



Administrative Rules Review Committee

STATEHOUSE * ROOM 116 * DES MOINES, IOWA 50319 * (515) 281-3084/3355/4800
FAX (515) 281-4424 * E-MAIL jroyce@legis.state.ia.us; mduster@legis.state.ia.us

THE RULES DIGEST

November 2007

Scheduled for committee review

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Reference

XXX IAB No. 08(10/10/07)

XXX IAB No. 09 (10/24/07)

HIGHLIGHTS IN THIS ISSUE:

SPECIAL EDUCATION, Department of Education1
STATEWIDE VOLUNTARY PRE-SCHOOL PROGRAM, Department of Education2
AREA QUARANTINES, Public Health Department5
LANDFILL REGULATION, Environmental Protection Commission7
STREAM DESIGNATIONS, Environmental Protection Commission8

EDUCATION DEPARTMENT

9:10

Special education, IAB Vol. XXX No. 08, ARC 6288B, ADOPTED.

Initially noticed in June, the Department has now adopted an update to special education programs. These rules implement the requirements set out in Code Chapter 256B and 34 C.F.R. 300. The keystone of special education is that every school district must provide a "free appropriate public education" to any resident child under the age of 21 who has a disability requiring specially designed instruction, in order to meet that child's unique needs. Under some circumstances the age may be extended up to 24. The term disability is broadly defined to include physical or developmental disabilities and behavior disorders. The specially designed instruction can include classroom, home, hospital, institutional, or other instruction as required.

Special education programs require "highly qualified" special education teachers for the core academic courses; they must hold at least a baccalaureate degree and have full state certification as a special education teacher. This requirement does not apply to private schools.

Trained and supervised paraprofessionals or assistants may be used to assist in the provision of special education and related services.

Each eligible child must have an individualized education program (IEP) specifying all the special education and related services the eligible child is to receive. Related services can include supplementary aids and services determined appropriate and necessary by the child's IEP team (see below). Services can include nonacademic and extracurricular services and activities such as counseling services, athletics, transportation, health services and recreational activities.

The individualized program must be in effect before special education and related services are provided. A special team is responsible for developing, reviewing, or revising the IEP. The team must review the IEP at least annually, to determine whether the annual goals for the child are being achieved and to revise the program as appropriate.

Special education programs must be provided in the least restrictive environment. To the "maximum extent appropriate" children with disabilities are to be educated with children who are not disabled. Except as provided in the IEP, disabled children are

THE RULES DIGEST

-2-

to be educated in the school that child would attend if not disabled. Special classes or separate schooling is limited to situations where the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child cannot be removed from a regular classroom solely because of needed modifications in the general education curriculum.

Placement of a disabled child can be a contentious issue and a very detailed complaint process is provided, including opportunities for mediation and a due process hearing. The rules also guarantee the parents an opportunity to review all education records and participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education.

Both area education agencies and local school districts are eligible for funding assistance, as outlined in the rules. This assistance cannot be used to reduce the level of expenditures from local funds for the education of disabled children.

* * *

Statewide voluntary pre-school program, IAB Vol. XXX No. 08, ARC 5969B, ADOPTED.

2007 Iowa Acts, House File 877 created a voluntary pre-school program for four year old children. State funding for local programs is available through June 30, 2011. First priority is given to school districts that have a high percentage of children in poverty and priority is given to districts that do not currently have a program. Poverty is measured by the percentage of the elementary students in the applicant's district who qualify for free or reduced price meals.

Under this program at least one teacher must be present for every 10 children during instructional time, with no more than 20 children per classroom. The teacher must hold both a baccalaureate degree and the appropriate license. The teacher must provide at least ten hours per week of intentional instruction, including instruction on the skills and knowledge included in the Iowa Early Learning Standards.

The preschool curriculum must be research or evidence-based and the child's learning and

development assessment must be based on a research or evidence-based process.

The preschool program itself must provide adequate and appropriate space and facilities and must provide appropriate instructional materials and supplies. Meals or snacks must also be provided. Staff development must be available to all preschool teachers and staff.

The preschool program shall involve families through at least one home visit, one family night and at least two family-teacher conferences per year. The program may collaborate with other agencies to provide more comprehensive services such as extended day care, transportation, health, hearing, vision or developmental screening.

