



# IOWA ADMINISTRATIVE BULLETIN

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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

Telephone: (515)281-3355

Fax: (515)281-5534

### 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 2015

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
<b>*Dec. 17 '14*</b>	Jan. 7 '15	Jan. 27 '15	Feb. 11 '15	Feb. 13 '15	Mar. 4 '15	Apr. 8 '15	July 6 '15
Jan. 2	Jan. 21	Feb. 10	Feb. 25	Feb. 27	Mar. 18	Apr. 22	July 20
Jan. 16	Feb. 4	Feb. 24	Mar. 11	Mar. 13	Apr. 1	May 6	Aug. 3
Jan. 30	Feb. 18	Mar. 10	Mar. 25	Mar. 27	Apr. 15	May 20	Aug. 17
Feb. 13	Mar. 4	Mar. 24	Apr. 8	Apr. 10	Apr. 29	June 3	Aug. 31
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Apr. 10	Apr. 29	May 19	June 3	June 5	June 24	July 29	Oct. 26
Apr. 24	May 13	June 2	June 17	June 19	July 8	Aug. 12	Nov. 9
May 8	May 27	June 16	July 1	<b>***July 1***</b>	July 22	Aug. 26	Nov. 23
<b>***May 20***</b>	June 10	June 30	July 15	July 17	Aug. 5	Sep. 9	Dec. 7
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<b>***July 1***</b>	July 22	Aug. 11	Aug. 26	<b>***Aug. 26***</b>	Sep. 16	Oct. 21	Jan. 18 '16
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### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
1	Friday, June 19, 2015	July 8, 2015
2	Wednesday, July 1, 2015	July 22, 2015
3	Friday, July 17, 2015	August 5, 2015

**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\*\*\***

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Storage and handling of anhydrous ammonia, 43.6 IAB 5/27/15 <b>ARC 1998C</b>	Second Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 18, 2015 1 p.m.
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**EDUCATIONAL EXAMINERS BOARD[282]**

Issuance of renewal units for licensees serving as cooperating teachers, 20.5, 20.6 IAB 6/10/15 <b>ARC 2025C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2015 1 p.m.
One-year, nonrenewable extension of authorization, 22.11 IAB 6/10/15 <b>ARC 2024C</b>	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2015 1 p.m.

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Federal occupational safety and health standards related to confined spaces in the construction industry—adoption by reference, 26.1 IAB 6/10/15 <b>ARC 2023C</b>	Capitol View Room Workforce Development 1000 E. Grand Ave. Des Moines, Iowa	July 1, 2015 10 a.m. (If requested)
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**NATURAL RESOURCE COMMISSION[571]**

Waterfowl and coot hunting—season dates, 91.1, 91.3, 91.6 IAB 6/10/15 <b>ARC 2033C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.
Common snipe, Virginia rail and sora, woodcock, ruffed grouse and dove hunting—possession limits, 97.1 to 97.3, 97.6 IAB 6/10/15 <b>ARC 2032C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.
Deer hunting by residents—quotas, permitted broadhead, certification of disability, 106.6(6), 106.7(3), 106.10(1) IAB 6/10/15 <b>ARC 2031C</b>	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	June 30, 2015 2 p.m.

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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## ADMINISTRATIVE SERVICES DEPARTMENT

### Public Notice

#### NOTICE OF OFFICIAL PUBLICATION RATE INCREASE FOR THE FISCAL YEAR COMMENCING JULY 1, 2015, AND ENDING JUNE 30, 2016

In accordance with Iowa Code section 618.11, the Iowa Department of Administrative Services Director hereby publishes the lineage rate\* for newspaper publications of any order, citation, or other publication required or allowed by law (also known as official publications) for the period commencing on July 1, 2015, and ending on June 30, 2016, in the following amounts:

\* Lineage rate: "...each line of eight point type two inches in length, or its equivalent." (Iowa Code section 618.11)

One insertion = 46.4 cents  
Each subsequent insertion = 31.29 cents

The rate becomes effective on July 1, 2015. The rate was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers decreased -0.1% from March 2014 to March 2015. The March index was the most recent index available as of May 20, 2015, the date on which this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, this notice is exempt from the rule-making process in Iowa Code chapter 17A.

Questions with respect to this notice may be directed to:

Matthew Behrens, OCIO Deputy Chief Operating Officer  
Office of the Chief Information Officer  
1305 E. Walnut  
Des Moines, Iowa 50319  
Telephone: (515)281-0768  
E-mail: [Matt.Behrens@iowa.gov](mailto:Matt.Behrens@iowa.gov)

## ARC 2034C

### AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

#### 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 99D.22(5), 190.2, 192.102 and 192.112, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 62, “Registration of Iowa-Foaled Horses and Iowa-Whelped Dogs,” and Chapter 68, “Dairy,” Iowa Administrative Code.

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

The proposed amendments conform the rules to recent legislation by eliminating a 1985 date used to qualify horses and dogs for the "Iowa bred" program. The amendments also adopt by reference the most recent dairy inspection manuals.

Any interested persons may make written suggestions or comments on the proposed amendments on or before June 30, 2015. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

The proposed amendments are subject to the Department'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 2015 Iowa Acts, House File 634.

The following amendments are proposed.

ITEM 1. Amend subrules 62.15(1) and 62.15(2) as follows:

**62.15(1)** All thoroughbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the Jockey Club as Iowa foaled, shall be considered to be Iowa foaled.

**62.15(2)** ~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following ~~rules~~:

*a.* Thirty days' residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

*b.* Thirty days' residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

*c.* Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~*d.* Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 2. Amend rule 21—62.16(99D), introductory paragraphs, as follows:

**21—62.16(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

1. All thoroughbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the Jockey Club as Iowa foaled shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 3. Amend subrules 62.25(1) and 62.25(2) as follows:

**62.25(1)** All standardbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the U.S. Trotting Association as Iowa foaled, shall be considered to be Iowa foaled.

**62.25(2)** ~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following ~~rules~~:

*a.* Thirty days' residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

*b.* Thirty days' residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

*c.* Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~*d.* Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 4. Amend rule 21—62.26(99D), introductory paragraphs, as follows:

**21—62.26(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

1. All standardbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the U.S. Trotting Association as Iowa foaled, shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 5. Amend subrules 62.35(1) and 62.35(2) as follows:

**62.35(1)** All quarter horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the American Quarter Horse Association as Iowa foaled, shall be considered to be Iowa foaled.

**62.35(2)** ~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following ~~rules~~:

a. Thirty days' residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

b. Thirty days' residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~d. Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 6. Amend rule 21—62.36(99D), introductory paragraphs, as follows:

**21—62.36(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

1. All quarter horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the American Quarter Horse Association as Iowa foaled, shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 7. Amend subrule 62.41(2) as follows:

**62.41(2)** All greyhound litters meeting the qualifications to be Iowa-whelped, ~~which were whelped in a qualified kennel prior to January 1, 1985~~, are eligible to be registered, and a pup of such litter is eligible to race as an Iowa-whelped dog. If it is determined that the breeder's kennel is not qualified, the litter will not be registered and approved until the kennel has complied with animal welfare laws and regulations. The "Certified Iowa-whelped" designation will begin on the date of approval and shall not be retroactive.

~~Individual dogs whelped prior to January 1, 1985, if sold to an owner currently in compliance with animal welfare laws and regulations, may receive the "Certified Iowa-whelped" designation for owner supplements only.~~

ITEM 8. Amend rule 21—**68.1(192,194)**, definition of "P.M.O.," as follows:

"P.M.O." means the Grade A Pasteurized Milk Ordinance, ~~2009~~ 2015 Revisions, from the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 9. Amend rule 21—68.5(190,192,194), introductory paragraph, as follows:

**21—68.5(190,192,194) Milk tests.** The department recognizes approved methods of testing milk or cream for milk fat and other dairy products as specified in Standard Methods for the Examination of Dairy Products (~~16th~~ 17th Edition). That publication is hereby incorporated into this rule by this reference and made part thereof insofar as applicable, and a copy ~~of which~~ is on file with the department.

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

ITEM 10. Amend rule 21—68.6(190,192,194) as follows:

**21—68.6(190,192,194) Test bottles.** Test bottles and pipettes as approved by the Standard Methods for the Examination of Dairy Products, ~~16th~~ 17th Edition, are approved for universal use in Iowa. All test bottles should be graduated to the half point.

This rule is intended to implement Iowa Code chapters 192 and 194.

ITEM 11. Amend subrule 68.11(1) as follows:

**68.11(1) Grade A and Grade B farm permit suspension and revocation.** The department may temporarily suspend a Grade A or Grade B farm permit if the dairy farm fails to meet all the requirements as set forth in the P.M.O. or the Grade B United States Department of Agriculture document titled, “Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements,” effective ~~September 1, 2005~~ July 21, 2011. A Grade A farm under temporary suspension of the Grade A permit may sell the milk as “milk for manufacturing purposes” until reinstated as a Grade A farm if the former Grade A farm meets the requirements necessary to sell Grade B milk. A Grade B farm under temporary suspension of the Grade B permit may sell milk as “Undergrade Class 3” until reinstated as a Grade B farm if the former Grade B farm meets the requirements of Undergrade Class 3. If an inspection reveals a violation which, in the opinion of the inspector, is an imminent hazard to the public health, the inspector shall take immediate action to prevent any milk believed to have been exposed to the hazard from entering commerce. In addition, the inspector shall immediately notify the department that such action has been taken. In other cases, if there is a repeat violation of a dairy standard as determined by two consecutive routine inspections of a dairy farm, the inspector shall immediately refer the violation to the department for action. The department may revoke the dairy permit of a person that the department determines is a habitual violator as defined in rule 21—68.1(192,194).

ITEM 12. Amend rule 21—68.13(192,194) as follows:

**21—68.13(192,194) Public health service requirements.**

**68.13(1) Certification.** A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,” ~~2009~~ 2013 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, ~~and a copy of which is on file with the department.~~

**68.13(2) Documents.** The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

1. “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,” ~~2009~~ 2013 Revision.

2. “Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products,” as incorporated in the P.M.O., Appendix J.

~~3. “Grade A Condensed and Dry Milk Products and Condensed and Dry Whey,” Supplement I to the Grade A Pasteurized Milk Ordinance, 2009 Recommendations.~~

4. 3. “Evaluation of Milk Laboratories,” ~~2009~~ 2011 Revision.

This rule is intended to implement Iowa Code chapter 192.

ITEM 13. Amend rule 21—68.14(190,192,194,195) as follows:

**21—68.14(190,192,194,195) Laboratories.** Evaluation of methods and reporting of results for approval of a laboratory shall be based on procedures and tests contained in “Standard Methods for the Examination of Dairy Products, ~~16th~~ 17th Edition, ~~1992~~ 2004,” and “Methods of Analysis of the Association of Official Analytical Chemists, ~~15th~~ 18th Edition, ~~1990~~ 2005.” These publications are hereby incorporated into this rule by this reference and made a part thereof insofar as applicable; a copy of each ~~being~~ is on file with the department. The health authority shall accept, without the imposition of a fee for testing or inspection, supplies of milk and milk products from an area or an individual

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

shipper not under routine inspection provided they are delivered in closed and date-coded containers; provided further that if the code date has expired, reasonable inspection testing fees may be assessed the processor or establishment having care, custody and control of the milk and milk products.

