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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

STEPHANIE A. HOFF, Administrative Code Editor

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2013

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 19 '12	Jan. 9 '13	Jan. 29 '13	Feb. 13 '13	Feb. 15 '13	Mar. 6 '13	Apr. 10 '13	July 8 '13
Jan. 4	Jan. 23	Feb. 12	Feb. 27	Mar. 1	Mar. 20	Apr. 24	July 22
Jan. 18	Feb. 6	Feb. 26	Mar. 13	Mar. 15	Apr. 3	May 8	Aug. 5
Feb. 1	Feb. 20	Mar. 12	Mar. 27	Mar. 29	Apr. 17	May 22	Aug. 19
Feb. 15	Mar. 6	Mar. 26	Apr. 10	Apr. 12	May 1	June 5	Sep. 2
Mar. 1	Mar. 20	Apr. 9	Apr. 24	Apr. 26	May 15	June 19	Sep. 16
Mar. 15	Apr. 3	Apr. 23	May 8	May 10	May 29	July 3	Sep. 30
Mar. 29	Apr. 17	May 7	May 22	***May 22***	June 12	July 17	Oct. 14
Apr. 12	May 1	May 21	June 5	June 7	June 26	July 31	Oct. 28
Apr. 26	May 15	June 4	June 19	***June 19***	July 10	Aug. 14	Nov. 11
May 10	May 29	June 18	July 3	July 5	July 24	Aug. 28	Nov. 25
May 22	June 12	July 2	July 17	July 19	Aug. 7	Sep. 11	Dec. 9
June 7	June 26	July 16	July 31	Aug. 2	Aug. 21	Sep. 25	Dec. 23
June 19	July 10	July 30	Aug. 14	Aug. 16	Sep. 4	Oct. 9	Jan. 6 '14
July 5	July 24	Aug. 13	Aug. 28	***Aug. 28***	Sep. 18	Oct. 23	Jan. 20 '14
July 19	Aug. 7	Aug. 27	Sep. 11	Sep. 13	Oct. 2	Nov. 6	Feb. 3 '14
Aug. 2	Aug. 21	Sep. 10	Sep. 25	Sep. 27	Oct. 16	Nov. 20	Feb. 17 '14
Aug. 16	Sep. 4	Sep. 24	Oct. 9	Oct. 11	Oct. 30	Dec. 4	Mar. 3 '14
Aug. 28	Sep. 18	Oct. 8	Oct. 23	***Oct. 23***	Nov. 13	Dec. 18	Mar. 17 '14
Sep. 13	Oct. 2	Oct. 22	Nov. 6	***Nov. 6***	Nov. 27	Jan. 1 '14	Mar. 31 '14
Sep. 27	Oct. 16	Nov. 5	Nov. 20	***Nov. 20***	Dec. 11	Jan. 15 '14	Apr. 14 '14
Oct. 11	Oct. 30	Nov. 19	Dec. 4	***Dec. 4***	Dec. 25	Jan. 29 '14	Apr. 28 '14
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Dec. 4	Dec. 25	Jan. 14 '14	Jan. 29 '14	Jan. 31 '14	Feb. 19 '14	Mar. 26 '14	June 23 '14
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
23	Friday, April 26, 2013	May 15, 2013
24	Friday, May 10, 2013	May 29, 2013
25	Wednesday, May 22, 2013	June 12, 2013

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

EDUCATIONAL EXAMINERS BOARD[282]

Initiation of ethics complaint by executive director; standards of professional conduct and ethics, 11.4(1), 25.3 IAB 4/3/13 ARC 0677C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	April 24, 2013 1 p.m.
License expiration at end of holder's birth month, 13.9(2), 22.1(3), 22.2(1), 23.2 IAB 4/3/13 ARC 0676C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	April 24, 2013 1 p.m.
Prohibited relationships between licensees and former students, 25.3(1) IAB 4/3/13 ARC 0678C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	April 24, 2013 1 p.m.

EDUCATION DEPARTMENT[281]

Access to public benefits or insurance to pay for special education services, 41.154(4) IAB 4/17/13 ARC 0693C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	May 15, 2013 1 to 2 p.m.
	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	May 22, 2013 1 to 2 p.m.
Standards for school administration manager programs, ch 82 IAB 4/17/13 ARC 0694C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	May 7, 2013 11 a.m. to 12 noon

ENVIRONMENTAL PROTECTION COMMISSION[567]

Air quality—plantwide applicability limitations (PALs), 33.3(1), 33.9 IAB 3/20/13 ARC 0648C	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	April 23, 2013 1 p.m.
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MEDICINE BOARD[653]

Physician supervision of physician assistants, 21.4(2) IAB 4/17/13 ARC 0692C	Board Office, Suite C 400 SW 8th St. Des Moines, Iowa	May 14, 2013 1 p.m.
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Licensure and discipline for marital and family therapists and mental health counselors, amendments to chs 31, 33 IAB 4/3/13 ARC 0679C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	April 23, 2013 8 to 8:30 a.m.
Licensure of optometrists, 180.1, 180.2(2), 180.3, 182.4 IAB 4/3/13 ARC 0680C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	April 23, 2013 8:30 to 9 a.m.
Respiratory therapists—concurrent or unsupervised therapy, direct supervision, 261.1, 265.3 IAB 4/3/13 ARC 0681C	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	April 24, 2013 9 to 9:30 a.m.

REVENUE DEPARTMENT[701]

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71.3(1)
IAB 4/3/13 **ARC 0659C**
(See also **ARC 0653C**, IAB 3/20/13)

Room 430, Fourth Floor
Hoover State Office Bldg.
Des Moines, Iowa

April 26, 2013
9 to 10 a.m.

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401.9(4), 401.10(3), 425.3,
425.12(1)
IAB 4/3/13 **ARC 0658C**

Motor Vehicle Division Offices
6310 SE Convenience Blvd.
Ankeny, Iowa

April 25, 2013
10 a.m.
(If requested)

The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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ARC 0686C

ECONOMIC DEVELOPMENT AUTHORITY[261]**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority gives Notice of Intended Action to amend Chapter 65, “Brownfield and Grayfield Redevelopment,” Iowa Administrative Code.

The proposed amendments are intended to prevent a project from receiving brownfield or grayfield redevelopment tax credits more than once for the same site. These amendments define the conditions under which a project is deemed to be receiving tax credits for the same site more than once and thus deemed ineligible to receive tax credits.