Since the Notice of Intended Action was published, a small number of changes were made. The changes include:

- The definition of "community empowerment areas" was deleted in favor of adding a definition of "community empowerment area board" to reflect the term's usage in the rules.
- Language was revised to clarify that preschool programs must meet both the standards in Chapter 16 as well as those set for one of the following: Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the National Association of the Education of Young Children Program Standards and Accreditation Criteria.

* * *

Accreditation-every-district school nurse and guidance counselor; K-12 guidance counseling program, IAB XXX No. 08, ARC 6293B, NOTICE.

2007 Iowa Acts, Senate File 277, §4, creates new accreditation statutes which require that each school district have a school nurse and a qualified guidance counselor. The Act also requires the Board of Educational Examiners to establish through rulemaking definitions and standards for an articulated sequential K-12 school counseling program.

The board of directors for each school district must establish a K-12 comprehensive school counseling program. The program must be driven by student data and based on standards in academic, career, personal, and social areas, which support the student achievement goals of the total school curriculum and to which all students have equitable access.

THE RULES DIGEST

-3-

The licensed school counselor must be a member of the attendance center instructional team with special expertise in identifying resources and technologies to support teaching and learning. The program must emphasize sequentially presented curriculum, responsive services, and attainment of student competencies in academic, career, personal, and social areas. The counseling curriculum should be embedded within the district's overall curriculum and individual student planning should be utilized.

AGRICULTURE AND LAND STEWARDSHIP

9:40

Dangerous animals, IAB Vol. XXX No. 08, ARC 6302B, FILED EMERGENCY AFTER NOTICE.

The provisions of 2007 Iowa Acts, Senate Files 564 and 601 impose new restrictions on keeping dangerous wild animals. Senate File 564 defines these animals in great detail: the list includes full-blood wolves (not less than 50% dog excluded) pythons, monkeys and a host of other creatures that are either big-toothed, poisonous, just plain huge or a combination of the three. Under the Act it is unlawful to own, possess or transport a dangerous wild animal in Iowa. There is a "grandfather clause" for persons who currently possess a wild animal. To be eligible the person must register the animals with the department and, if possible, have an electronic identification device implanted in the animal.

There are a number of exemptions to these requirements, including a zoo, circus or wildlife sanctuary. A number of persons who keep exotic pets oppose the new law; these include owners of "savannah cats". These cats are a cross between servals (an African wild cat which is a dangerous animal under the Act) and domestic cats. The Act specifically defines a dangerous wild animal to include: "an animal which is the offspring of an animal provided in paragraph "a", and ... *any other animal*. It also includes animals which are the offspring of each subsequent generation." For this reason the savannah cat cannot be exempted from the restrictions.

Russian and European boars are specifically defined as dangerous animals by the Act. This

inclusion is opposed by some individuals who maintain private hunting preserves.

* * *

Avian influenza, IAB XXX No. 09, ARC 6330B, NOTICE.

Chapter 64 of the department's rules relates to reporting requirements for any infectious or contagious disease affecting animals. This proposal contains general updates to those rules related to low pathogenic avian influenza (LPAI). The amendments add a provision for the movement of liquid egg products, remove the reference to quail from the provisions, and provide approval for an additional test for LPAI.

Surveillance procedures will only be required for commercial poultry flocks of 10,000 or more layers, commercial chicken broiler operations with 10,000 or more broilers, and commercial turkey operations with 1,000 or more turkeys.

The surveillance procedures state that a minimum of 15 blood samples may be collected and forwarded to an approved laboratory for testing within 21 days prior to depopulation or movement; or 20 blood samples shall be collected at slaughter/disposal and forwarded for testing. Twenty blood samples must be collected between 10 and 21 days after the onset of respiratory disease and forwarded for testing, and 20 pharyngeal swabs must be collected at onset of respiratory disease and forwarded for testing. Routine serologic testing for LPAI should also be included.

Positive tests under official LPAI tests must be forwarded to the National Veterinary Services Laboratory in Ames, Iowa for subtype testing. All influenza type A antigen detection tests must be prior-approved by the state veterinarian, and all positive tests must be reported immediately to the state veterinarian. The state veterinarian will also receive a monthly report of all test results.

The Department is also adding a provision which will allow liquid eggs from layer flocks to continue to move from breaking operations to pasteurization plants provided that the transport vehicles are cleaned and disinfected before entering and leaving the premises.

**ECONOMIC DEVELOPMENT
DEPARTMENT**

9:50

House File 829: new programs, IAB XXX No. 08, ARC 6309B, EMERGENCY.