This rule is intended to implement Iowa Code chapter 192.

ITEM 14. Amend rule 21—68.15(192,194) as follows:

**21—68.15(192,194) Milk standards.** Standards for the production and processing of milk for manufacturing purposes shall conform to standards contained in the USDA document entitled “Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements,” dated ~~September 1, 2005~~ July 21, 2011, which is hereby incorporated into this rule by reference and made a part thereof insofar as applicable, and a copy of which is on file with the department.

ITEM 15. Amend rule 21—68.27(192,194) as follows:

**21—68.27(192,194) Standards for performing farm inspections.** The ~~August 1, 1976~~ October 1, 2009, manual prepared by USDA/AMS, Dairy Division, titled “General Instructions for Performing Farm Inspections According to USDA Recommended Requirements for Manufacturing Purposes and Its Production and Processing for Adoption by State Regulatory Agencies,” is adopted in its entirety; and shall constitute the official standards for farms producing milk for manufacturing, with the following exception:

Strike from Rule 1c, Brucellosis Test, the words “Uniform Methods and Rules” for establishing and maintaining Certified Brucellosis Free Herds of Cattle, Modified Certified Brucellosis Area and Certified Brucellosis Free Areas which are approved by Animal Disease Eradication Division, Agricultural Research Service...”, and insert in lieu thereof, “Brucellosis Eradication, Uniform Methods and Rules, effective February 1, 1998”. The bacteriological standards for private water supplies used by dairy farms consist of an MPN (Most Probable Number of Coliform Organisms) of less than 2.2/100 ml by the multiple tube fermentation technique, or less than 1/100 ml by the membrane filter technique, or the results of any water test approved by the United States Food and Drug Administration or Environmental Protection Agency of less than 1/100 ml.

ITEM 16. Amend rule 21—68.42(192) as follows:

**21—68.42(192) Bulk milk tanker construction.** A bulk milk tanker, including equipment and accessories, shall be of a sanitary design and construction and shall comply with “3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service,” Number 05-14 B-05-15-A (~~November 1, 1989~~ April 14, 2015), published jointly by the International Association of Milk, Food and Environmental Sanitarians, Inc. and the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services.

ITEM 17. Rescind and reserve subrule **68.70(1)**.

**ARC 2025C**

## EDUCATIONAL EXAMINERS BOARD[282]

### 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 272.2(1)“a,” the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 20, “Renewals,” Iowa Administrative Code.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The Board of Educational Examiners, in collaboration with the Iowa Association of Colleges for Teacher Education, proposes to revise the current system of earning a renewal unit for serving as a cooperating teacher. The proposed amendments strike the current language related to renewal units for cooperating teachers. In the future, renewal units will be awarded by the supervising institution pursuant to a new agreement between teacher preparation programs and the Board. A cooperating teacher will still be able to earn renewal units for serving as a cooperating teacher, but following adoption of these amendments, colleges will issue the units directly.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, July 3, 2015. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to [kim.cunningham@iowa.gov](mailto:kim.cunningham@iowa.gov), or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, July 1, 2015, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

The following amendments are proposed.

ITEM 1. Amend rule 282—20.5(272) as follows:

**282—20.5(272) Specific renewal requirements for the standard license.**

**20.5(1)** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

**20.5(2)** Six units are needed for renewal. These units may be earned in any combination listed as follows:

*a.* One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned master’s, specialist’s, or doctor’s degree program.

*b.* One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

*c.* One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an endorsement not currently held.

*d.* One unit may be earned upon completion of each licensure renewal course or activity approved through guidelines established by the board of educational examiners.

*e.* Four units may be earned for successful completion of the National Board for Professional Teaching Standards certification. This certification may be used one time for either the standard or the master educator license.

~~*f.* One unit may be earned upon successful acquisition of three points from the following activities:~~

~~(1) Mentoring a full semester student teacher (12 or more weeks) is worth two points.~~

~~(2) Mentoring a half semester student teacher (less than 12 weeks) is worth one point.~~

~~(3) Mentoring a practicum student or practicum students (early field experience) equivalent to 60 contact hours (hours may be accrued over several semesters) is worth one point.~~

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~(4) Attending (from start to finish) a cooperating teachers' workshop in conjunction with mentoring a student teacher or practicum student is worth one point.~~

~~(5) Serving as a multiyear member of a teacher education program's advisory committee is worth one point.~~

ITEM 2. Amend rule 282—20.6(272) as follows:

**282—20.6(272) Specific renewal requirements for a master educator license.**

**20.6(1)** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

**20.6(2)** Four units are needed for renewal. These units may be earned in any combination listed below:

*a.* One unit may be earned for each semester hour of graduate credit, completed from a regionally accredited institution, which leads toward the completion of a planned master's, specialist's, or doctor's degree program.

*b.* One unit may be earned for each semester hour of graduate or undergraduate credit, completed from a regionally accredited institution, which may not lead to a degree but which adds greater depth/breadth to present endorsements held.

*c.* One unit may be earned for each semester hour of credit, completed from a regionally accredited institution, which may not lead to a degree but which leads to completion of requirements for an endorsement not currently held.

*d.* One unit may be earned upon completion of each licensure renewal course or activity approved through guidelines established by the board of educational examiners.

*e.* Four units may be earned upon successful completion of the National Board for Professional Teaching Standards certification. This certification may be used one time for either the standard or the master educator license.

~~*f.* One unit may be earned upon successful acquisition of three points from the following activities:~~

~~(1) Mentoring a full semester student teacher (12 or more weeks) is worth two points.~~

~~(2) Mentoring a half semester student teacher (less than 12 weeks) is worth one point.~~

~~(3) Mentoring a practicum student or practicum students (early field experience) equivalent to 60 contact hours (hours may be accrued over several semesters) is worth one point.~~

~~(4) Attending (from start to finish) a cooperating teachers' workshop in conjunction with mentoring a student teacher or practicum student is worth one point.~~

~~(5) Serving as a multiyear member of a teacher education program's advisory committee is worth one point.~~

**ARC 2024C**

**EDUCATIONAL EXAMINERS BOARD[282]**

**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 272.31, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

The proposed new rule would allow the holder of an authorization issued by the Board of Educational Examiners to receive a one-year, nonrenewable extension of that authorization with the approval of the employer's superintendent or designee. This extension would be available for persons who have not completed all of the authorization renewal requirements due to unique or extenuating circumstances. The

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

Board's rules provide this option for holders of other types of certification, including teacher licenses and administrator licenses.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, July 3, 2015. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to [kim.cunningham@iowa.gov](mailto:kim.cunningham@iowa.gov), or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, July 1, 2015, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

This amendment is subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.31.

The following amendment is proposed.

Adopt the following **new** rule 282—22.11(272):

**282—22.11(272) Extension.** For authorizations established in this chapter, a one-year extension may be issued if the applicant does not meet the requirements for authorization conversion or renewal. The applicant shall secure the signature of the superintendent or designee of the applicant's employer and shall submit all required materials before the extension will be issued. This one-year extension is nonrenewable.

This rule is intended to implement Iowa Code section 272.31.

**ARC 2023C****LABOR SERVICES DIVISION[875]****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 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

The U.S. Department of Labor, Occupational Safety and Health Administration, promulgated a new standard concerning confined spaces in the construction industry. The Iowa Labor Commissioner must adopt the federal standards by reference.

Confined spaces present a wide range of atmospheric and physical hazards to workers. A comprehensive standard for confined spaces in general industry has existed since 1993, while workers in the construction industry have been protected only by a training requirement. The new standard for the construction industry is similar to the general industry standard but also recognizes hazards specific to construction and new technologies.

## LABOR SERVICES DIVISION[875](cont'd)

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa's regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

If requested in accordance with Iowa Code section 17A.4(1)"b" by the close of business on June 30, 2015, a public hearing will be held on July 1, 2015, at 10 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than July 1, 2015, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, jobs could be impacted. However, this amendment is implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

This amendment is intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

The following amendment is proposed.

Amend rule **875—26.1(88)** by inserting the following at the end thereof:  
80 Fed. Reg. 25518 (May 4, 2015)

**ARC 2033C****NATURAL RESOURCE COMMISSION[571]****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 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

Chapter 91 contains the regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments adjust the season dates to comply with the 2015-2016 federal regulations as anticipated by the Department of Natural Resources, based on meetings with the U.S. Fish and Wildlife Service (USFWS) this year at the Mississippi Flyway Council. The final USFWS regulations are not published until July, yet the season begins in September. Therefore, the Department is obligated to begin the rule-making process before the final parameters have been set. The proposed amendments also ensure that the seasons open on weekends and include a special September teal season allowing 16 days of additional hunting for all species of teal. The additional season will not adversely impact teal numbers and will allow Iowa hunters 16 more days of recreational hunting opportunity during the peak migration period for teal. The zones and season dates provide different opening and closing dates for the duck season in each zone.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 30, 2015. Written comments may be directed to the Dale Garner, Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa

## NATURAL RESOURCE COMMISSION[571](cont'd)

50319-0034; by e-mail to [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax to (515)725-8202. Persons who wish to convey their comments orally may contact the Department's Wildlife Bureau at (515)725-8200 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 30, 2015, at 2 p.m. in the third floor conference room of the Wallace State Office Building, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and request specific accommodations.

After analysis and review of this rule making, there will be not be an impact on jobs in the state since the changes only adjust for calendar date changes.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48. The following amendments are proposed.

ITEM 1. Amend subrules 91.1(2) to 91.1(4) as follows:

**91.1(2) Season dates - north zone.** Special September teal season: September ~~6~~ 5 through September ~~24~~ 20. For all ducks: October ~~4~~ 3 through October ~~19~~ 18 and October ~~25~~ 24 through December ~~7~~ 6.

**91.1(3) Season dates - south zone.** Special September teal season: September ~~6~~ 5 through September ~~24~~ 20. For all ducks: October ~~4~~ 3 through October ~~8~~ 7 and October ~~18~~ 17 through December ~~11~~ 10.

**91.1(4) Season dates - Missouri River zone.** Special September teal season: September ~~6~~ 5 through September ~~24~~ 20. For all ducks: October ~~4~~ 3 through October ~~8~~ 7 and October ~~25~~ 24 through December ~~18~~ 17.

ITEM 2. Amend subrules 91.3(2) to 91.3(4) and 91.3(8) to 91.3(11) as follows:

**91.3(2) Season dates - north zone.** Canada geese and brant: September ~~27~~ 26 through January ~~2,~~ 1, ~~2015,~~ 2016. White-fronted geese: September ~~27~~ 26 through December ~~9~~ 8. Light geese (white and blue-phase snow geese and Ross' geese): September ~~27~~ 26 through January ~~11,~~ 10, ~~2015,~~ 2016.