Interested persons may submit written or oral comments on the proposed amendments on or before 4:30 p.m. on May 7, 2013. Comments may be submitted to Matt Rasmussen, Iowa Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)725-3126; e-mail matt.rasmussen@iowa.gov.

The Economic Development Authority Board approved these amendments at a Board meeting on March 22, 2013.

These amendments do not have any fiscal impact to the state of Iowa.

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

These amendments are intended to implement Iowa Code sections 15.291, 15.292, 15.293A and 15.293B.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions of “Affiliate” and “Previously remediated or redeveloped” in rule **261—65.2(15)**:

“*Affiliate*” or “*affiliated entity*” means any entity to which one or more of the following applies:

1. The entity directly, indirectly, or constructively controls another entity.
2. The entity is directly, indirectly or constructively controlled by another entity.
3. The entity is subject to the control of a common entity. A common entity is one which owns directly or individually more than 10 percent of the voting securities of the entity.

“*Previously remediated or redeveloped*” means any prior remediation or redevelopment at a brownfield or grayfield site, including development for which an application for or an award of brownfield or grayfield tax credits has been made.

ITEM 2. Amend rule **261—65.2(15)**, definition of “Qualifying redevelopment project,” as follows:

“*Qualifying redevelopment project*” means a brownfield or grayfield site being redeveloped or improved by the property owner. “Qualifying redevelopment project” does not include a previously remediated or redeveloped brownfield or grayfield site.

ITEM 3. Adopt the following **new** subrule 65.3(3):

65.3(3) *Phased projects ineligible for tax credits.* Tax credits for brownfield and grayfield redevelopment are only available for qualifying redevelopment projects. Because a qualifying redevelopment project does not include a previously remediated or redeveloped site, a project for subsequent redevelopment at the same site for which tax credits have already been awarded is not eligible for additional tax credits on redevelopment at that site. The authority and the council will determine whether a project constitutes subsequent redevelopment at the same site by considering the following factors:

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

- a. Whether the redevelopment described in multiple proposed projects is planned for a single parcel.
- b. Whether the redevelopment described in multiple proposed projects is planned for adjacent or contiguous parcels or parcels in very close physical proximity.
- c. Whether all involved parcels are owned by the same entity, different entities, or affiliated entities.
- d. Whether a proposed project is the result of the same planning process as another project.
- e. Whether the proposed projects are being developed by the same entity, different entities, or affiliated entities.
- f. Whether the development of one proposed project reflects a temporal connection to another proposed project.

ARC 0693C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 256B.3(16), the State Board of Education hereby proposes to amend Chapter 41, “Special Education,” Iowa Administrative Code.

In February 2013, the United States Department of Education amended its special education regulations related to access to Medicaid to pay for special education services. This amended federal regulation requires one-time consent and written notification for schools to access Medicaid or other public insurance benefits and annual notification thereafter. The proposed amendments to Chapter 41 make changes required to conform to this federal rule making.

An agencywide waiver provision is provided in 281—Chapter 4.

Two public hearings will be held. The first will be on May 15, 2013, from 1 to 2 p.m., and the second will be on May 22, 2013, from 1 to 2 p.m. Both hearings will be in the State Board Room on the second floor of the Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. All persons who intend to attend either of the public hearings and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295.

Any interested person may make written comments on the proposed amendments on or before 4:30 p.m. on May 22, 2013. Comments should be directed to Thomas A. Mayes, Attorney, Grimes State Office Building, Third Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146. Comments may be sent by fax to (515)242-5988 or submitted by e-mail to thomas.mayes@iowa.gov.

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

These amendments are intended to implement 34 CFR Section 300.154 as amended by 78 Federal Register 10525 (Feb. 14, 2013).

The following amendments are proposed.

ITEM 1. Amend paragraph **41.154(4)“a”** as follows:

a. *General.* A public agency may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under this chapter, as permitted under the public benefits or insurance program, except as provided in 41.154(4) “b-” through “d.”

ITEM 2. Amend paragraph **41.154(4)“b”** as follows:

b. *Exceptions to ability to use public benefits or insurance.* With regard to services required to provide FAPE to an eligible child under this chapter, the public agency:

EDUCATION DEPARTMENT[281](cont'd)

- (1) No change.
- (2) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or copay amount incurred in filing a claim for services provided pursuant to this chapter but, pursuant to 41.154(6) "b," may pay the cost that the parents otherwise would be required to pay; and
- (3) May not use a child's benefits under a public benefits or insurance program if that use would do any of the following:
 1. to 3. No change.
 4. Risk loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures; and.
- ~~(4) Must obtain parental consent, consistent with rule 281—41.9(256B,34CFR300), each time that access to public benefits or insurance is sought and notify parents that the parents' refusal to allow access to their public benefits or insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.~~

ITEM 3. Adopt the following new paragraphs **41.154(4)"c"** and **"d"**:

c. Consent requirements. Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with 41.154(4) "d," the public agency must obtain written parental consent that:

- (1) Meets the requirements of 34 CFR Section 99.30 and rule 281—41.622(256B,34CFR300), which consent must specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the disclosure (e.g., billing for services under this chapter), and the agency to which the disclosure may be made (e.g., the state's public benefits or insurance program (e.g., Medicaid)); and
- (2) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under this chapter.

d. Notification requirements. Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the public agency must provide written notification, consistent with 41.503(3), to the child's parents, that includes:

- (1) A statement of the parental consent provisions in paragraph 41.154(4) "c";
- (2) A statement of the "no cost" provisions in 41.154(4) "b";
- (3) A statement that the parents have the right under 34 CFR Part 99 and this chapter to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the state's public benefits or insurance program (e.g., Medicaid) at any time; and
- (4) A statement that the withdrawal of consent or refusal to provide consent under 34 CFR Part 99 and this chapter to disclose personally identifiable information to the agency responsible for the administration of the state's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

ARC 0694C

EDUCATION DEPARTMENT[281]**Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to adopt new Chapter 82, “Standards for School Administration Manager Programs,” Iowa Administrative Code.

This Notice proposes to establish rules which provide guidelines and standards for school administration manager programs in the state of Iowa. The proposed rules provide details for the establishment of programs and the authorization of individuals who have received school administration manager training. In addition, the rules provide clarity to the reauthorization of school administration manager programs.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed rules on or before May 7, 2013, at 4:30 p.m. Comments on the proposed rules should be directed to Mike Cormack, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3399; e-mail mike.cormack@iowa.gov; or fax (515)242-5988.