The department's emergency rulemaking implements rules for a series of new programs: the community college equipment and training fund, the targeted industries networking fund, the targeted industries student competition fund, and the targeted industries career awareness fund. The term "targeted industry" means the industries of advanced manufacturing, biosciences, and information technology.

The community college equipment and training fund provides up to \$1,000,000 to support the purchase and licensing of equipment and software for use in training programs and courses related to the targeted industries. The fund provides loans or grants as appropriate.

The targeted industries networking fund provides up to \$3,000 to support sponsorships of networking events. Sponsors of networking events can be industry groups, businesses or other sponsors of networking events which will bring together entrepreneurs, start-up businesses, established companies and members of the university research community to discuss new technologies and the innovations which the technologies support.

The targeted industries student competition fund provides financial assistance to support sponsorships of student competitions in the targeted industries. These competitions are statewide events sponsored by a business or academic entity that attempt to link students and career and educational opportunities in those industries. The goal is to increase the students' knowledge of the targeted industries and available job opportunities in those industries.

The targeted industries career awareness fund supports statewide public awareness campaigns to educate students, parents and educators about career opportunities within the targeted industries.

Industry association groups may apply for this program, providing matching funds of at least one dollar for every two program dollars.

* * *

Generation Iowa commission-commission organization and procedures, IAB XXX No. 09, ARC 6365B, FILED EMERGENCY.

The Generation Iowa Commission is established within the Iowa Department of Economic Development by 2007 Iowa Acts, House File 617, to advise and assist the Department in the retention and attraction of the young adult population in the state in both urban and rural areas.

The Commission consists of 15 voting members appointed by the governor and four ex officio nonvoting members. The ex officio nonvoting members will be 2 state senators and 2 state representatives with not more than one member from each chamber being from the same political party. Eight voting members will constitute a quorum. An affirmative vote of a majority of voting members is necessary for the commission to take substantive action. Commission members are appointed for three-year terms. The members' terms will be staggered. At the time of appointment or reappointment, voting members must be at least 18 years of age, but less than 35 years of age.

The Commission will generally meet monthly and may hold special meetings. The commission will elect a chairperson and vice chairperson annually. Interested parties may attend commission meetings except for such portion as may be closed pursuant to Iowa's open meetings laws. Minutes of the commission's meetings will be available for viewing at the commission's offices.

The Commission's duties include advising and assisting the department in activities designed to retain and attract a young adult population and developing a set of best practices guidelines for employers to attract young adult employees. The Commission is also responsible for submitting a written report to the governor and general assembly in odd-numbered years. The report will consist of the Commission's findings and recommendations regarding the efforts to attract and retain the young adult population, career opportunities and educational opportunities for young adults, and the movement of the young adult population between rural areas and urban areas and between Iowa and other states. In years when the report is not required, the Commission will submit a written

THE RULES DIGEST

-5-

status report of the progress made during the previous year.

INSURANCE DIVISION

10:25

Sales of cemetery merchandise, funeral merchandise and funeral services, IAB XXX No. 09, ARC 6333B, EMERGENCY.

The division completely re-writes requirements relating to the sales of cemetery merchandise, funeral merchandise and related services. Much of this revision implements 2007 Acts, Senate File 559. That Act requires preneed sellers and individual sales agents to obtain licenses from the division; previous law required only business permits. A preneed seller must maintain a fidelity bond or similar insurance in an amount not less than \$50,000.

Licensees are subject to a criminal background check and must provide a financial history. A sales agent must annually file a listing of each purchase agreement sold during the year. The sales agent license requires periodic continuing education for renewal. The rules set out disciplinary standards and procedures similar to many licensing boards.

Pre-need sales purchase agreements must be funded by a trust, insurance policy or surety bond. Trust income may be withdrawn by preneed sellers on a very restricted basis. Some pre-need merchandise may be warehoused by independent third parties.

* * *

Educational requirements: long term care insurance, IAB XXX No. 05, ARC 6205B, 70 DAY DELAY.

At its' September meeting the Committee reviewed an adopted filing, relating to the sale of long term care insurance and containing an educational requirement specifically relating to this type of insurance. Required training includes an initial 8 credit course (a credit consists of 50 minutes), followed by six continuing education credits every three years. A Division representative stated that education specific to long-term care insurance was necessary to ensure that agents could effectively evaluate their clients needs and determine whether long-term care insurance is appropriate.

