparation programs and adopts a new chapter that is updated to reflect research in student achievement, accountability, and continuous program improvement. The standards in the proposed chapter more closely align with rules from the Board of Educational Examiners on the issuance of paraeducator certificates. The new chapter was developed by a team of educators, paraeducators, Department of Education staff, and board staff. Compliance with these standards is required and is evaluated during each paraeducator preparation program's initial and periodic reviews. The chapter includes standards for organization and resources, diversity, faculty, program assessment and evaluation, and clinical practice.

## **ENVIRONMENTAL PROTECTION COMMISSION**

10:40

*NPDES general permit no. 2—topsoil preservation at construction sites, 02/18/15 IAB, ARC 1873C, NOTICE.*

The proposed amendment will revise General Permit No. 2, which authorizes the discharge of stormwater from construction sites. Substantive changes in General Permit No. 2 are required to implement the federal effluent guidelines for construction and development point sources. Most of the measures in the federal effluent guidelines are already included in General Permit No. 2. The changes being proposed in General Permit No. 2 involve topsoil preservation at construction sites. The federal regulations require permittees to minimize soil compaction and, unless infeasible, preserve topsoil. Currently, the Commission defines this requirement as the preservation of at least 4 inches of topsoil at construction sites when this is consistent with land use practices and if at least 4 inches of topsoil existed on the site prior to construction. This amendment strikes the 4 inch standard and defines “infeasible” as not technologically possible, or not economically practicable and achievable in light of the best industry practices.

## **INSPECTIONS AND APPEALS DEPARTMENT**

10:55

*Bingo, 02/04/15 IAB, ARC 1858C, NOTICE.*

This rulemaking provides various updates to the department’s bingo regulations, including rules relating to licensure, game play, cost to play, prize awards, reporting requirements, electronic bingo for disabled individuals, and inventory requirements.

## **IOWA FINANCE AUTHORITY**

11:30

*Fees, 02/04/15 IAB, ARC 1845C, ADOPTED.*

This amendment to an existing rule relates to fees charged by the authority for issuing mortgage credit certificates. The current rule specifies a \$100 participation fee. The amendment strikes that language and provides in part that: “[t]he authority shall set and post on its Web site annual participation fees...”

Normally government fees are part of an overall regulatory scheme, e.g., licensing fees, and must be set out in the rule itself. In this situation, the fee is part of a commercial, not a regulatory program. Lenders are not required to participate in the Mortgage Credit Certificate Program; it is a voluntary business transaction.

## **IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

11:45

*Contribution rates; protected occupations; service purchases; benefits, including death and disability; overpayments; reporting; domestic relations orders; records, 02/18/15 IAB, ARC 1887 C, ADOPTED.*

In this filing, the board makes various revisions and updates to its rules, including implementation contribution rates for regular and special service members beginning July 1, 2015; requiring that time of service purchases by members be made only at the time of retirement, beginning January 1, 2016; conforming rules for recovery of overpayments and for interest charged in the case of fraud to the business rules and procedures currently in place; updating rules regarding IPERS' administration of domestic relations orders; and updating the definition of "record" to be consistent with business rules and procedures.

## **LABOR SERVICES DIVISION**

11:55

*Elevators—adoption by reference of ASME A17.3(2011) with specified exceptions, 03/04/15 IAB, ARC 1891C, ADOPTED.*

These amendments by the Elevator Safety Board would adopt by reference significant portions of the American Society of Mechanical Engineers (ASME) Safety Code for Existing Elevators and Escalators, known as A17.3 (2011), into the state standards for most elevators.

The amendments will require limited upgrades of older elevators to install more modern safety technologies such as car top lights and outlets, car door restrictors, counterweigh guards, and emergency lights and telephones. The board omitted a requirement to install new controllers, which was the subject of many negative public comments. The new standards will not be required until May 1, 2020.

Applicable variance procedures are set forth in 875—Chapter 66. A variance application form is available on the Board's Web site, and the Board typically reviews variance applications several times a year.

Most owners of older elevators have been provided specific information about what the standards would require for their equipment via a survey conducted by the board. The board plans an outreach program to notify building owners of the requirements.