**91.3(3) Season dates - south zone.** Canada geese and brant: October ~~4~~ 3 through January ~~9,~~ 8, ~~2015,~~ 2016. White-fronted geese: October ~~4~~ 3 through December ~~16~~ 15. Light geese (white and blue-phase snow geese and Ross' geese): October ~~4~~ 3 through January ~~16,~~ 15, ~~2015,~~ 2016.

**91.3(4) Season dates - Missouri River zone.** Canada geese and brant: October ~~11~~ 10 through January ~~16,~~ 15, ~~2015,~~ 2016. White-fronted geese: October ~~11~~ 10 through December ~~23~~ 22. Light geese (white and blue-phase snow geese and Ross' geese): October ~~11~~ 10 through January ~~16,~~ 15, ~~2015,~~ 2016.

**91.3(8) Light goose conservation order season.** Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~17,~~ 16, ~~2015,~~ 2016, through April 15, ~~2015~~ 2016.

a. to e. No change.

**91.3(9) Cedar Rapids/Iowa City goose hunting zone.**

a. Season dates. September ~~6~~ 5 through September ~~14~~ 13.

b. to d. No change.

**91.3(10) Des Moines goose hunting zone.**

a. Season dates. September ~~6~~ 5 through September ~~14~~ 13.

b. to d. No change.

**91.3(11) Cedar Falls/Waterloo goose hunting zone.**

a. Season dates. September ~~6~~ 5 through September ~~14~~ 13.

b. to d. No change.

ITEM 3. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held on September ~~26~~ 26 and ~~27~~ 27 and ~~28~~ in the north duck hunting zone, October ~~10~~ 10 and ~~11~~ 11 and ~~12~~ in the south duck hunting zone, and October ~~17~~ 17 and ~~18~~ 18 and ~~19~~ in the Missouri River duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be

## NATURAL RESOURCE COMMISSION[571](cont'd)

accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

**ARC 2032C****NATURAL RESOURCE COMMISSION[571]****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 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 97, “Common Snipe, Virginia Rail and Sora, Woodcock, Ruffed Grouse and Dove Hunting Seasons,” Iowa Administrative Code.

Chapter 97 contains the season dates, bag limits, possession limits, shooting hours, and areas open to hunting for the above-listed species. The proposed amendment increases the possession limits for common snipe, Virginia rail and sora, woodcock and doves to comply with the 2015-2016 federal regulations on possession limits for these species as anticipated by the Department of Natural Resources, based upon meetings with the U.S. Fish and Wildlife Service (USFWS) this year at the Mississippi Flyway Council. The final USFWS regulations are not published until July, yet the season begins in September. Therefore, the Department is obligated to begin the rule-making process before the final parameters have been set.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 30, 2015. Written comments may be directed to Dale Garner, Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by e-mail to [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax to (515)725-8202. Persons who wish to convey their comments orally may contact the Department’s Wildlife Bureau at (515)725-8200 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 30, 2015, at 2 p.m. in the third floor conference room of the Wallace State Office Building, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and request specific accommodations.

After analysis and review of this rule making, there will not be an impact on jobs in the state since the amendment only adjusts possession limits.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

The following amendment is proposed.

Amend rules 571—97.1(481A) to 571—97.3(481A) and 571—97.6(481A) as follows:

**571—97.1(481A) Common snipe season.** Open season for hunting common snipe shall be from the first Saturday in September through November 30. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 8 birds; possession limit ~~46~~ 24 birds. Entire state open.

## NATURAL RESOURCE COMMISSION[571](cont'd)

**571—97.2(481A) Virginia rail and sora season.** Open season for hunting Virginia rail and sora shall be from the first Saturday in September and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 12 and possession limit ~~24~~ 36 in aggregate of both species. Entire state open.

**571—97.3(481A) Woodcock season.** Open season for hunting woodcock shall be from the first Saturday in October and continue for 45 consecutive days. Shooting hours shall be from sunrise to sunset each day. Daily bag limit 3; possession limit ~~6~~ 9. Entire state open.

**571—97.6(481A) Dove season.** Open season for hunting mourning doves and Eurasian collared-doves shall begin on September 1 and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit is 15; possession limit is ~~30~~ 45. The entire state is open.

**ARC 2031C****NATURAL RESOURCE COMMISSION[571]****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 455A.5(6), 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24, and 483A.24B, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The proposed amendments:

1. Keep the antlerless-deer-only license quotas the same for 2015. The regulation changes enacted for the 2014 season appear to have stabilized deer numbers at the levels agreed to in 2009 by the Deer Study Advisory Group (DSAG). The DSAG was created to review, analyze, and make recommendations on issues relating to the state’s deer population;

2. Amend the requirement for the type of broadhead for use with crossbows during the late muzzleloader season to be the same as that required for archery equipment during the regular bow season; and

3. Clarify which professionals are considered attending physicians for purposes of signing the affidavit needed to obtain a disabled hunter license. The amendment clarifies that a medical doctor, doctor of osteopathy, physician assistant, or nurse practitioner may certify the form.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 30, 2015. Written comments may be directed to Dale Garner, Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by e-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)725-8202. Persons who wish to convey their comments orally may contact the Department’s Wildlife Bureau at (515)725-8200 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 30, 2015, at 2 p.m. in the third floor conference room of the Wallace State Office Building, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

## NATURAL RESOURCE COMMISSION[571](cont'd)

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and request specific accommodations.

The proposed amendments will have a neutral impact on jobs in the state. The following types of jobs are positively impacted by deer hunting generally and should see no noticeable change due to this rule making: hunting equipment retailers (weapons, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24 and 483A.24B.

The following amendments are proposed.

ITEM 1. Amend subrule 106.6(6) as follows:

**106.6(6) Antlerless-deer-only licenses.** Paid antlerless-deer-only licenses will be available by county for the ~~2014~~ 2015 deer season as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	2975	Fremont	525	Montgomery	750
Appanoose	2200	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	450	Hancock	0	Palo Alto	0
Bremer	650	Hardin	0	Plymouth	0
Buchanan	200	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0	Howard	200	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	2200
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	675	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	225
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	525	Tama	200
Clay	0	Keokuk	450	Taylor	2200
Clayton	2775	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	3800
Crawford	150	Linn	850	Wapello	1825
Dallas	1875	Louisa	775	Warren	2200
Davis	2800	Lucas	2200	Washington	750
Decatur	2200	Lyon	0	Wayne	2200

## NATURAL RESOURCE COMMISSION[571](cont'd)

County	Quota	County	Quota	County	Quota
Delaware	525	Madison	2100	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	1975
Dubuque	725	Marshall	150	Woodbury	850
Emmet	0	Mills	750	Worth	0
Fayette	1500	Mitchell	0	Wright	0

ITEM 2. Amend subrule 106.7(3) as follows:

**106.7(3) Muzzleloader seasons.** Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader, centerfire handgun, crossbow or bow as described in 106.7(1). Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. Legal handgun calibers are listed on the department of natural resources list of acceptable handgun calibers for hunting deer in Iowa. Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead ~~with at least three blades~~.

ITEM 3. Amend paragraph **106.10(1)“b”** as follows:

*b. Severely disabled hunt.* Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at [www.iowadnr.gov](http://www.iowadnr.gov), by visiting the DNR office at the Wallace State Office Building, Des Moines, Iowa, or any district office, or by calling (515)281-5918 ~~725-8200~~. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.6(2).

## USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

## USURY(cont'd)

June 1, 2014 — June 30, 2014	4.75%
July 1, 2014 — July 31, 2014	4.50%
August 1, 2014 — August 31, 2014	4.50%
September 1, 2014 — September 30, 2014	4.50%
October 1, 2014 — October 31, 2014	4.50%
November 1, 2014 — November 30, 2014	4.50%
December 1, 2014 — December 31, 2014	4.25%
January 1, 2015 — January 31, 2015	4.25%
February 1, 2015 — February 28, 2015	4.25%
March 1, 2015 — March 31, 2015	4.00%
April 1, 2015 — April 30, 2015	4.00%
May 1, 2015 — May 31, 2015	4.00%
June 1, 2015 — June 30, 2015	4.00%

## ARC 2027C

## HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed Emergency After Notice

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

These amendments increase the statewide average cost of nursing facility services to a private-pay person. The statewide average cost of nursing facility services is revised to reflect the increase 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 statewide average cost of nursing facility services 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 statewide average 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 statewide average cost for nursing facilities. The average private-pay cost per month of nursing facility services increased from \$5,103.24 to \$5,407.24.

These amendments also update the average charges for nursing facilities, psychiatric medical institutions for children (PMICs) 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).

Nursing facility amounts are not related to the rates paid by Medicaid for nursing facility care. For this purpose, the Department's survey for statewide average private-pay charges at nursing 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.

- The average charge to a private-pay resident of nursing facility care increased from \$4,666 per month to \$4,952 per month.

The average charges for PMICs and MHIs are based on Medicaid rates because Medicaid is the primary payer of these services.

- The average charge for care in a PMIC increased from \$6,297 per month to \$6,556 per month.
- The average charge for care in an MHI increased from \$20,498 per month to \$24,083 per month.

The Iowa Department of Human Services provided the maximum Medicaid rate for care in an ICF/ID.

- The maximum Medicaid rate for care in an ICF/ID increased from \$25,040 per month to \$27,388 per month.

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

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1952C** on April 1, 2015. The Department received no comments during the public comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on May 13, 2015.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2015, because the amendments confer a benefit on the public. The average costs, charges, and maximum Medicaid rates are increased allowing additional individuals to qualify for medical assistance by decreasing the period of ineligibility due to transfer of assets and by allowing more individuals to be eligible with a medical assistance income trust (MAIT).

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.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments will become effective July 1, 2015.

The following amendments are adopted.

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, ~~2014~~ 2015, through June 30, ~~2015~~ 2016, this average statewide cost shall be ~~\$5,103.24~~ \$5,407.24 per month or ~~\$167.87~~ \$177.87 per day.

ITEM 2. 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, ~~2014~~ 2015, to June 30, ~~2015~~ 2016, shall be as follows:

- (1) The average statewide charge to a private-pay resident of a nursing facility is ~~\$4,666~~ \$4,952 per month.
- (2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$25,040~~ \$27,388 per month.
- (3) The average statewide charge to a resident of a mental health institute is ~~\$20,498~~ \$24,083 per month.
- (4) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$6,297~~ \$6,556 per month.
- (5) No change.

[Filed Emergency After Notice 5/18/15, effective 7/1/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

## ARC 2036C

## ADMINISTRATIVE SERVICES DEPARTMENT[11]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) hereby amends Chapter 1, "Department Organization," Chapter 117, "Procurement of Goods and Services of General Use," Chapter 118, "Purchasing Standards for Service Contracts," and Chapter 120, "Contractual Limitation of Vendor Liability Provisions," Iowa Administrative Code.