This requirement was opposed by a representative of the profession. The representative

noted that insurance producers were required to take specific ongoing education in a number of areas, and this requirement would increase that burden and encourage agents to drop long term care insurance, leaving much of that market to out-of-state telemarketers. Committee members felt that the division and the association should discuss this issue and attempt to find compromise; for that reason the Committee impose a 70 day delay, with further review at the November meeting.

PUBLIC HEALTH DEPARTMENT

10:50

Area Quarantine, IAB XXX No. 08, ARC 6283B, NOTICE.

The department has long had rules relating to individual quarantines for highly communicable diseases such as tuberculosis. Under this rule the department and local boards of health are authorized to impose and enforce *area* quarantines. The rule notes this authority is to be used rarely.

The boundaries of the quarantined area are established by medical and scientific analysis of the disease or hazardous or toxic agent, the location of the affected area, the risk of spread or contamination, and other relevant information. Only individuals authorized by the department or a local board of health to conduct public health investigations, to decontaminate the site, or for other public health purposes can enter the quarantine area. Police, fire and medical services personnel may enter a quarantine site as necessary to provide emergency services.

Those affected by the quarantine may demand a contested case to oppose the order and may seek further judicial review.

As provided in Code section 135.35, all peace officers of the state when called upon by the department shall enforce the department's rules and orders.

* * *

Hepatitis programs, IAB XXX No. 08, ARC 6284B, NOTICE.

These programs distribute information, offer Hepatitis C (HCV) testing, and offer hepatitis A and B vaccinations. These services are contingent on the availability of funding. The testing and vaccination component will offer HCV testing and hepatitis A and B vaccinations to high-risk

THE RULES DIGEST

-6-

individuals; these individuals include injection drug users, recipients of clotting factors made before 1992, and hemodialysis patients. Hepatitis A and B vaccinations will also be available to:

- Injection and noninjection drug users;
- Men who have sex with men;
- Persons with a diagnosis of a recently acquired sexually transmitted disease (STD);
- HIV- or HCV-infected persons; and
- Sexual partners of persons infected with HIV, hepatitis A, or hepatitis B.

The hepatitis C awareness program will distribute information to veterans regarding the higher incidence of hepatitis C exposure and infection among veterans.

INSPECTIONS AND APPEALS DEPARTMENT

11:10

Registration of amusement devices, IAB XXX No. 9, ARC 6185B, ADOPTED.

These rules were implemented on an emergency basis in August, implementing 2007 Iowa Acts, Senate File 510; that Act requires the Department to adopt rules establishing the criteria for approval or denial of a registration application to install an electrical and mechanical amusement device. This amusement device is very similar to a slot machine; instead of cash "pay outs" the device awards tickets redeemable for food and merchandise at the business where the device is located; the value of each award is limited to five dollars. Qualified non-profit organizations can have up to four machines (e.g., veterans clubs) while other establishments (e.g., bars or convenience stores) can have two.

Each device must be registered with the Department; registrations are capped in the statute. Because of their limited number, this filing establishes a waiting list for the privilege of registering a device. Applicants can appear on the list once for a single registration and are listed chronologically. Under these rules, if a currently registered device is replaced with a new device having a different game, a new registration is required and that registration request goes on the waiting list. The rules also provide that an application for registration will be evaluated based on the applicant's history of compliance with Iowa's gambling laws and "[o]ther factors the department deems appropriate." An application *must* be denied

if the location does not hold the appropriate beer or liquor permit, if the applicant owes back taxes, or if an open registration is not currently available.

BOARD OF MEDICINE

1:00

Complaint procedures, IAB XXX No. 08, ARC 6298B, NOTICE.

The board proposes to update its rules relating to complaints and investigations. The board maintains both complaint and investigative files; *neither* are open to public inspection, but there are statutory exceptions; Code §272C.6(4) states in part:

"[A]ll complaint files, investigation files, other investigation reports, and other investigative information... which relates to licensee discipline are privileged and confidential... However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to... the appropriate licensing authority in another state, in which the licensee is licensed or has applied for a license.

The proposed revision preserves confidentiality as regards to the general public, but it does provide that an investigative file, regardless of its' final disposition, becomes part of the licensee's history with the board and will be shared with another licensing authority, upon request.

All complaints are reviewed by a committee made up of the board's medical advisor, executive director, director of legal affairs, and chief investigator. Based on that review the committee may:

- close a complaint file for administrative reasons (e.g., lack of jurisdiction);
- recommend that the board close the complaint file without investigation;
- seek a letter of explanation from the physician, investigate the medical records, or both;
- request a full investigation if the case involves serious public safety issues.