A public hearing will be held on May 7, 2013, from 11 a.m. to 12 noon at the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views in person or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

The Department intends that these proposed rules will become effective on July 31, 2013.

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

These rules are intended to implement Iowa Code sections 256.7(30)“b,” 272.1(12), and 272.31(3).

The following amendment is proposed.

Adopt the following **new** 281—Chapter 82:

CHAPTER 82

STANDARDS FOR SCHOOL ADMINISTRATION MANAGER PROGRAMS

281—82.1(272) Definitions.

“*Coach*” means a person who provides regularly scheduled coaching visits to SAM/administrator teams.

“*Department*” means the department of education.

“*Director*” means the director of the department of education.

“*Model 1 SAM*” means a person who is hired to be a full-time SAM and who is authorized to assume the responsibilities of a SAM.

“*Model 2 SAM*” means a person whose position in the school is reconfigured to include the responsibilities of being a SAM and who is authorized as a SAM.

“*Model 3 SAM*” means a person who is a secretary/administrative assistant and is also authorized as a SAM.

“*National SAM Innovation Project*” means the National SAM Innovation Project board and its governance of school administration managers.

EDUCATION DEPARTMENT[281](cont'd)

“*Organization*” means a professional organization offering an approved training program and support for SAMs.

“*SAM*” means school administration manager.

“*School administration manager*” means a person or persons who are authorized to assist a school administrator in performing noninstructional administrative duties.

“*School administration manager program*” means a program of SAM training and preparation that leads to authorization to practice as a school administration manager.

“*State board*” means the Iowa state board of education.

“*Trainer*” means a person with responsibility for providing approved training for school administration managers.

281—82.2(272) Organizations eligible to provide a school administration manager training program. Approved professional organizations engaged in the preparation and training of SAMs shall meet the standards contained in this chapter in order to obtain and maintain state board approval of the organizations’ training programs for SAMs. Any organization that seeks state board approval of its training program for SAMs shall file evidence of the extent to which its training and support meet the standards contained in this chapter. Such evidence shall be demonstrated by means of a written self-evaluation report and an evaluation conducted by the department. The evaluation shall be prepared using a template developed by the department. Only approved programs may recommend candidates for SAM authorization.

281—82.3(272) Approval of training programs. Approval by the state board of an organization’s training program shall be based on the recommendation of the director after study of the evidence about the program in terms of the standards contained in this chapter. The department will seek maximum flexibility in the design of systems allowed to meet the goals of this program. The department has the ability to designate existing school administration manager training programs as eligible to immediately engage in this work, subject to recertification in five years.

82.3(1) Approval, if granted, shall be for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

82.3(2) If approval is not granted, the applicant organization will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the organization shall be given the opportunity to present factual information concerning its program at a regularly scheduled meeting of the state board no later than three months following the board’s decision.

82.3(3) Programs may be granted conditional approval upon review of appropriate documentation. In such an instance, the program shall receive a full review after one year or, in the case of a new program, at the point at which candidates demonstrate mastery of standards for authorization.

82.3(4) The standards herein apply regardless of delivery mode of the training.

82.3(5) All programs in existence prior to [the effective date of these rules] shall be deemed sufficient and to meet program standards without having to submit an application for review. This provision does not preclude the department and state board from further review of any existing program or preclude the state board from terminating programs that do not meet program standards. Absent further review by the department or state board, these preexisting programs will need to be renewed five years after [the effective date of these rules], with the same seven-year program renewal process after that review.

281—82.4(272) Governance and resources standard. An organization’s governance structure and resources shall adequately support the training of SAMs to meet professional, state, and organizational standards in accordance with the following provisions.

82.4(1) A clearly understood governance structure provides training and support for SAMs.

82.4(2) An organization’s commitment to the program includes financial resources, facilities, appropriate educational materials, media services, and equipment to ensure the fulfillment of the organization’s and program’s missions and the delivery and support of a quality program.

EDUCATION DEPARTMENT[281](cont'd)

82.4(3) The organization provides sufficient trainers, coaches, and administrative, clerical, and technical staff to plan and deliver a quality school administration manager program.

82.4(4) Resources are available to support professional development opportunities for trainers of SAMs.

82.4(5) Resources are available to support technological and instructional needs to enhance trainer and authorized SAM learning.

281—82.5(272) Trainer and coach standard. Trainer and coach qualifications and performance shall facilitate the professional development of SAMs in accordance with the following provisions.

82.5(1) Trainers and coaches are adequately prepared for assigned responsibilities and have had experiences relative to the content they are teaching and in situations similar to those for which the SAMs are being prepared. Trainers and coaches have experience and adequate preparation in effective methods for any mode of program delivery in which the trainers and coaches are assigned responsibilities.

82.5(2) Trainers and coaches model best practices in instruction, including the assessment of the trainers' and coaches' own effectiveness as it relates to SAM performance.

82.5(3) Trainers and coaches are engaged in professional development that relates to SAMs.

82.5(4) Trainers and coaches collaborate regularly and in significant ways with colleagues in the organization, schools, the department, and the National SAM Innovation Project.

281—82.6(272) Assessment system and organization evaluation standard. An organization's assessment system shall monitor individual candidate performance and use the performance data in concert with other information to evaluate and improve the organization and its program. The actual annual evaluation of each SAM shall be performed by the administrator or the administrator's designee, and the evaluation shall be conducted in accordance with the standards set forth in rule 281—82.7(272).

82.6(1) Program assessment system.

a. The school administration manager program utilizes a clearly defined software system for the collection, analysis, and use of data.

b. The organization clearly documents SAMs' attainment of the program standards.

c. The organization documents the quality of its program through the collective presentation of data related to the performance of SAMs. Documentation shall include the following:

(1) Data collected throughout the program, including data from all models of SAMs.

(2) Evidence of data collected by the organization through follow-up surveys of schools that have a SAM.

82.6(2) Annual reports. The organization annually reports to the department data required by the state, as determined by the department.

82.6(3) Survey of SAM/administrator teams. The department periodically conducts a survey of schools or facilities that employ authorized SAMs to ensure that the schools' and facilities' needs are adequately met by the programs and the approval process herein.