The Department of Administrative Services is continuing its effort to review its administrative rules by amending certain central procurement rules to eliminate conflict with statute and making other actions that reflect and clarify departmental practice.

The Department of Administrative Services does not intend to grant waivers under the provisions of these rules, except as explicitly stated in the rules.

Notice of Intended Action was published on April 15, 2015, as **ARC 1969C**. A public comment was received regarding Item 20 and the administration of service contracts of general use compared to service contracts. The only change to the amendments published under Notice is the addition of the word "subrule" or "rule," as applicable, in cross references in Items 11, 12 and 21.

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

These amendments are intended to implement Iowa Code chapter 8A, subchapter III.

These amendments will become effective July 15, 2015.

The following amendments are adopted.

ITEM 1. Rescind paragraph **1.4(1)"c."**

ITEM 2. Reletter paragraphs **1.4(1)"d"** to **"f"** as **1.4(1)"c"** to **"e."**

ITEM 3. Amend subrule 1.4(7) as follows:

**1.4(7) Central procurement and fleet services enterprise.** The chief operating officer of the enterprise is appointed by the director and directs the work of the enterprise.

*a.* The central procurement ~~enterprise~~ bureau is charged with procuring goods and services for agencies by pursuant to Iowa Code chapter 8A. ~~The chief operating officer of the enterprise is appointed by the director and directs the work of the enterprise.~~ These rules and applicable Iowa Code sections apply to the purchase of goods and services of general use by any unit of the state executive branch, except any agencies or instrumentalities of the state exempted by law.

*b.* The central procurement ~~enterprise~~ bureau shall manage statewide purchasing and electronic procurement, including managing procurement of commodities, equipment and services for all state agencies not exempted by law.

*c.* The fleet services bureau is responsible for the management of vehicular risk and travel requirements for state agencies not exempted by law.

ITEM 4. Amend rule 11—117.1(8A) as follows:

**11—117.1(8A) General provisions.**

**117.1(1) Applicability.**

*a. Goods and services of general use.* Under the provisions of Iowa Code ~~Supplement~~ chapter 8A, these rules apply to the purchase of goods and services of general use by any unit of the state executive branch including a commission, board, institution, bureau, office, agency or department, except items used by the state department of transportation, institutions under the control of the board of regents, the department for the blind, and any other agencies or instrumentalities of the state exempted by law.

*b. Services.* Procurement of services shall also meet the provisions of Iowa Administrative Code, 11—Chapters 118 and 119.

*c. Information technology.* Pursuant to Iowa Code ~~Supplement~~ chapter 8A, procurement of information technology devices and services by participating agencies shall also meet the requirements of rule ~~11—117.10(8A)~~ 11—117.11(8A). Rule ~~11—117.10(8A)~~ 11—117.11(8A) shall apply to:

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

(1) The process by which the department shall ensure effective and efficient compliance with standards prescribed by the department with respect to the procurement of information technology devices and services by participating agencies, and

(2) The acquisition of information technology devices and services by the department for the department, or by the department for a participating agency that has requested that the department procure information technology devices or services on the agency's behalf.

**117.1(2)** and **117.1(3)** No change.

ITEM 5. Amend the following definitions in rule **11—117.2(8A)**:

*“Master agreement”* means a contract ~~arrived at~~ competitively bid and entered into by the department which establishes prices, terms, and conditions for the purchase of goods and services ~~in common~~ of general use. These contracts may involve the needs of one or more state agencies. Agencies may purchase from a master agreement without further competition. ~~These contracts may involve the needs of one or more state agencies.~~ Master agreements (also referred to as “master contracts”) for a particular item or class of items may be awarded to a single vendor or multiple vendors. The department is the sole agency authorized to enter into master agreements for goods and services of general use.

*“Negotiated contract”* means a master agreement for a procurement that meets the requirements of Iowa Code ~~Supplement~~ section 8A.207(4) *“b.”*

*“Operational standards”* means information technology standards established by the department according to Iowa Code ~~Supplement~~ sections 8A.202 to 8A.207 that include but are not limited to specifications, requirements, processes, or initiatives that foster compatibility, interoperability, connectivity, and use of information technology devices and services among agencies.

*“Responsible bidder”* means a vendor that has the capability in all material respects to perform the contract requirements. In determining whether a vendor is a responsible bidder, the department may consider various factors including, but not limited to, the vendor's competence and qualification for the type of ~~services~~ good or service required, the vendor's integrity and reliability, the past performance of the vendor relative to the quality of the good or service, the past experience of the department in relation to the ~~good or service~~ vendor's performance, the relative quality of the good or service, the proposed terms of delivery, and the best interest of the state.

ITEM 6. Rescind the definition of “Services of general use” in rule **11—117.2(8A)**.

ITEM 7. Adopt the following new definition of “Goods and services of general use” in rule **11—117.2(8A)**:

*“Goods and services of general use”* means goods and services that are not unique to an agency's program or that are needed by more than one agency. This chapter applies to the purchase of goods and services of general use.

ITEM 8. Renumber rules **11—117.4(8A)** to **11—117.12(8A)** as **11—117.5(8A)** to **11—117.13(8A)**.

ITEM 9. Adopt the following new rule **11—117.4(8A)**:

**11—117.4(8A) Master agreements.**

**117.4(1) Use of master agreements.** The department shall enter into master agreements to procure goods and services of general use for all state agencies with the exception of those purchases made by the state department of transportation, institutions under the control of the board of regents, the department for the blind, and any other agencies exempted by law. If the department has entered into a master agreement for a good or service of general use, a state agency that is not otherwise exempt shall purchase the good or service through the master agreement, unless a comparable good or service is available from a different vendor and the quantity required or an emergency or immediate need makes it cost-effective to purchase from that vendor. If an agency or agencies routinely or on a recurring basis purchase a specific good or service not available through a master agreement, the department may establish a master agreement for that good or service in cooperation with the affected agencies.

**117.4(2) Term of master agreements.** The initial term of a master agreement shall be no more than three years. Following the initial term, a master agreement may be renewed by the department for periods

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

of one to three years; provided, however, that a master agreement, including all optional renewals, shall not exceed a term of six years unless a waiver of this provision is granted pursuant to rule 11—117.21(8A) (goods) or rule 11—118.16(8A) (services).

**117.4(3) Master agreements available to governmental subdivisions.** Master agreements entered into by the department may be extended to and made available for the use of other governmental entities as defined in Iowa Code section 8A.101. The department shall provide a list of current master agreements to a governmental subdivision upon request. The list may be provided in an electronic format. A governmental subdivision may request a copy of a specific master agreement. The department may provide the master agreement in an electronic format and assess a copying charge when a printed copy is requested.

ITEM 10. Amend renumbered paragraph **117.6(1)“b”** as follows:

*b.* The department and state agencies shall make every effort to support Iowa products when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa products. Tied bids between Iowa products shall be decided in accordance with ~~117.12(4)~~ subrule 117.13(4).

ITEM 11. Amend renumbered subrules 117.6(2) to 117.6(4) as follows:

**117.6(2) Preference to Iowa-based businesses.** The department and state agencies shall make every effort to support Iowa-based businesses when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa-based business. Tied bids between Iowa-based businesses shall be decided in accordance with ~~117.12(4)~~ subrule 117.13(4).

**117.6(3) American-made products.** The department and agencies shall make every effort to support American-made products when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the American-made product. Tied bids between American-made products shall be decided in accordance with ~~117.12(4)~~ subrule 117.13(4).

**117.6(4) American-based businesses.** The department and agencies shall make every effort to support American-based businesses when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the American-based business. Tied bids between American-based businesses shall be decided in accordance with ~~117.12(4)~~ subrule 117.13(4).

ITEM 12. Amend renumbered paragraphs **117.9(7)“b”** and **“i”** as follows:

*b. Notification of ITQ solicitation.* Following institution of a prequalification process, the department may select, in a competitive manner, a prequalified vendor without public notice and without further negotiation of general terms and conditions. A solicitation may be restricted only to prequalified vendors, in addition to the TSB notification required by ~~117.7(2)~~ subrule 117.8(2).

*i. Information technology purchases from a prequalified vendor.* Before a participating agency may acquire an information technology device or service from a prequalified vendor, the agency must obtain all of the required approvals from the department pursuant to rule ~~11—117.10(8A)~~ 11—117.11(8A).

ITEM 13. Adopt the following **new** subrule 117.9(9):

**117.9(9) Request for information (RFI).** A request for information (RFI) is a nonbinding method an agency may use to obtain market information from interested parties for a possible upcoming solicitation. Information may include, but is not limited to, best practices, industry standards, technology issues, and qualifications and capabilities of potential suppliers. Agencies considering the use of an RFI shall contact the department for information and guidance in using this process.

ITEM 14. Amend renumbered paragraph **117.11(2)“f”** as follows:

*f.* When a procurement is not approved, the agency contact will be notified of available options, which include modification and resubmission of the request, cancellation of the request, or requesting a waiver from the director on the recommendation of the technology governance board pursuant to subrule ~~117.10(3)~~ 117.11(3).

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

ITEM 15. Amend renumbered paragraph **117.12(2)“b”** as follows:

b. Bio-based hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with Iowa Code Supplement section 8A.316.

ITEM 16. Amend renumbered paragraph **117.12(6)“d”** as follows:

d. The average fuel efficiency for new passenger vehicles and light trucks, as defined in paragraph ~~117.11(6)“a,”~~ 117.12(6)“a,” that are purchased in a year shall equal or exceed the average fuel economy standard for the vehicles' model years as published by the United States Secretary of Transportation.

ITEM 17. Rescind existing rule **11—117.13(8A)**.

ITEM 18. Amend renumbered subrule 117.13(4) as follows:

**117.13(4) Tied bids and preferences.** If an award is based on the highest score and there is a tied score, or if the award is based on the lowest cost and there is a tied cost, the award shall be determined by a drawing. Whenever it is practical to do so, the drawing will be held in the presence of the vendors with the tied bids. Otherwise, the drawing will be held in front of at least three noninterested parties. All drawings shall be documented.

a. ~~Whenever~~ Notwithstanding the foregoing, whenever a tie involves an Iowa vendor and a vendor outside the state of Iowa, first preference will be given to the Iowa vendor will receive preference. Whenever a tie involves one or more Iowa vendors and one or more vendors outside the state of Iowa, the drawing will be held among the Iowa vendors only. Tied bids involving Iowa-produced or Iowa-manufactured products and items produced or manufactured outside the state of Iowa will be resolved in favor of the Iowa product. If a tied bid does not include an Iowa vendor or Iowa-produced or Iowa-manufactured product, preference will be given to a vendor based in the United States or products produced or manufactured in the United States over a vendor based or products produced or manufactured outside the United States.

b. In the event of a tied bid between Iowa vendors, the department shall contact the Iowa Employer Support of the Guard and Reserve (ESGR) committee for confirmation and verification as to whether the vendors have complied with ESGR standards. Preference, in the case of a tied bid, shall be given to Iowa vendors complying with ESGR standards.