Once an investigation is commenced the executive director or a designee may subpoena books, papers, records, and other real evidence as necessary for the board to determine whether it should institute a contested case proceeding. The licensee may challenge a subpoena in a hearing held either before the board or an administrative law judge. Once the investigation is complete the board may determine that there is probable cause for taking formal disciplinary action, file a

THE RULES DIGEST

-7-

statement of charges, and institute a contested case proceeding.

HUMAN SERVICES DEPARTMENT

1:15

Medicaid reimbursement for non-emergency transportation, IAB Vol. XXX, No. 08, ARC 6272B, EMERGENCY AFTER NOTICE.

This revision extends the time limit on submitting a Medicaid transportation claim from 90 to 365 days and will allow transportation costs for obtaining prescription drugs as well as general medical services. The Medicaid client must seek services in the city in which the individual lives unless services are not available in that city or if the individual is referred by an attending physician. Non-emergency transportation is available to individuals that are unable to obtain a free alternative for non-emergency transportation. If the individual requires a prescription drug immediately, reimbursement is allowed regardless of whether free delivery services are available. The reimbursement allowance for transportation by car increases from 20 cents to 30 cents per mile.

ENVIRONMENTAL PROTECTION COMMISSION

2:00

Landfills regulation, IAB Vol. XXX, No. 01, ARC 5999B, ADOPTED.

These rules were initially reviewed by the Committee in January 2007 as a notice of intended action; the final version was reviewed in June and held over for additional review in August. At the August meeting the committee delayed the effective date of the filing for 70 days beyond the scheduled effective date of October 1, 2007. The November ARRC meeting is the last opportunity for review before that 70 day delay expires.

The filing contains numerous technical provisions regulating the construction, operation and closure of municipal solid waste (MSW) landfills; however, there are only two policy questions that remain. The first issue is whether the existing rules, in place since 1997, adequately implement the federal Resource Conservation and Recovery Act (RCRA) and the federal rules promulgated in 1991 pursuant to that Act. Compliance with federal regulations is required for Iowa to maintain program approval from the EPA.

EPC representatives contend that the current rules do not comply with the federal law. The federal Environmental Protection Agency has been ambivalent on this issue.

The second issue relates to a new provision relating to the lining of a landfill cell. There is general agreement that unlined landfills must be lined or closed. Iowa has 27 unlined landfills, 14 will close under these rules and 13 will install a liner. The controversy relates to plastic sidewall liners, which will be required in both new and existing cells which abut an older, unlined cell. Operators have a three year period before this requirement is implemented.

This issue is related to the federal compliance issue, with EPC representatives maintaining that liners are required under federal law, while federal officials have not definitively supported this position. Opponents contend that compacted clay provides sufficient protection against groundwater infiltration.

* * *

Stream designations, IAB Vol. XXX, No. 09, ARC 6351B, NOTICE.

The federal Clean Water Act (CWA) established a goal that perennial streams and pools be "fishable/swimmable." Every state is required to have water quality standards which meet this federal requirement and are approved by the federal Environmental Protection Agency (EPA). To implement this requirement, early in 2006 the EPC promulgated rules which designate some 26,000 perennial streams (year-around flow), and intermittent streams with perennial pools as Class A1, B(WW-1) protected waters; this is the highest designation, protecting the stream for recreational and aquatic life uses.

This rulemaking was later supplemented by legislation; 2006 Iowa Acts, Senate File 2363, to address the state's water quality standards. Under the Act, the EPC is required to designate stream segments pursuant to designated uses, e.g., agriculture, aquatic, or recreational use. For each designated use, the EPC is required to adopt water quality standards. The EPC must determine whether a designated use is attainable, and prior to any change in a national pollutant discharge elimination system (NPDES) permit, a use

THE RULES DIGEST

-8-

attainability analysis is required. The Act requires that all new or revised stream segment use designations be adopted through the rulemaking process. Designating each stream through a rulemaking proceeding ensures public notice and comment as well as legislative and gubernatorial oversight.