281—82.7(272) School administration manager knowledge and skills standards and criteria. SAMs shall demonstrate the content knowledge and professional knowledge and skills in accordance with the following standards and supporting criteria.

82.7(1) Standard 1. Each SAM shall demonstrate an understanding of the instructional and management codes and how to best support the SAM's administrator in instructional leadership. If a SAM is also employed as a secretary or administrative assistant (Model 3 SAM), the SAM's job responsibilities shall be modified as established by the school district. The SAM shall:

a. Code specific times and events as primarily instruction or primarily management.

b. Use a collaborative process of reflective decision making to determine the most appropriate code for specific events within the calendar.

c. Assist in protecting the administrator's instructional time by handling or delegating on a first-responder basis the majority of management issues.

EDUCATION DEPARTMENT[281](cont'd)

d. Meet a minimum of three times per week with the administrator to pre-calendar and reconcile the administrator's calendar.

e. Regularly and consistently update the administrator on daily decisions, issues, and concerns.

82.7(2) Standard 2. SAMs shall attend an approved training program at the onset of their hire as SAMs. The training for SAMs and administrators shall include the following:

- a.* Background information on SAMs.
- b.* Understanding of the instructional and management descriptors.
- c.* Introduction and practice using approved time-tracking software.
- d.* First responders and delegation responsibilities.
- e.* Job responsibilities and variations.
- f.* Daily meeting protocols.
- g.* Training of office staff on communication with others.
- h.* Use of reflective questions.
- i.* Understanding of conflict resolution skills.
- j.* Action planning for building implementation and timelines.
- k.* SAM/administrator rubric process.

82.7(3) Standard 3. Each SAM shall demonstrate competence in technology appropriate to the SAM's position. The SAM will:

- a.* Become proficient in the use of the approved time-tracking software tool.
- b.* Schedule the administrator's time using the approved software, update and reconcile the calendar daily, and attempt to pre-calendar the administrator at or above the administrator's goal.
- c.* Regularly schedule time with the administrator to review and reflect on the graphs and data provided through the software.

82.7(4) Standard 4. Each SAM shall demonstrate appropriate personal skills. The SAM:

- a.* Is an effective communicator with all stakeholders, including but not limited to colleagues, community members, parents, and students.
- b.* Works effectively with employees, students, and other stakeholders.
- c.* Maintains confidentiality when dealing with student, parent, and staff issues.
- d.* Clearly understands the administrator's philosophy of behavior expectations and consequences.
- e.* Maintains an environment of mutual respect, rapport, and fairness.
- f.* Participates in and contributes to a school culture that focuses on change in teacher practices and improved student learning by supporting the administrator in the administrator's instructional leadership role.

82.7(5) Standard 5. Each SAM shall fulfill professional responsibilities as established by the SAM's school district. The SAM:

- a.* Addresses current and potential issues in a timely manner.
- b.* Manages facility resources responsibly, efficiently, and effectively.
- c.* Protects instructional time by designing and managing operational procedures to maximize building efficiencies.
- d.* Communicates effectively with both internal and external audiences.

82.7(6) Standard 6. Each SAM shall engage in professional growth that continuously improves the SAM's skills of professional inquiry and learning. The SAM:

- a.* Works collaboratively with the SAM's administrator to improve professional practice.
- b.* Applies research, knowledge, and skills acquired from formal and informal professional development opportunities to improve the SAM's skills as a SAM.
- c.* Participates in the decision-making process with the SAM's administrator, staff, and community.

281—82.8(272) Periodic reports. Upon request by the department, programs shall make periodic reports which shall include, but not be limited to, basic information necessary to maintain up-to-date data of the school administration manager program and to carry out research studies relating to SAMs.

EDUCATION DEPARTMENT[281](cont'd)

281—82.9(272) Reevaluation of school administration manager programs. Every seven years or sooner if deemed necessary by the director, an organization shall file a written self-evaluation of its school administration manager program. Any action for continued approval or denial of approval shall be approved by the state board.

281—82.10(272) Approval of program changes and flexibility of programs. Upon application by an organization, the director is authorized to approve minor additions to or changes within the organization's approved school administration manager program. When an organization proposes a revision that exceeds the primary scope of the organization's program, the revision shall become operative only after approval by the state board. Districts may have a variety of programs and job descriptions that meet the requirements of a legal school administration management system but must receive permission to make changes to those programs in the manner prescribed. The department will seek maximum flexibility in systems allowed to meet the goals of this program. Essential components of any approved school administration manager program shall include readiness, data collection of administrator time, ongoing training of the program administrator, use of time-tracking software and ongoing coaching for participants in the program.

281—82.11(272) Fees. The department shall have the ability to set and collect a fee sufficient to cover the costs of the program, pending approval by the state board. All fees collected pursuant to this rule shall only be used by the department for the purposes of this program and must be kept separately from other funds held.

These rules are intended to implement Iowa Code sections 256.7(30) "b," 272.1(12), and 272.31(3).

ARC 0691C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

The purpose of these amendments is to update administrative rules to decrease the average statewide cost of nursing facility services to a private-pay person. The figure is being revised to reflect the decrease in the cost of private-pay rates for nursing facility care in Iowa. The change is not related to rates paid by Medicaid for nursing facility care.

The figure is used to determine a period of ineligibility when an applicant or recipient transfers assets for less than fair market value. When assets are transferred to attain or maintain Medicaid eligibility, the individual is ineligible for Medicaid payment of long-term care services. The period of ineligibility is determined by dividing the amount transferred by the average statewide cost of nursing facility services to a private-pay person.

The Department conducted a survey of freestanding nursing facilities, hospital-based skilled facilities, and special population facilities in Iowa to update the average statewide cost for nursing facilities. The average private-pay cost of nursing facility services decreased from \$5,131.82 to \$5,057.65.

In addition, these amendments update administrative rules for the average private-pay charges for nursing facility care, which are used to determine the disposition of the income of a medical assistance income trust (MAIT). These amounts are not related to the rates paid by Medicaid for nursing facility care. For this purpose, the Department's survey for average statewide private-pay charges at nursing

HUMAN SERVICES DEPARTMENT[441](cont'd)

facility level of care included only the freestanding nursing facilities in Iowa. Hospital-based skilled facilities and special populations units were not included in the survey, since recipients are allowed to use the average cost of the specialized care.