~~e.—An award shall be determined by a drawing when responses are received that are equal in all respects and tied in price. Whenever it is practical to do so, the drawing will be held in the presence of the vendors who are tied in price. Otherwise the drawing will be made in front of at least three noninterested parties. All drawings shall be documented.~~

ITEM 19. Amend subrule 117.14(4) as follows:

**117.14(4) Procurements requiring additional authorization.** Except where exempted by statute, the following purchases require additional approval.

a. Information technology devices, software and services, as required in Iowa Code Supplement sections 8A.202 and 8A.206 and rule ~~11—117.10(8A)~~ 11—117.11(8A).

b. Vehicles, as prescribed in Iowa Code Supplement sections 8A.361 and 8A.362.

c. Architectural and engineering services, except for agencies with independent authority, as prescribed in Iowa Code Supplement sections 8A.302, 8A.311, 8A.321, 218.58, and 904.315.

d. and e. No change.

ITEM 20. Amend rule 11—117.15(8A) as follows:

**11—117.15(8A) Thresholds for delegating procurement authority.**

**117.15(1) Agency direct purchasing—basic level.** An agency may procure non-master agreement goods costing up to \$1,500 without competition. An agency shall procure non-master agreement goods or services costing between \$1,501 and \$5,000 per transaction in a competitive manner, using either informal or formal competition. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). ~~Three or more informal quotes shall be obtained, unless quotes are not reasonably available or unless the item is purchased from~~

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

~~a targeted small business.~~ The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

**117.15(2) Agency direct purchasing—advanced level.** An agency may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner ~~only in the event~~ provided the agency personnel engaged in the purchase of goods have completed enhanced procurement training established by the director or designee.

**117.15(3) Preference to targeted small businesses.** Agencies shall search the TSB directory on the Web and purchase directly from the TSB source if it is reasonable and cost-effective to do so. Agencies shall comply with the TSB notification requirements in ~~subrule 117.7(2)~~ 117.8(2).

~~**117.15(4) Alternative to master agreement.** An agency may purchase a comparable good or service of general use available on a master agreement from a different vendor if the quantity required or an emergency or immediate need makes it cost-effective to purchase from a non-master agreement vendor. In instances where an agency or agencies routinely or on a recurring basis purchase a specific good or service not on contract, the department shall establish a master agreement for that good or service in cooperation with the affected agencies.~~

~~**117.15(5) 117.15(4) Misuse of agency authority.**~~

~~a.~~ Purchasing authority delegated to agencies shall not be used to avoid the use of master agreements. ~~Because it is cost-effective to purchase a good or service of general use from a master agreement, the agency shall do so.~~ The agency shall not break purchasing into smaller increments for the purpose of avoiding threshold requirements in subrules 117.15(1) and 117.15(2).

~~b.~~ As a remedy, the department may recover administrative fees appropriate to the improper execution of procurement.

~~c.~~ This rule is not intended to prohibit agencies from aggressively seeking competitive prices. Agencies may purchase outside of master agreements under ~~subrule 117.15(4)~~ 117.4(1).

~~d.~~ The department may rescind delegated authority of an agency that misuses its authority or uses the authority to procure goods or services already available on a master agreement.

ITEM 21. Amend subrule 117.16(1) as follows:

**117.16(1) Competitive selection for printing.** The department and state agencies shall procure printing by competitive selection according to the rules of this chapter except when the printing is produced by state printing, pursuant to rule 11—102.4(8A) or the procurement is otherwise exempt from competitive selection pursuant to ~~11—117.4(8A)~~ rule 11—117.5(8A). When an agency elects to purchase printing by competitive selection rather than using the services of state printing or a TSB, state printing and TSBs shall be part of the bidding process.

ITEM 22. Amend subrule 117.19(6) as follows:

**117.19(6) Security.** The department may require bid or proposal security in accordance with subrule ~~117.11(5)~~ 117.12(5). When required, security shall not be waived.

ITEM 23. Adopt the following new rule 11—117.21(8A):

**11—117.21(8A) Waiver procedure.**

**117.21(1) Definition.** For the purpose of this chapter, a “waiver or variance” means an action by the director that suspends, in whole or in part, the requirements or provisions of a rule in this chapter as applied to a state agency when the state agency establishes good cause for a waiver or variance of the rule. For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”

**117.21(2) Requests for waivers.** A state agency seeking a waiver shall submit a written request for a waiver to the director. The written request shall identify the rule for which the state agency seeks a waiver or the contract or class of contracts for which the state agency seeks a waiver and the reasons that the state agency believes justify the granting of the waiver.

**117.21(3) Criteria for waiver.** In response to a request for a waiver submitted by a state agency, the director may issue an order waiving in whole or in part the requirements of a rule in this chapter if the director finds that the state agency has established good cause for the waiving of the requirements of the rule. “Good cause” includes, but is not limited to, the following: (1) the desired good or service is

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

available from one source only, (2) the time frame required is such that an expedient purchase is in the best interest of the agency, or (3) a showing that a requirement or provision of a rule should be waived because the requirement or provision would likely result in an unintended, undesirable, or adverse consequence or outcome. An example of good cause for a waiver is when a contract duration period of longer than six years is more economically or operationally feasible than a six-year contract in light of the service being purchased by the state agency.

ITEM 24. Amend **11—Chapter 117**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 8A.201 to 8A.203, 8A.206, 8A.207, 8A.301, 8A.302, 8A.311 ~~as amended by 2005 Iowa Acts, House File 814~~, 8A.341 to 8A.344, 73.1 and 73.2.

ITEM 25. Amend subrule 118.2(1) as follows:

**118.2(1)** When a state agency that is also a “participating agency” as defined by rule 11—117.2(8A) intends to procure “information technology services” as defined by rule 11—117.2(8A), the provisions of rule ~~11—117.10(8A)~~ 11—117.11(8A) shall also apply to procurement of the services.

ITEM 26. Amend rule **11—118.3(8A)**, definition of “Agency,” as follows:

“Agency” or “state agency” means a unit of state government, which is an authority, board, commission, committee, council, department, examining board, or independent agency as defined in Iowa Code section 7E.4, including but not limited to each principal central department enumerated in Iowa Code ~~Supplement~~ section 7E.5. However, “agency” or “state agency” does not mean any of the following:

1. The office of the governor or the office of an elective constitutional or statutory officer.
2. The general assembly, or any office or unit under its administrative authority.
3. The judicial branch, as provided in Iowa Code section 602.1102.
4. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.

ITEM 27. Adopt the following **new** definition of “Director” in rule **11—118.3(8A)**:

“Director” means the director of the department of administrative services or the director’s designee.

ITEM 28. Amend subrule 118.8(2) as follows:

**118.8(2)** *Special procedures required for emergency procurements.*

a. The head of a state agency shall sign all emergency contracts and amendments regardless of value or length of term. If the head of a state agency is not available, a designee may sign an emergency contract or amendment. Use of an emergency procurement does not relieve a state agency from negotiating a fair and reasonable price and documenting the procurement action.

b. When the value of the service contract exceeds \$5,000, a state agency shall be required to complete an emergency justification form. The ~~director~~ head of the state agency or ~~the director’s~~ designee shall sign the emergency justification form.

c. If an emergency procurement results in the extension of an existing contract that contains performance criteria, the contract extension shall comply with rule 11—119.4(8,8A), uniform terms and conditions for service contracts, or rule 11—119.5(8,8A), special terms and conditions.

ITEM 29. Amend subrule 118.11(3) as follows:

**118.11(3)** A service contract should be competitively selected on a regular basis so that a state agency obtains the best value for the funds spent, avoids inefficiencies, waste or duplication and may take advantage of new innovations, ideas and technology. A service contract, including all optional renewals, shall not exceed a term of six years; however, service contracts entered into by the office of chief information officer may have a term length not to exceed ten years. Service contracts shall not exceed the term lengths set forth herein unless the state agency obtains a waiver of this provision pursuant to rule 11—118.16(8A).

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

ITEM 30. Amend subrule 118.16(3) as follows:

**118.16(3)** Criteria for waiver. In response to a request for a waiver submitted by a state agency, the director may issue an order waiving in whole or in part the requirements of a rule in this chapter if the director finds that the state agency has established good cause for waiving the requirements of the rule. “Good cause” includes, but is not limited to, a showing that a requirement or provision of a rule should be waived because the requirement or provision would likely result in an unintended, undesirable, or adverse consequence or outcome. An example of good cause for a waiver is when a contract duration period of longer than six years is more economically or operationally feasible than a six-year contract in light of the service being purchased by the state agency.

ITEM 31. Amend **11—Chapter 118**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement sections 8A.101, 8A.104, 8A.301, 8A.302, and 8A.311.

ITEM 32. Amend subrule 120.5(2) as follows:

**120.5(2)** For information technology procurements, the director authorizes the competitive selection documents and the resulting contract to include a contractual limitation of vendor liability clause that limits the vendor’s liability for consequential, incidental, indirect, special, or punitive damages to the extent the vendor’s liability for such damages arises does not arise out of the items identified in paragraphs 120.5(1) “a” to “d.”

[Filed 5/20/15, effective 7/15/15]

[Published 6/10/15]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2035C****AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 203.2 and 203C.5(2), the Department of Agriculture and Land Stewardship hereby amends Chapter 90, “State Licensed Warehouses and Warehouse Operators,” Iowa Administrative Code.

The amendment removes a grain elevator operator requirement for taking a consistent operational shrink. The amendment allows the Department to require an operator to take a shrink not to exceed 0.5 percent. The amendment also updates and removes outdated language.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1965C** on April 15, 2015. No comments were received from the public. This amendment is identical to that published under Notice.

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

This amendment is intended to implement Iowa Code section 203C.2.

This amendment will become effective July 15, 2015.

The following amendment is adopted.

Amend rule 21—90.18(203C) as follows:

**21—90.18(203C) Adjustment of records.**

**90.18(1)** *Adjustment of ~~records~~ inventory for operational shrink.* ~~A consistent~~ The department may require a licensee to take an operational shrink shall be taken not to exceed one-half of one percent on grain handled and documented received on a monthly basis in the warehouse records. An operational shrink is not required to be taken when there has been no movement of a particular kind of grain.

**90.18(2)** *Other ~~record~~ inventory adjustments.* Any reduction of record obligation shall be justified. Any increase in adjustments of record obligation shall be made only upon department approval or request. An upward adjustment may be made to the records at any time that a total weigh-up for a particular kind

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21](cont'd)

of grain is made and all records of the weigh-up have been maintained for verification. The licensee may make upward adjustments for rail and barge shipments based upon actual unloaded weights when the origin weights were estimated. Outbound truck shipments must be weighed on the licensee's scale if one is available. ~~If the outbound shipment cannot be weighed in a single draft, the licensee may adjust the record to reflect the unloaded weights.~~ A warehouse operator may voluntarily adjust the records at the time of examination when the measured inventory exceeds the record obligation in an amount in excess of 1½ percent. All adjustments shall be readily identifiable in the daily position record. Unless the delivered weight is adjusted for and reflects dry bushels, all adjustments for moisture shall be shown in the ~~adjustment column~~ records. A computer-generated scale ticket listing that shows gross weights and net weights will satisfy the requirements of this rule.