As required in both the rules and the legislation, the EPC begins a series of rulemaking proceedings to establish a specific designation for each Iowa stream, which is determined after a field study is conducted using specific criteria. In this process each stream be evaluated and assigned to one of three categories based on its condition. Primary contact recreational use (class A1) includes waters used for such things as swimming, diving, water skiing, and water contact recreational canoeing. Secondary contact recreational use (class A2) includes waters in which recreational or other uses, such as boating, may result in contact with the water that is either incidental or accidental. Children's recreational use (Class A3) includes waters in which recreational uses by children are common. Streams currently having an A1 classification may be downgraded if the study determines that the class A1 use is neither existing nor attainable.

That designation process now begins with almost 300 streams being re-designated from the A1 level down to varying levels of protection. As specific designations are 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. However, those costs may be reduced for those streams with lower levels of protection.

* * *

Air quality: ethanol plants, IAB Vol. XXX No. 09, ARC 6354B, EMERGENCY AFTER NOTICE.

The federal Environmental Protection Agency (EPA) modified the definition of "chemical process plants" by excluding most ethanol production facilities from the definition. The effect of this exclusion will be to expedite the air quality permitting process for ethanol plant construction. A chemical process plant is one of the listed

categories for major sources of emissions in the federal Clean Air Act.

The new air pollutant limit for ethanol production will increase from 100 tons per year to 250 tons per year. Ethanol facilities that also operate fossil-fuel boilers with a cumulative total of more than 250 million Btu's per hour will continue to be subject to the 100 tons threshold. The program will no longer require facilities that use carbohydrate feedstocks in producing ethanol to count fugitive emissions of criteria pollutants when determining if the facilities meet or exceed the thresholds for Title V or the PSD program. Permitted emissions limits and other requirements for existing sources will remain in effect and enforceable.

* * *

Underground storage tanks: secondary containment, IAB Vol. XXX, No. 09, ARC 6349B, ADOPTED.

This filing sets out the technical requirements for secondary containment. Based on federal EPA requirements, all new underground storage tanks must have double-walled tanks and piping and under-dispenser containment systems, if they are within 1,000 feet of a community water system or a potable drinking water well.

Tank owners and operators are annually required to certify that the tanks are in compliance with the "secondary containment" system requirements. These systems must be liquid-tight and must be inspected and tested every two years. The sensing devices must be tested every two years.

The rules also establish a process to prohibit the delivery of fuel if the tanks are out of compliance with operation and maintenance rules. Delivery may be prohibited if:

- An approved release detection method is not installed, or question exists concerning the reliability of a method that is installed.
- An annual line tightness test or line leak detector test has not been conducted or documented.
- Overfill, corrosion and spill protection is not installed.
- There is no proof of financial responsibility.
- No documentation of completion of a three-year corrosion protection test or documentation of repairs to defective corrosion protection equipment.
- The owner or operator failed to complete a compliance inspection or take necessary abatement action in response to a confirmed release.

THE RULES DIGEST

-9-

- The owner or operator has failed to undertake and document release investigation and confirmation steps.

Owners and operators are required to immediately remove and return to the department the current annual tank management fee tags or the tank registration tags. If the tags are not returned within three business days, the department will visit the site, remove the tags, and affix a "red tag" to the fill pipes.

CULTURAL AFFAIRS

No Rep.

Cultural Leadership Partners Program, IAB XXX No. 08, ARC 6316B, NOTICE.

The department proposes to completely re-write the Cultural Enrichment Grant Program, which dates back to 1990. The new program, the Cultural Leadership Partners (CLP) Program, has a similar function; providing general operating budgetary support to major arts and cultural organizations. Organizations eligible for these grants include a museum, botanical center, zoo, a center for the performing arts, or any institution whose primary mission is supporting the arts. Eligible organizations *do not* include: a for-profit business, religious organization, political party or any government agency or organization, including a school or a library.

A simple application process is outlined in guidelines posted on the department's "web" page, along with evaluation criteria. Those criteria include:

- Artistic/Cultural Excellence.
- Managerial Excellence.
- Excellence of Programs and Services.
- Service Area.
- Constituents Served.
- Leadership and Advocacy.

COLLEGE STUDENT AID COMMISSION

No rep.

Iowa registered nurse and nurse educator loan forgiveness program, IAB XXX No. 08, ARC 6328B, ADOPTED.

The registered nurse recruitment program rules have been rescinded and the registered nurse and nurse educator loan forgiveness program, created under 2007 Iowa Acts, H.F. 588, has been established for nurse educators teaching at eligible Iowa colleges and universities or registered nurses employed in Iowa. These rules were adopted

during the commission's September 20, 2007 meeting. The adopted rules are largely the same except for a change which further defines loans that are eligible for forgiveness under the program.