This decrease in the average statewide private-pay charges at nursing facilities may result in fewer individuals who qualify for medical assistance with Miller trusts. However, very few, if any, individuals in nursing facilities will have monthly income between the old and new amounts.

The average statewide cost of care and maximum charge rates for other medical institutions are not addressed in this rule making because those average charges increased. The increase in those charges confers a benefit to recipients. Therefore, those changes are addressed in separate rule making (see **ARC 0690C** herein).

Any interested person may make written comments on the proposed amendments on or before May 7, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These rules do not contain waiver provisions because everyone should be subject to the same amounts set by this rule. Individuals may request an exception pursuant to the Department's general rule on exceptions to policy at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 75.23(3) as follows:

75.23(3) *Period of ineligibility.* The number of months of ineligibility shall be equal to the total cumulative uncompensated value of all assets transferred by the individual (or the individual's spouse) on or after the look-back date specified in subrule 75.23(2), divided by the statewide average private-pay rate for nursing facility services at the time of application. The department shall determine the average statewide cost to a private-pay resident for nursing facilities and update the cost annually. For the period from July 1, ~~2012~~ 2013, through June 30, ~~2013~~ 2014, this average statewide cost shall be ~~\$5,131.82~~ \$5,057.65 per month or ~~\$168.84~~ \$166.37 per day.

ITEM 2. Amend subparagraph **75.24(3)“b”(1)** as follows:

(1) The average statewide charge to a private-pay resident of a nursing facility is ~~\$4,762~~ \$4,642 per month.

ARC 0690C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The purpose of this amendment is to update administrative rules for the average charges for psychiatric medical institutions for children (PMIC) and mental health institutions (MHIs) and the maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICF/IDs), which are used to determine the disposition of the income of a medical assistance income trust (MAIT).

HUMAN SERVICES DEPARTMENT[441](cont'd)

The average charges for PMICs and MHIs are based on Medicaid rates because Medicaid is the primary payer of these services. The Iowa Department of Human Services provided the maximum charge for care in an ICF/ID.

- The average charge for care in a PMIC increased from \$5,472 per month to \$6,111 per month.
- The average charge for care in an MHI increased from \$18,546 per month to \$19,590 per month.
- The maximum Medicaid rate for ICF/ID increased from \$23,801 per month to \$25,922 per month.

The increases in these amounts will allow a few additional individuals to qualify for medical assistance with MAITs because it increases the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes.

Any interested person may make written comments on the proposed amendment on or before May 7, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These rules do not contain waiver provisions because they confer a benefit. Everyone should be subject to the same amounts set by this rule. Individuals may request an exception pursuant to the Department's general rule on exceptions to policy at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4.

The following amendment is proposed.

Amend paragraph **75.24(3)“b”** as follows:

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust), and the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code sections 633C.1 to 633C.5, the average statewide charges and Medicaid rates for the period from July 1, ~~2012~~ 2013, to June 30, ~~2013~~ 2014, shall be as follows:

- (1) No change.
- (2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$23,801~~ \$25,922 per month.
- (3) The average statewide charge to a resident of a mental health institute is ~~\$18,546~~ \$19,590 per month.
- (4) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$5,472~~ \$6,111 per month.
- (5) No change.

ARC 0692C

MEDICINE BOARD[653]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Board of Medicine hereby proposes to amend Chapter 21, “Physician Supervision of a Physician Assistant,” Iowa Administrative Code.

Chapter 21 defines a physician's ineligibility to supervise a physician assistant and sets forth duties and responsibilities for physician supervision of physician assistants. The proposed amendment updates Chapter 21 to be consistent with Iowa Code section 148C.3, subsection 2.

MEDICINE BOARD[653](cont'd)

The Board approved this Notice of Intended Action during a regularly scheduled meeting on March 8, 2013.

Any interested person may present written comments on the proposed amendment not later than 4:30 p.m. on May 14, 2013. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

There will be a public hearing on May 14, 2013, at 1 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

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

This amendment is intended to implement Iowa Code chapters 148, 148C and 272C.

The following amendment is proposed.

Amend subrule 21.4(2) as follows:

21.4(2) A physician supervises more than ~~two~~ five physician assistants at the same time.

ARC 0689C

SOIL CONSERVATION DIVISION[27]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 161A.71(3)“a,” the Division of Soil Conservation hereby gives Notice of Intended Action to amend Chapter 11, “Conservation Practices Revolving Loan Fund,” Iowa Administrative Code.

The proposed amendments conform the rules to statutory changes made in 2013 Iowa Acts, House File 458, effective July 1, 2013. The amendments remove the prohibition against funding a conservation practice by using both a conservation practices loan and cost share funds. The amendments also increase the maximum amount that can be loaned from \$10,000 to \$20,000.

Any interested persons may make written suggestions or comments on the proposed amendments on or before May 7, 2013. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

These proposed amendments are subject to the Division’s general waiver provisions.

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

These amendments are intended to implement 2013 Iowa Acts, House File 458, section 1.

The following amendments are proposed.

ITEM 1. Amend subrule 11.23(3) as follows:

11.23(3) *Use of the loan.* Loan funds shall be used only to pay the total eligible cost of installing permanent soil and water conservation practices listed in 27—subrule 10.82(2) of the Iowa financial incentive program for soil erosion control. District commissioners may designate which soil and water conservation practices will be eligible for loans in their district. The selected practices must be from the state-approved practices contained in rule 27—10.82(161A). The general conditions contained in rule 27—10.81(161A) and the specifications contained in rule 27—10.84(161A) shall apply to the district-designated practices. Revolving loan funds and public cost-sharing funds ~~shall not~~ may be used in combination for funding a particular soil and water conservation practice.

SOIL CONSERVATION DIVISION[27](cont'd)

ITEM 2. Amend subrules 11.27(2) and 11.27(3) as follows:

11.27(2) Maximum loan. The maximum loan that a landowner may receive in one year pursuant to this program shall not exceed ~~\$10,000~~ \$20,000.

11.27(3) Number of loans. There will be no limit to the number of loans an applicant can receive, except that an applicant shall be eligible for no more than ~~\$10,000~~ \$20,000 in loans outstanding at any time under this program. Each approved application will be handled as a new loan.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for April is 4.00%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective April 9, 2013, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .10%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 0687C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 21, "Community Colleges," Iowa Administrative Code.