This rule is intended to implement Iowa Code ~~sections~~ section 203C.2 ~~and 203C.35~~.

[Filed 5/20/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

## ARC 2030C

### DENTAL BOARD[650]

#### Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Dental Board adopts an amendment to Chapter 1, "Administration," Iowa Administrative Code.

The amendment clarifies the definition of "general supervision of a dental assistant" and adds the use of a curing light and intraoral camera to the list of services that can be delegated to a dental assistant under general supervision.

The amendment makes the definition of "general supervision of a dental assistant" consistent in both Chapter 1 and Chapter 20.

The amendment increases the number of services a dentist may delegate to a dental assistant under general supervision by adding the use of a curing light and intraoral camera.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 1, 2015, as **ARC 1941C**. A public hearing was held on April 21, 2015, at 2 p.m. at the office of the Dental Board. There was no one in attendance for this amendment, and no public comments were received for this amendment. This amendment is identical to the one published under Notice of Intended Action.

This amendment was adopted by the Board on May 15, 2015.

After analysis and review of this rule making, a positive impact on jobs has been found for dental assistants, who will now be able to perform more procedures.

This amendment is intended to implement Iowa Code sections 153.38 and 153.39.

This amendment will become effective on July 15, 2015.

The following amendment is adopted.

Amend rule **650—1.1(153)**, definition of "General supervision of a dental assistant," as follows:

*"General supervision of a dental assistant"* means that a dentist has examined the patient and has delegated the services to be provided by a registered dental assistant, which are limited to all extraoral duties, dental radiography, and intraoral suctioning, and use of a curing light and intraoral camera. The dentist need not be present in the facility while these services are being provided.

[Filed 5/18/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2028C****DENTAL BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Dental Board adopts amendments to Chapter 20, "Dental Assistants," Iowa Administrative Code.

The amendments clarify general supervision requirements for dental assistants, add to the list of permissible services a dental assistant may perform under general supervision, increase the number of expanded function procedures which may be delegated to a registered dental assistant and set the education and training requirements for those procedures, and permit registered dental assistants to work under public health supervision in certain settings.

The amendments increase the number of services a dentist may delegate to a dental assistant under general supervision by adding the use of a curing light and intraoral camera.

The amendments increase the number of expanded function procedures from 9 procedures to 16 procedures, define the supervision requirements for the performing of all expanded function procedures, and set the education and training requirements.

The amendments authorize an Iowa-licensed dentist to provide public health supervision to a registered dental assistant if the services are provided in a public or private school, public health agencies, hospitals, or the armed forces.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 1, 2015, as **ARC 1940C**. A public hearing was held on April 21, 2015, at 2 p.m. at the office of the Dental Board. There was one attendee, Tom Cope, representing the Iowa Dental Hygienists Association, who read the Association's previously submitted written comments.

There were 18 written comments received. All written comments supported the general intent of the amendments. Several commenters asked for changes to be made to reduce duplicative paperwork and reporting requirements that may also be performed by dental hygienists; several requested that the three years of clinical practice experience required to become eligible to work under public health supervision be reduced to one year of clinical practice experience; several requested that some of the duties be changed or removed; and one requested that there be a limit to the number of dental assistants that a dentist can supervise while expanded function procedures are performed and a limit to the number of dental assistants that a dentist can supervise under public health supervision.

The Board reviewed and discussed the public comments during its April 23, 2015, open session Board meeting and allowed additional comments from the public. Based on the review and comments, several changes have been made to the amendments published under Notice of Intended Action. In paragraph "4" of Item 2, definition of "public health supervision," the minimum clinical practice experience requirement was changed from three years to one year. In Item 6, paragraph 20.4(4)"c"(2)"5," the phrase "where denture is not relieved or modified" has been deleted. In Item 12, subparagraphs 20.16(2)"b"(3) to (5) have been revised grammatically for consistency in terminology and parallel structure. Also in Item 12, the name of the Bureau of Oral and Health Delivery Systems has been corrected in subrules 20.16(2) and 20.16(3).

These amendments were adopted by the Board on May 15, 2015.

After analysis and review of this rule making, a positive impact on jobs has been found for dental assistants, who will now be able to perform more procedures and work in more settings.

These amendments are intended to implement Iowa Code sections 153.38 and 153.39.

These amendments will become effective on July 15, 2015.

The following amendments are adopted.

ITEM 1. Amend rule **650—20.2(153)**, definition of "General supervision," as follows:

"General supervision" means that a dentist has examined the patient and has delegated the services to be provided by a registered dental assistant, which are limited to all extraoral duties, dental radiography, intraoral suctioning, and use of a curing light and intraoral camera. The dentist need not be present in the facility while these services are being provided.

DENTAL BOARD[650](cont'd)

ITEM 2. Adopt the following **new** definition of “Public health supervision” in rule **650—20.2(153)**:

“*Public health supervision*” means all of the following:

1. The dentist authorizes and delegates the services provided by a registered dental assistant to a patient in a public health setting, with the exception that services may be rendered without the patient’s first being examined by a licensed dentist;
2. The dentist is not required to provide future dental treatment to patients served under public health supervision;
3. The dentist and the registered dental assistant have entered into a written supervision agreement that details the responsibilities of each licensee/registrant, as specified in subrule 20.16(2); and
4. The registered dental assistant has an active Iowa registration and a minimum of one year of clinical practice experience.

ITEM 3. Rescind subrule **20.3(3)**.

ITEM 4. Renumber subrule **20.3(4)** as **20.3(3)**.

ITEM 5. Renumber rules **650—20.4(153)** to **650—20.14(153)** as **650—20.5(153)** to **650—20.15(153)**.

ITEM 6. Adopt the following **new** rule 650—20.4(153):

**650—20.4(153) Expanded function requirements.**

**20.4(1) Supervision requirements.** Registered dental assistants may only perform expanded function procedures which are delegated by and performed under the direct supervision of a dentist licensed pursuant to Iowa Code chapter 153. Dental assistant trainees are not eligible to perform expanded function procedures.

**20.4(2) Expanded function training required.** A registered dental assistant shall not perform any expanded function procedures listed in this chapter unless the assistant has successfully met the education and training requirements and is in compliance with the requirements of this chapter.

**20.4(3) Education and training requirements.** All expanded function training must be prior-approved by the board. The supervising dentist and the registered dental assistant shall be responsible for maintaining in each office of practice documentation of successful completion of the board-approved training.

*a.* Expanded function training for Level 1 procedures shall be eligible for board approval if the training is offered through a program accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or another program, which may include on-the-job training offered by a dentist licensed in Iowa. Training must consist of the following:

(1) An initial assessment to determine the base entry level of all participants in the program. At a minimum, all participants must meet at least one of the following requirements before beginning expanded function training:

1. Be a graduate of an ADA-accredited dental assistant program; or
  2. Be currently certified by the Dental Assisting National Board (DANB); or
  3. Have at least one year of clinical practice as a registered dental assistant; or
  4. Have at least one year of clinical practice as a dental assistant in a state that does not require registration;
- (2) A didactic component;
  - (3) A laboratory component, if necessary;
  - (4) A clinical component, which may be obtained under the personal supervision of the participant’s supervising dentist while the participant is concurrently enrolled in the training program; and
  - (5) A postcourse competency assessment at the conclusion of the training program.

*b.* Expanded function training for Level 2 procedures shall be eligible for board approval if the training is offered through the University of Iowa College of Dentistry or a program accredited by the Commission on Dental Accreditation of the American Dental Association.

## DENTAL BOARD[650](cont'd)

**20.4(4) Expanded function providers.**

*a. Basic expanded function provider.* Registered dental assistants who do not wish to become certified as a Level 1 or Level 2 provider may perform select Level 1 expanded function procedures provided they have met the education and training requirements for those procedures. A dentist may delegate to a registered dental assistant only those Level 1 procedures for which the assistant has received the required expanded function training.

*b. Certified Level 1 provider.* Registered dental assistants must successfully complete training for all Level 1 expanded function procedures before becoming a certified Level 1 provider.

(1) A dentist may delegate any of the Level 1 expanded function procedures to dental assistants who are certified Level 1 providers.

(2) Level 1 procedures include:

1. Taking occlusal registrations;
2. Placement and removal of gingival retraction;
3. Fabrication and removal of provisional restorations;
4. Applying cavity liners and bases, desensitizing agents, and bonding systems;
5. Placement and removal of dry socket medication;
6. Placement of periodontal dressings;
7. Testing pulp vitality;
8. Monitoring of nitrous oxide inhalation analgesia;
9. Taking final impressions;
10. Removal of adhesives (hand instrumentation only); and
11. Preliminary charting of existing dental restorations and teeth.

*c. Certified Level 2 provider.* A registered dental assistant must become a certified Level 1 provider and successfully pass a board-approved entrance examination with a score of at least 75 percent before beginning training as a certified Level 2 provider. Registered dental assistants must successfully complete training for all Level 2 expanded function procedures before becoming certified Level 2 providers.

(1) A dentist may delegate any of the Level 1 or Level 2 expanded function procedures to a registered dental assistant who is a certified Level 2 provider.

(2) Level 2 procedures include:

1. Placement and shaping of amalgam following preparation of a tooth by a dentist;
2. Placement and shaping of composite following preparation of a tooth by a dentist;
3. Forming and placement of stainless steel crowns;
4. Taking records for the fabrication of dentures and partial dentures; and
5. Tissue conditioning (soft relines only).

These procedures refer to both primary and permanent teeth.

(3) Notwithstanding 650—paragraph 10.3(1)“e” and paragraph 20.3(2)“e,” for the purposes of this chapter, the removal of adhesives by hand instrumentation does not constitute the removal of “hard natural or synthetic material.”

ITEM 7. Amend renumbered subparagraphs **20.5(1)“b”(1)** and **(2)** as follows:

(1) Reapplying for trainee status. A trainee may “start over” as a dental assistant trainee provided the trainee submits an application in compliance with subrule ~~20.6(4)~~ 20.7(1).

(2) Examination scores valid for three years. A “repeat” trainee is not required to retake an examination (jurisprudence, infection control/hazardous materials, radiography) if the trainee has successfully passed the examination within three years of the date of application. If a trainee has failed two or more examinations, the trainee must satisfy the remedial education requirements in subrule ~~20.10(4)~~ 20.11(1). The trainee status application will not be approved until the trainee successfully completes any required remedial education.