The program is open to registered nurses employed as nurses in Iowa or registered nurses who hold a baccalaureate or higher degree who are employed as teachers by eligible colleges or universities.

Nurse educators will receive priority in funding. Registered nurses will receive funding after all eligible nurse educator applications have been funded. Recipients may receive loan forgiveness for no more than five consecutive years. Recipients who fail to complete five consecutive years as nurse educators or registered nurses will not be considered for subsequent years of forgiveness. Individuals who are in default on a variety of specified federal loans or those who owe repayment on any Title IV grant assistance or state award are ineligible.

Loan payments will be disbursed directly to student loan holders upon completion of the year for which forgiveness was approved and upon certification from the employer that the recipient was employed during the entire year and is in good standing.

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Iowa teacher shortage loan forgiveness program, IAB XXX No. 08, ARC 6329B, ADOPTED.

The teacher shortage loan forgiveness program, authorized under 2007 Iowa Acts, S.F. 588, is for Iowans teaching in designated teacher shortage areas as certified by the director of the Iowa department of education. These rules were adopted during the commission's September 20, 2007 meeting. The adopted rules are largely the same as those filed under the Notice of Intended Action except for a clarification as to which tuition rate is being used and language indicating that only outstanding portions of federal consolidation loans that were used to repay an eligible Stafford or Direct Loan are eligible for forgiveness under the program.

The program is available to K-12 teachers who begin their first teaching jobs in Iowa on or after July 1, 2007 in a shortage area recognized by the Department of Education. Applicants must

THE RULES DIGEST

-10-

annually complete affidavits of practice verifying that they are teaching in eligible teacher shortage areas. Recipients will be prioritized by renewal status, instructional shortage area being served, geographic shortage areas, Iowa residency status, employment status, total indebtedness, and date of application.

Recipients may receive loan forgiveness for no more than five consecutive years. The maximum annual award is the lesser of the average resident tuition rate established by the Iowa board of regents, or 20% of the teacher's total federally guaranteed Stafford loan balance under either the Federal Family Education Loan Program or the Federal Direct Loan Program. Loan payments are disbursed directly to student loan holders upon completion of the year for which forgiveness was approved and upon certification from the employer that the teacher was employed during the entire year and is in good standing.

REAL ESTATE APPRAISER EXAMINING BOARD

No Rep.

Disciplinary actions, IAB XXX No. 08, ARC 6338B, NOTICE.

As provided in Chapter 543D, real estate appraisers may be Iowa-certified on a voluntary basis, since a certified appraisal is not uniformly required by state or federal law. However, 2007 Iowa Acts, Senate File 137 requires registration of associate real estate appraisers working under the direct supervision of a certified real estate appraiser. These associates must also train under the direct supervision of a certified real estate appraiser. Thus only certified appraisers may train and supervise registered associates.

Section three of the Act establishes a specific performance standard which requires that appraisals be performed in an honest, disinterested, and impartial manner, with objectivity and independence.

This general re-write of the board's disciplinary rules implement these new statutory provisions and update disciplinary policy, making that policy applicable both to certified appraisers and the registered associates. Many of the disciplinary grounds are standard "boilerplate" found in most

licensing provisions and adopts the Uniform Standards of Professional Appraisal Practice as the standard governing all real property appraisal activities.

VETERANS AFFAIRS DEPARTMENT

No Rep.

Veterans commemorative property, IAB XXX No. 08, ARC 6348B, NOTICE.

2006 Iowa Acts, chapter 1107 prohibits the unauthorized sale, transfer or trade of certain military items placed in cemeteries; basically this includes pre-World War II military-type commemoratives such as a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment. A person who owns or controls a cemetery containing commemorative items must obtain written authorization from the department prior to any sale or transfer of those items. Failure to obtain that approval prior to a sale or a transfer is a simple misdemeanor. The department will use five criteria in evaluating the request:

- The property is determined to be at risk of deterioration to a point where the commemoration will be unrecognizable.
- The property will be relocated to a suitable location that will preserve the current condition of the property and will properly display the property.
- The sale is necessary to provide adequate funds for the maintenance of cemetery property.
- The property will be suitably replaced at the same site with an appropriate memorial.
- The donating veterans organization approves the sale or transfer.
- The owner of the property authorizes the transaction and is aware the cemetery will retain the proceeds of the transaction.