The amendments modify award requirements by phasing out Associate of Science-Career Option programs over a three-year period and implementing an Associate of Professional Studies pilot. These amendments were developed through more than two years of discussion with college academic leaders.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 12, 2012, Iowa Administrative Bulletin as **ARC 0531C**. Public comments were allowed until 4:30 p.m. on January 4, 2013. A public hearing was held on that date; no person attended. No written or oral comments were received.

These amendments are identical to those published under Notice.

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

These amendments are intended to implement Iowa Code chapter 260C.

These amendments shall become effective on May 22, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 21.2(9) as follows:

21.2(9) Award requirements. The director shall approve all new credit certificate, diploma, and degree award programs in accordance with Iowa Code section 260C.14. Awards from a community college shall be certified by the issuance of appropriate recognition, pursuant to award approval requirement guidelines issued by the department, indicating the type of program the student has completed. The minimum number and maximum number of credit hours required for each award type contained within this subrule may be waived pursuant to paragraph 21.2(13) "i." Each award shall meet the expectations of statewide articulation agreements between Iowa community colleges and public universities.

a. No change.

b. *Associate of science (AS).* The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students to transfer and initiate upper-division work in baccalaureate programs ~~or prepare them for employment.~~ ~~An associate of science degree may also be awarded upon completion of a state-approved associate of science-career option (AS-CO) program of study that includes core technical coursework needed to complete a concentration in a specific field of study. The AS-CO program shall prepare students for entry-level careers and to complete requirements for transfer to a baccalaureate degree.~~ An associate of science degree awarded upon completion of an arts and sciences course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours. ~~An associate of science degree awarded upon completion of an AS-CO course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum number of credit hours stated in program guidelines issued by the department. An associate of science degree awarded upon completion of an AS-CO course of study shall not consist of more than 70 semester (117 quarter) credit hours without an approved waiver pursuant to paragraph 21.2(13) "i."~~

c. *Associate of general studies (AGS).* The degree is awarded upon completion of a an individualized course of study that is primarily designed for the acquisition of a broad educational background rather than the pursuit of a specific college major or professional/technical program. ~~‡~~ The AGS is intended as a flexible course of study and may include specific curriculum in lower division transfer, occupational education, or professional-technical education. It shall not include a marketed course of study. An associate of general studies degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

d. and e. No change.

EDUCATION DEPARTMENT[281](cont'd)

f. Associate of professional studies (APS) pilot. The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for transfer and upper division coursework in aligned baccalaureate programs or immediate entry into the workforce.

(1) Pilot awards shall be approved on a limited basis at the director's sole discretion. To be eligible to participate in the pilot, a college shall demonstrate that other award types cannot meet needs and the associate of professional studies award is appropriate. The department shall study the effectiveness of associate of professional studies programs with regard to transfer and employment success after five years and make recommendations to the state board of education regarding program parameters and continuation.

(2) Each state-approved associate of science-career option (AS-CO) program of study shall be phased out by the end of the 2015-2016 academic year. All existing AS-CO programs shall be modified to meet the parameters of allowable award types or shall be discontinued.

(3) An associate of professional studies degree shall consist of a minimum of 62 semester (93 quarter) credit hours and a maximum of 68 semester (102 quarter) credit hours. The general education component of the associate of professional studies degree shall consist of a minimum of 30 semester (45 quarter) credit hours of general education including 3 semester (4.5 quarter) credit hours of each of the following: speech, mathematics, humanities, social and behavioral sciences, science; 6 semester (9 quarter) credit hours of writing; and 9 semester (13.5 quarter) credit hours distributed among mathematics, social and behavioral sciences, humanities, and science. The technical specialty component of the associate of professional studies degree shall consist of a minimum of 16 semester (24 quarter) credit hours of career and technical coursework accepted by a receiving baccalaureate degree-granting institution with an aligned program as applying toward a specific major or program of study. The technical specialty component of the degree shall also consist of a minimum of 16 additional semester (24 quarter) credit hours of career and technical coursework accepted by the receiving institution as electives.

(4) An associate of professional studies degree program of study shall have a minimum of three program-to-program articulation agreements with baccalaureate degree-granting institutions, at least one of which must be a public institution. A program shall have a minimum of one articulation agreement effective prior to program implementation, provided all three agreements are effective within the program's first year of student enrollment. The agreements shall provide for the application of no fewer than 60 semester (90 quarter) credit hours toward the graduation requirements of each articulated baccalaureate degree program.

f. g. Diploma. The diploma is awarded upon completion of a state-approved program of study that is a coherent sequence of courses consisting of a minimum of 15 semester (22.5 quarter) credit hours and a maximum of 48 semester (72 quarter) credit hours including at least 3 semester (4.5 quarter) credit hours of general education. The general education component shall be from any of the following areas: communications, social science or humanities, and mathematics or science. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

g. h. Certificate. The certificate is awarded upon completion of a state-approved program of study that is designed for entry-level employment and shall consist of a maximum of 48 semester (72 quarter) credit hours. A certificate may be a component of and apply toward subsequent completion of a diploma or associate of applied science or associate of applied arts degree and may be developed in rapid response to the needs of business and industry. A certificate may consist of only career and technical courses and no general education course requirements.

ITEM 2. Amend subrule 21.2(13) as follows:

21.2(13) Career and technical program length.

a. Program length for the associate of applied science (AAS) degree in career and technical education, and for the associate of applied arts (AAA) degree, and for the associate of professional studies (APS) degree shall consist of an academic program not to exceed two academic years. All required course offerings are to be available within two academic years. All required offerings in AAS

EDUCATION DEPARTMENT[281](cont'd)

and AAA degree programs shall not exceed a maximum of 86 semester (129 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13)“i.” All required offerings in pilot APS degree programs shall not exceed a maximum of 68 credit hours. Programs shall not exceed an average of 19 credit hours per regular term.

b. All credit-bearing courses required for program admittance or graduation, or both, ~~must~~ shall be included in the ~~86 semester (129 quarter) program length~~ credit hour maximum, with the exception of developmental course credit hours. Prerequisites that provide an option to students for either credit or noncredit shall be counted toward the ~~program maximum of 86 semester (129 quarter) credit hours parameters.~~ Prerequisite options that are only offered for noncredit will shall not be counted toward the 86 semester (129 quarter) credit hour maximum program length parameters. A high school course prerequisite is permissible and shall not count toward program length parameters, provided the prerequisite is reasonable. A high school course prerequisite is reasonable if a community college demonstrates that students entering the program predominantly meet the requirement without prior college coursework.