ITEM 8. Amend renumbered subrule 20.5(2) as follows:

**20.5(2) Registered dental assistant.** A registered dental assistant may perform under general supervision dental radiography, intraoral suctioning, use of a curing light and intraoral camera, and all

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extraoral duties that are assigned by the dentist and are consistent with these rules. During intraoral procedures, the registered dental assistant may, under direct supervision, assist the dentist in performing duties assigned by the dentist that are consistent with these rules. The registered dental assistant may take radiographs if qualified pursuant to 650—Chapter 22.

ITEM 9. Amend renumbered subparagraph **20.7(2)“b”(2)** as follows:

(2) Evidence of meeting the requirements specified in ~~20.6(2)“a.”~~ 20.7(2)“a.”

ITEM 10. Amend renumbered paragraph **20.11(1)“b”** as follows:

*b.* A dental assistant who fails the second examination will be required to complete the remedial education requirements set forth in subrule ~~20.10(2)~~ 20.11(2).

ITEM 11. Rescind rule **650—20.15(153)**.

ITEM 12. Adopt the following **new** rule 650—20.16(153):

**650—20.16(153) Public health supervision allowed.** A dentist may provide public health supervision to a registered dental assistant if the dentist has an active Iowa license and the services are provided in a public or private school, public health agencies, hospitals, or the armed forces.

**20.16(1) Public health agencies defined.** For the purposes of this rule, public health agencies include programs operated by federal, state, or local public health departments.

**20.16(2) Responsibilities.** When working together in a public health supervision relationship, a dentist and registered dental assistant shall enter into a written agreement that specifies the following responsibilities.

*a.* The dentist providing public health supervision must:

- (1) Be available to provide communication and consultation with the registered dental assistant;
- (2) Have age- and procedure-specific standing orders for the performance of services. Those standing orders must include consideration for medically compromised patients and medical conditions for which a dental evaluation must occur prior to the provision of services;
- (3) Specify a period of time in which an examination by a dentist must occur prior to providing further services;
- (4) Specify the location or locations where the services will be provided under public health supervision.

*b.* A registered dental assistant providing services under public health supervision may only provide services which are limited to all extraoral duties, dental radiography, intraoral suctioning, and use of a curing light and intraoral camera and must:

- (1) Maintain contact and communication with the dentist providing public health supervision;
- (2) Practice according to age- and procedure-specific standing orders as directed by the supervising dentist, unless otherwise directed by the dentist for a specific patient;
- (3) Ensure that the patient, parent, or guardian receives a written plan for referral to a dentist;
- (4) Ensure that each patient, parent, or guardian signs a consent form that notifies the patient that the services that will be received do not take the place of regular dental checkups at a dental office and are meant for people who otherwise would not have access to services; and
- (5) Ensure that a procedure is in place for creating and maintaining dental records for the patients who are treated, including where these records are to be located.

*c.* The written agreement for public health supervision must be maintained by the dentist and the registered dental assistant and a copy filed with the board office within 30 days of the date on which the dentist and the registered dental assistant entered into the agreement. The dentist and registered dental assistant must review the agreement at least biennially.

*d.* The registered dental assistant shall file annually with the supervising dentist and the bureau of oral and health delivery systems a report detailing the number of patients seen, the services provided to patients and the infection control protocols followed at each practice location.

*e.* A copy of the written agreement for public health supervision shall be filed with the Bureau of Oral and Health Delivery Systems, Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

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**20.16(3) Reporting requirements.** Each registered dental assistant who has rendered services under public health supervision must complete a summary report at the completion of a program or, in the case of an ongoing program, at least annually. The report shall be filed with the bureau of oral and health delivery systems of the Iowa department of public health on forms provided by the department and shall include information related to the number of patients seen and services provided so that the department may assess the impact of the program. The department will provide summary reports to the board on an annual basis.

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**ARC 2017C**

## **EDUCATIONAL EXAMINERS BOARD[282]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(2), the Board of Educational Examiners hereby amends Chapter 12, "Fees," and Chapter 20, "Renewals," Iowa Administrative Code.

The amendments simplify Chapter 12 regarding fees and will allow for fewer rule changes in the future by establishing a uniform fee unless otherwise stated. All fees for licenses, certificates, authorizations, and statements of professional recognition issued by the Board remain the same, with the exception of the fee for a teacher intern license, which is reduced from \$125 to \$85 to mirror the fee for the majority of the Board's other certifications. The amendments also address an inconsistency between Chapter 12 and Chapter 20 regarding the deadline for submitting documents requested in a licensure application audit and remove cross references in Chapter 20 that are rendered incorrect by the amendments to Chapter 12. Finally, the amendments establish a \$25 fee for adding an endorsement to a paraeducator certificate only. Currently, the rules state that the fee for adding any endorsement is \$50.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 18, 2015, as **ARC 1919C**. A public hearing took place on April 8, 2015. No one attended the public hearing, and no written comments were received.

Since publication of the Notice, minor grammatical changes were made in rule 282—12.2(272), paragraph "5," and subrules 12.6(1) and 12.9(4).

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 8, 2015.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(2).

These amendments will become effective July 15, 2015.

The following amendments are adopted.

ITEM 1. Amend 282—Chapter 12 as follows:

### CHAPTER 12

#### FEES

**282—12.1(272) Issuance of licenses, certificates, authorizations, and statements of professional recognition.** All application and licensure fees are nonrefundable. The fee for the issuance of the following licenses, certificates, statements of professional recognition, and authorizations are set as follows: a license, certificate, statement of professional recognition, or authorization shall be \$85 unless otherwise specified below:

1. Initial license shall be \$85.
2. Standard license shall be \$85.
3. Master educator license shall be \$85.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

4. ~~Substitute license shall be \$85.~~
5. ~~Provisional occupational (career and technical) secondary license shall be \$85.~~
6. ~~Occupational (career and technical) secondary license shall be \$85.~~
7. ~~Administrator, counselor, or teacher exchange license shall be \$85.~~
8. ~~Initial administrator license shall be \$85.~~
9. ~~Professional administrator license shall be \$85.~~
10. ~~Evaluator license shall be \$85.~~
11. ~~Class A, B, C, D or G license shall be \$85.~~
12. 1. ~~Class E emergency license shall be \$150.~~
13. 2. ~~Paraeducator certificate shall be \$40.~~
14. ~~Statement of professional recognition shall be \$85.~~
15. ~~Coaching authorization shall be \$85.~~
16. ~~Substitute authorization shall be \$85.~~
17. 3. ~~Behind-the-wheel authorization shall be \$40.~~
18. ~~Teacher intern license shall be \$125.~~
19. ~~Professional service license shall be \$85.~~

**282—12.2(272) Fees for the renewal or extension of licenses, certificates, statements of professional recognition, and authorizations.** ~~The fees fee for the renewal or extension of the following licenses, certificates, statements of professional recognition, and authorizations are set as follows a license, certificate, statement of professional recognition, or authorization shall be \$85 unless otherwise specified below:~~

1. ~~The renewal of the initial license shall be \$85.~~
2. ~~The renewal of the standard license shall be \$85.~~
3. ~~The renewal of the master educator license shall be \$85.~~
4. ~~The renewal of the substitute license shall be \$85.~~
5. ~~The renewal of the occupational (career and technical) secondary license shall be \$85.~~
6. ~~The renewal of the initial administrator license shall be \$85.~~
7. ~~The renewal of the professional administrator license shall be \$85.~~
8. ~~The renewal of the evaluator license shall be \$85.~~
9. ~~The renewal of the AEA administrator license shall be \$85.~~
10. 1. ~~The renewal of the paraeducator certificate shall be \$40.~~
11. ~~The renewal of a statement of professional recognition shall be \$85.~~
12. ~~The renewal of the coaching authorization shall be \$85.~~
13. ~~The renewal of the substitute authorization shall be \$85.~~
14. 2. ~~The renewal of the behind-the-wheel authorization shall be \$40.~~
15. ~~A one-year extension for renewal of a professional administrator license shall be \$25 if evaluator II has not been completed. The one-year extension will not be issued, pursuant to 282—subrule 19.7(2), on or after July 1, 2008.~~
16. 3. ~~A one-year extension for renewal of a coaching authorization shall be \$40.~~
17. 4. ~~A one-year extension of the Class A initial license shall be \$25. The This extension may be issued if the applicant needs one additional year to meet the experience requirement for the standard license, but has met Iowa teaching standards, pursuant to rule 282—20.4(272).~~
18. ~~A one-year extension of a Class A, B, C, or D or exchange license shall be \$150.~~
19. 5. ~~A \$25 fee for an extension of the initial administrator license, which may be issued instead of renewing the initial administrator license, if the applicant verifies one of the following criteria listed in 282—subrule 20.8(2).~~
20. ~~The renewal of the professional service license shall be \$85.~~

**282—12.3(272) No change.**

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

**282—12.4(272) Adding endorsements.**

**12.4(1)** *Fee for each added endorsement.* The fee for each additional endorsement to a license following the issuance of the initial license and endorsement(s) shall be \$50. The fee for each additional endorsement added to a paraeducator certificate shall be \$25.

**12.4(2)** No change.

**282—12.5(272) Duplicate licenses, authorizations, and statements of professional recognition.** The fee for the issuance of a duplicate practitioner's license, ~~evaluator license certificate~~, statement of professional recognition, or ~~eaching~~ authorization shall be \$15.

**282—12.6(272) Late fees.**

**12.6(1)** An additional fee of \$25 per calendar month, not to exceed \$150, shall be imposed if a ~~renewal an application, a two-year exchange license, a~~ for renewal or conversion of a Class A, B, C, D, or E license or a statement of professional recognition (SPR) is submitted after the date of expiration of a practitioner's license. Waiver of the late fee will be granted only upon a showing of extraordinary circumstances rendering imposition of the fee unreasonable.

**12.6(2)** No change.

**12.6(3)** Failure to hold valid Iowa license or authorization. An additional fee of \$100 per calendar month, not to exceed \$500, shall be imposed if the practitioner does not hold a valid Iowa license or authorization. The fee will begin to be assessed on the first day of the school year for which the practitioner is employed until the practitioner submits a completed application packet for the appropriate license. The penalty will enforce Iowa Code section 272.7. Waiver of the fee will be granted only upon a showing of extraordinary circumstances rendering imposition of the fee unreasonable.

**282—12.7(272)** No change.

**282—12.8(272)** No change.

**282—12.9(272) Retention of incomplete applications.**

**12.9(1)** and **12.9(2)** No change.

**12.9(3)** *Timeline for audited online renewals.* Upon receipt of notification that the online renewal application has been audited, the applicant shall have ~~45~~ 30 days to submit the official transcripts and mandatory reporter verification to the board office. If the materials are not received within that timeline, the applicant will be notified that the application process is closed. If the applicant submits information after the ~~45~~ 30-day deadline, the application process requires submission of a complete set of application materials and fees. If the license expires during the ~~45~~ 30-day deadline and the applicant is teaching, the school district will be notified that the applicant's license is expired and the individual shall not continue teaching until the complete application materials are submitted to the board office.

