

**EDUCATIONAL EXAMINERS BOARD[282]**

**Adopted and Filed Emergency**

**Rule making related to paraeducators as substitutes**

The Educational Examiners Board hereby amends Chapter 24, “Paraeducator Certificates,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 272.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 272.2.

*Purpose and Summary*

The amendments will allow the director of the Educational Examiners Board to grant permission for a paraeducator to serve as a substitute teacher outside of their assigned special education classroom based on documented need.

*Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption will be approved by Administrative Rules Review Committee. This emergency adoption also provides a benefit, since it will have a positive impact schools who are currently utilizing paraeducators in this manner under the public emergency proclamation. In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its February 15, 2022, meeting reviewed the Department’s determination and this rule making and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Department also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on February 16, 2022, because the governors proclamation expires and the new rule confers a benefit, since it will have a positive impact schools who are currently utilizing paraeducators in this manner under the public emergency proclamation.

*Adoption of Rule Making*

This rule making was adopted by the Board of Educational Examiners to be effective upon the expiration of the Governors Emergency Proclamation on February 16, 2022 and after approval of the ARRC.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 282—Chapter 6.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on February 16, 2022.

The following rule-making action is proposed:

Amend subrule **282-24.4(9)** as follows:

24.4(9) Paraeducator substitute authorization. An individual who holds a paraeducator certificate and completes the substitute authorization requirements set forth in rule 282—22.2(272) but who does not meet the degree requirement in subparagraph 22.2(1)“a”(2) is authorized to substitute only in the special education classroom in which the individual paraeducator is employed, unless emergency permission is granted by the executive director or designee based on documented need provided by the employer.