c. No change.

d. ~~Program length for the state-approved associate of science degree shall consist of an academic program that includes core technical coursework needed to complete a concentration in a specific field of study. The associate of science career option program may prepare students for entry-level careers or allow students to complete requirements for a transfer to a baccalaureate degree. The associate of science career option program shall not exceed the credit hour limit stated in department guidelines. To facilitate the transfer of students enrolling in associate of science career option programs and awarded the associate of science transfer degree, each program shall have articulation agreements with baccalaureate degree programs meeting the articulation agreement requirements stated in department guidelines. The associate of science career option program shall under no circumstances exceed a maximum of 70 semester (117 quarter) credit hours unless the department has granted a waiver pursuant to paragraph 21.2(13)“i.” Associate of professional studies pilot programs shall not be eligible for a program-length waiver pursuant to paragraph 21.2(13)“i.”~~

e. to h. No change.

i. Waiver process. A college may petition the department to suspend in whole or in part a program-length requirement contained in paragraphs ~~21.2(12)“h” to “m”~~ 21.2(13)“a” to “e” as applied to a specific program on the basis of the particular circumstances of that program.

(1) to (4) No change.

[Filed 3/28/13, effective 5/22/13]

[Published 4/17/13]

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ARC 0688C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 32, “High School Equivalency Diploma,” Iowa Administrative Code.

This chapter provides standards and procedures for proper management and administration of a high school equivalency test. Changes in the single-source provider required changes in the administration of testing procedures. These amendments are designed to bring the rules in Chapter 32 into alignment with Iowa Code chapter 259A.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the December 12, 2012, Iowa Administrative Bulletin as **ARC 0510C**. Public comments were allowed until 4:30 p.m. on January 4, 2013. A public hearing was

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held on that date; no person attended. One written comment was received, which addressed problems with the underlying law on which rule 281—32.8(259A) is based, as opposed to the rule itself.

Nonsubstantive changes to improve clarity were made to the amendments in Items 1 and 3.

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

These amendments are intended to implement Iowa Code chapter 259A.

These amendments shall become effective on May 22, 2013.

The following amendments are adopted.

ITEM 1. Amend rule 281—32.1(259A) as follows:

281—32.1(259A) Test. ~~Applicants for The Iowa high school equivalency diplomas diploma shall satisfactorily complete the General Educational Development Tests published by the General Educational Development Testing Service of the American Council on Education, One Dupont Circle, Washington, D.C. 20036.~~ indicate the holder thereof has achieved the equivalent of a high school education as measured by scores obtained on the test(s) approved by the Iowa department of education to measure high school completion.

This rule is intended to implement Iowa Code section 259A.1.

ITEM 2. Amend rule 281—32.2(259A) as follows:

281—32.2(259A) By whom administered. ~~The General Educational Development Tests tests shall be administered in official testing centers authorized by the General Educational Development Testing Service, other agencies for whom scores are reported by the General Educational Development Testing Service, Defense Activities for Non-Traditional Education Support (DANTES), and other institutions and agencies upon special authorization of the Commission on Educational Credit and Credentials. Iowa department of education. Official testing centers shall be established with an accredited and approved institution.~~

This rule is intended to implement Iowa Code section 259A.2.

ITEM 3. Amend rule 281—32.3(259A) as follows:

281—32.3(259A) Minimum score. ~~Applicants shall make a minimum standard score of 410 on each test and an average standard score of 450 on all five of the General Educational Development Tests. must achieve the appropriate minimum standard scores as established by the Iowa department of education and in effect at the time the applicant tested.~~

ITEM 4. Amend rule 281—32.4(259A) as follows:

281—32.4(259A) Date of test. Effectiveness of test scores. ~~Test results dated prior to the date of application will be acceptable provided the tests were taken at an authorized center as specified in rule 32.2(259A). Test scores shall remain valid for a period of five years from the date of the first test. If the applicant has not received the Iowa high school equivalency diploma by then, the applicant must retake the expired test(s). The only exception is for test series expiring prior to the five years, in which case all prior tests are void.~~

This rule is intended to implement Iowa Code section 259A.1.

ITEM 5. Amend rule 281—32.5(259A) as follows:

281—32.5(259A) Retest. Any applicant not achieving the minimum standard test scores as defined in rule 281—32.3(259A), upon payment of a \$10 fee to cover only the testing costs, shall be permitted to make application for retest and scoring of the retest, provided that one of the following conditions is met:

32.5(1) A period of ~~six~~ three months from the date of original testing has elapsed.

32.5(2) Applicant shall complete instruction in an adult education program, in the area or areas to be retested. This instruction shall be certified by an official of the adult education program to the ~~chief~~

EDUCATION DEPARTMENT[281](cont'd)

~~or alternate examiner administering the retest(s). test administrator (state or local) authorized to release the retest earlier than three months.~~

This rule is intended to implement Iowa Code sections 259A.2 and 259A.5.

ITEM 6. Amend rule 281—32.6(259A) as follows:

281—32.6(259A) Application fee. The applicant or supporting agency shall pay an application fee of ~~\$25 to cover only actual testing costs. This fee shall be paid to the official Iowa General Educational Development Testing Agency and shall allow for initial testing and scoring of the initial testing of the eligible candidate with the five General Educational Development Tests.~~

This rule is intended to implement Iowa Code sections 259A.2 and 259A.5.

ITEM 7. Adopt the following **new** rule 281—32.8(259A):

281—32.8(259A) Admission to testing. No one under 16 years of age is allowed to test. Testing of 16-year-olds is restricted to these conditions: (a) resident of an Iowa juvenile institution; or (b) under the supervision of a probation office. To take the high school equivalency test, anyone 17 years of age or older who is not enrolled in a secondary school or who is not a high school graduate may be admitted to testing. The only requirements for admission for testing are proof of age and, for an applicant 17 or 18 years of age, consent of the applicant's parent or guardian and verification of nonenrolled status. The applicant cannot receive a diploma until the applicant has reached 18 years of age and the applicant's class from ninth grade has graduated.

This rule is intended to implement Iowa Code section 259A.2.

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ARC 0684C

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Adopted and Filed

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 1, "Administration," Chapter 4, "Engineering Licensure," and Chapter 5, "Land Surveying Licensure," Iowa Administrative Code.

The amendment to Chapter 1 reflects the upcoming transition to a computer-based testing format. The amendments to Chapter 4 and Chapter 5 reflect the new parameters of the examinations for licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 12, 2012, as **ARC 0530C**. A public hearing was held on Wednesday, January 2, 2013, from 9 to 11 a.m. at the offices of the Professional Licensing Bureau, 1920 SE Hulsizer Road, Ankeny, Iowa. No comments were received. No changes have been made to the adopted amendments.

These amendments were adopted by the Board on March 14, 2013.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact towards jobs.

These amendments are intended to implement Iowa Code section 542B.2.

These amendments will become effective on May 22, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition in rule **193C—1.2(542B)**:

"Written," when used to describe an examination, shall mean a computer-based format.

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C](cont'd)

ITEM 2. Amend paragraphs 4.1(8)“a” and “b” as follows:

a. *Fundamentals of Engineering examination (fundamentals examination).* The Fundamentals of Engineering examination is a written, ~~eight-hour~~ examination covering general engineering principles and other subjects commonly taught in accredited engineering programs.

b. *Principles and Practice of Engineering examination (professional examination).* The Principles and Practice of Engineering examination is a written, ~~8-hour~~ examination designed to determine proficiency and qualification to engage in the practice of professional engineering only in a specific branch. The Principles and Practice of Engineering ~~16-hour~~ two-module Structural examination is a written, ~~16-hour~~ examination designed to determine proficiency and qualification to engage in the practice of structural engineering. A separate examination shall be required for each branch in which licensure is granted. An applicant may obtain a Structural branch license by passing either the Principles and Practice of Engineering Civil (Structural) examination or the Principles and Practice of Engineering ~~16-hour~~ two-module Structural examination.

ITEM 3. Amend paragraph 5.1(8)“a” as follows:

a. *Fundamentals examination.* The Fundamentals of Land Surveying examination is a written, ~~eight-hour~~ examination covering general surveying principles.

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[Published 4/17/13]

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ARC 0685C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby amends Chapter 71, “Administration of the Conveyance Safety Program,” Iowa Administrative Code.

These amendments remove obsolete language regarding construction personnel hoists and rescind a rule pertaining to the modernization of certain elevators. The modernization rule requires that if a project would replace more than 50 percent of an elevator, the entire elevator must be brought into compliance with current codes. The fee for alteration permits is now tied to the 50-percent rule. The changes rescind the 50-percent rule, substitute a flat fee for alteration permits, and make conforming amendments.

The purposes of these amendments are to protect the health and safety of the public and implement legislative intent.

Notice of Intended Action was published in the February 6, 2013, Iowa Administrative Bulletin as **ARC 0597C**. No public comment was received on the proposed amendments. These amendments are identical to those that were published under Notice of Intended Action.

No variance procedures are included in this rule. Applicable variance procedures are set forth in 875—Chapter 66.

After analysis and review of this rule making, these amendments could have a positive impact on jobs. This rule making is a common-sense approach that promotes safety and removes unnecessary, burdensome regulation on small businesses. Small businesses and building owners who want to update their elevators now have an incentive to update and modernize their elevators to the greatest potential without being subject to overregulation. The current rule creates a disincentive for businesses to update their elevators more than 50 percent. Now building owners can update their elevators as much as they want, which will be both an incentive to Iowa businesses and a safety benefit to Iowans.

These amendments are intended to implement Iowa Code chapter 89A.

These amendments shall become effective on May 22, 2013.

The following amendments are adopted.

LABOR SERVICES DIVISION[875](cont'd)

ITEM 1. Rescind the definition of "Major alteration" in rule ~~875—71.1(89A)~~.

ITEM 2. Amend subrule 71.7(5) as follows:

~~71.7(5)~~ An operating permit is automatically suspended when ~~construction is initiated to alter less than or equal to 50 percent of an elevator as calculated pursuant to rule 875—71.9(89A)~~ an alteration begins. The operating permit automatically resumes when the elevator passes an inspection pursuant to rule 875—71.11(89A).

ITEM 3. Rescind subrule ~~71.7(6)~~.

ITEM 4. Renumber subrules ~~71.7(7)~~ and ~~71.7(8)~~ as ~~71.7(6)~~ and ~~71.7(7)~~.

ITEM 5. Amend subrule 71.9(5) as follows:

~~71.9(5)~~ If a complete installation permit application was submitted for a CPH pursuant to subrule 71.5(3), at least seven days' advance notice of each CPH jump shall be provided to the labor commissioner. ~~For a CPH installed without an installation permit prior to July 1, 2008, a completed alteration permit application shall be submitted to the labor commissioner at least seven days before each CPH jump.~~

ITEM 6. Rescind rule 875—71.10(89A) and adopt the following new rule in lieu thereof:

875—71.10(89A) Alterations.

71.10(1) Alterations or changes shall comply with rule 875—72.13(89A) or rule 875—73.8(89A), as applicable.

71.10(2) A conveyance that is relocated shall be brought into compliance with all codes that are applicable at the time of relocation.

71.10(3) With the exception of replacing brushes on or adding brushes to escalators, all alterations of conveyances other than elevators shall require that the entire conveyance be brought into compliance with the current code.

ITEM 7. Amend subrule 71.11(1) as follows:

71.11(1) *Scope of inspections.*

a. Comprehensive. Periodic inspections shall be comprehensive. ~~Conveyances subjected to major alterations, elevators~~ Elevators being transferred from construction permits to operating permits, previously dormant conveyances being returned to service, relocated conveyances, and new conveyances shall be inspected in their entirety prior to operation.

b. Limited. The scope of an inspection after an alteration ~~other than a major alteration~~ shall be determined by rule 875—72.13(89A) or 875—73.8(89A), as applicable. However, if the inspector notices a safety hazard in plain view outside the altered components, or if the periodic inspection is due, the entire conveyance shall be inspected.

ITEM 8. Rescind subrule 71.16(4) and adopt the following new subrule in lieu thereof:

71.16(4) *Alteration permits.*

a. The fee for an elevator alteration permit shall be \$500 and shall cover the initial print review, alteration permit, and initial inspection.

b. The fee for each CPH extension shall be \$150. The total fee required for all planned CPH extensions shall be submitted with the installation permit application pursuant to subrule 71.5(3).

c. For all conveyances other than elevators, the fees for new installations shall apply to alterations.

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