**12.9(4)** *Request for additional time.* If the applicant is not able to submit the application materials ~~within~~ by the ~~45-day~~ deadline, the applicant may contact the executive director with a request for additional time. The applicant must submit verification as to the need for the additional time. The executive director will review the request and provide a written decision either approving or denying the request.

These rules are intended to implement Iowa Code chapter 272.

ITEM 2. Amend rule 282—20.4(272) as follows:

**282—20.4(272) Specific renewal requirements for the initial license.** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272). If a person meets all requirements for the standard license except for the options required in rule 282—13.7(272), paragraph "2," the initial license may be renewed upon written request. A second renewal may be granted if the holder of the initial license has not met the options required in rule 282—13.7(272), paragraph "2," and if the license holder can provide evidence of teaching employment

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

which will be acceptable for the experience requirement. ~~Following payment of the appropriate fee (see rule 282—12.2(272), paragraph “17”), a~~ A Class A license may be issued instead of the renewal of the initial license for another initial license if the applicant verifies one of the following:

1. The applicant is involved in the second year of the mentoring and induction program, but the license will expire before the second year of teaching is completed.
2. The applicant has taught for two years in a nonpublic school setting and needs one additional year of teaching to convert the initial license to the standard license.

ITEM 3. Amend rule 282—20.8(272) as follows:

**282—20.8(272) Specific renewal requirements for the initial administrator license.** In addition to the provisions set forth in this rule, an applicant must meet the general requirements set forth under rule 282—20.3(272).

**20.8(1)** No change.

**20.8(2) Extension.** ~~Following payment of the appropriate fee (see 282—subrule 12.2(19)), an~~ An extension of the initial administrator license may be issued instead of the renewal of the initial administrator license, if the applicant verifies one of the following:

- a.* The applicant is involved in a mentoring and induction program, but the license will expire before the first year of administrative experience is completed.
- b.* The applicant has one year of administrative experience in a nonpublic school setting or in an out-of-state setting and needs one additional year of administrative experience to convert the initial license to the professional license.

[Filed 5/12/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2016C**

**EDUCATIONAL EXAMINERS BOARD[282]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Chapter 14, “Special Education Endorsements,” Chapter 18, “Issuance of Administrator Licenses and Endorsements,” Chapter 19, “Evaluator Endorsement and License,” and Chapter 27, “Issuance of Professional Service Licenses,” Iowa Administrative Code.

The amendments to Chapter 13 remove a significant amount of conflicting language or redundant language that is set forth elsewhere in rules of either the Board of Educational Examiners or the Department of Education. The following amendments are adopted to better reflect the substance of certain licenses:

1. The “Class A” license is renamed the “Class A extension” license;
2. The “exception” under a Class B license is renamed the “executive director decision”; and
3. The “Class E” license is renamed the “Class E emergency extension” license.

In addition, the amendments to Chapter 13 reflect the following:

1. The Executive Director is authorized to allow holders of a substitute license to serve outside their authority in unique circumstances.
2. To reflect the duration of the most common teacher exchange programs in Iowa, the duration of the international teacher exchange license is changed from three years to one year unless the applicant can verify continued participation in the program.
3. The “teacher—elementary classroom” endorsement requirements will sunset on August 31, 2015.
4. The authority of the “elementary school teacher librarian” endorsement is expanded from kindergarten through eighth grade to prekindergarten through eighth grade.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The amendments to the Board's other chapters remove cross references that are rendered incorrect by the changes to Chapter 13 and remove additional redundant language. The amendments add the requirement for cultural competency for initial administrator license applicants who currently hold a professional service license. Finally, the amendments allow out-of-state candidates for administrator licensure to submit an expired out-of-state administrator license if their out-of-state license is not current. This change is reflective of the requirements for out-of-state candidates for teacher licensure and provides relief to candidates who face significant hurdles in renewing expired out-of-state licenses in order to become licensed in Iowa. These candidates will continue to be required to verify completion of all Iowa-required coursework and other Iowa requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1918C** on March 18, 2015. A public hearing took place on April 8, 2015.

Two people attended the public hearing, and two written comments were received. The written comments and the remarks of the one speaker at the public hearing were offered in opposition to the removal of language regarding the teacher intern program. The Board believes the language in question is in conflict with Iowa Department of Education rules and is not within the statutory authority of the Board.

These amendments are identical to those published under Notice of Intended Action.

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 8, 2015.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective July 15, 2015.

The following amendments are adopted.

ITEM 1. Rescind and reserve rules **282—13.2(272)** to **282—13.4(272)**.

ITEM 2. Amend rules 282—13.5(272) to 282—13.7(272) as follows:

**282—13.5(272) Teacher licenses.** A license may be issued to applicants who fulfill the general requirements set out in subrule 13.5(1) and the specific requirements set out for each license.

**13.5(1) General requirements.** The applicant shall:

- a. Have a baccalaureate degree from a regionally accredited institution.
- b. Have completed a state-approved teacher education program ~~which meets the requirements of the professional education core.~~
- c. Have completed ~~an approved human relations component~~ the teacher preparation coursework set forth in 281—subrules 79.15(2) to 79.15(5).
- d. Have completed ~~the exceptional learner component~~ student teaching in the subject area and grade level endorsement desired.
- e. Have completed the requirements for one of the basic teaching endorsements.
- f. ~~Meet the recency requirement of subrule 13.10(3).~~ Provide a recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized institution where the preparation was completed.

**13.5(2) Renewal requirements.** Applicants from non-Iowa institutions. ~~Renewal requirements for teacher licenses are set out in 282—Chapter 20.~~

a. Definitions.

“Nontraditional” means any method of teacher preparation that falls outside the traditional method of preparing teachers, that provides at least a one- or two-year sequenced program of instruction taught at regionally accredited and state-approved colleges or universities, that includes commonly recognized pedagogy classes being taught for course credit, and that requires a student teaching component.

“Proficiency,” for the purposes of paragraph 13.5(2)“e,” means that an applicant has passed all parts of the standard.

“Recognized non-Iowa teacher preparation institution” means an institution that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

b. In addition to the requirements set forth in subrule 13.5(1), applicants from non-Iowa institutions:

(1) Shall submit a copy of a valid or expired regular teaching certificate or license exclusive of a temporary, emergency or substitute license or certificate.

(2) Shall provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed (or verify highly qualified status) or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

(3) Shall provide an official institutional transcript(s) to be analyzed for the requirements necessary for Iowa licensure. An applicant must have completed at least 75 percent of the coursework as outlined in 281—subrules 79.15(2) to 79.15(5) and an endorsement requirement through a two- or four-year institution in order for the endorsement to be included on the license. An applicant who has not completed at least 75 percent of the coursework for at least one of the basic Iowa teaching endorsements completed will not be issued a license.

(4) Shall demonstrate recency of experience by providing verification of either one year of teaching experience or six semester hours of college credit during the five-year period immediately preceding the date of application.

(5) Shall not be subject to any pending disciplinary proceedings in any state or country.

(6) Shall comply with all requirements with regard to application processes and payment of licensure fees.

c. If through a transcript analysis, the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5) or one of the basic teaching endorsement requirements for Iowa is not met, the applicant may be eligible for the equivalent Iowa endorsement areas, as designated by the Iowa board of educational examiners, based on current and valid National Board Certification.

d. If the teacher preparation program was considered nontraditional, candidates will be asked to verify the following:

(1) That the program was for secondary education;

(2) A cumulative grade point average of 2.50 on a 4.0 scale from a regionally accredited institution;  
and

(3) The completion of a student teaching or internship experience or three years of teaching experience.

e. If the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5) cannot be reviewed through a traditional transcript evaluation, a portfolio review and evaluation process may be utilized.

(1) An applicant must demonstrate proficiency in a minimum of at least 75 percent of the teacher preparation coursework as outlined in 281—subrules 79.15(2) to 79.15(5).

(2) An applicant must meet with the board of educational examiners to answer any of the board's questions concerning the portfolio.

**13.5(3) *Applicants from foreign institutions.*** An applicant for initial licensure whose preparation was completed in a foreign institution must obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services and then file this report with the Iowa board of educational examiners for a determination of eligibility for licensure. After receiving the notification of eligibility by the Iowa board of educational examiners, the applicant must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education.

**282—13.6(272) Specific requirements for an initial license.** An initial license valid for two years may be issued to an applicant who meets the general requirements set forth in subrule 13.5(1) rule 282—13.5(272).

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

**282—13.7(272) Specific requirements for a standard license.** A standard license valid for five years may be issued to an applicant who:

1. Meets the general requirements set forth in ~~subrule 13.5(1)~~ rule 282—13.5(272), and
2. Shows evidence of successful completion of a state-approved mentoring and induction program by meeting the Iowa teaching standards as determined by a comprehensive evaluation and two years' successful teaching experience. In lieu of completion of an Iowa state-approved mentoring and induction program, the applicant must provide evidence of three years' successful teaching experience in an Iowa nonpublic school or three years' successful teaching experience in an out-of-state K-12 educational setting.

ITEM 3. Amend rules 282—13.9(272) to 282—13.11(272) as follows:

**282—13.9(272) Teacher intern license.**

**13.9(1) Authorization.** The teacher intern is authorized to teach in grades 7 to 12.

**13.9(2) Term.** The term of the teacher intern license will be one school year. This license is nonrenewable. ~~The fee for the teacher intern license is in 282—Chapter 12.~~

**13.9(3) Teacher intern requirements.** ~~A teacher intern license shall be issued upon application, provided that the following requirements have been met. The applicant shall:~~ may be issued to an applicant who has been recommended by an institution with a state-approved intern program and who has met the background check requirements set forth in rule 282—13.1(272).

~~a.—Hold a baccalaureate degree with a minimum cumulative grade point average of 2.50 on a 4.0 scale from a regionally accredited institution or meet the admission criteria set forth in 281—subrule 77.11(2).~~

~~b.—Meet the requirements of at least one of the board's secondary (5–12) teaching endorsements listed in rule 282—13.28(272).~~

~~c.—Possess a minimum of three years of postbaccalaureate work experience. An authorized official at a college or university with an approved teacher intern program will evaluate this experience.~~

~~d.—Successfully complete the teacher intern program requirements listed in subrule 13.9(4) and approved by the state board of education.~~

~~e.—Successfully pass a basic skills test at the level approved by the teacher education institution.~~

**13.9(4) Program requirements.** The teacher intern shall:

~~a.—Complete the following requirements prior to the internship year:~~

~~(1) Learning environment/classroom management. The intern uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.~~

~~(2) Instructional planning. The intern plans instruction based upon knowledge of subject matter, students, the community, curriculum goals, and state curriculum models.~~

~~(3) Instructional strategies. The intern understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.~~

~~(4) Student learning. The intern understands how students learn and develop and provides learning opportunities that support intellectual, career, social, and personal development.~~

~~(5) Diverse learners. The intern understands how students differ in their approaches to learning and creates instructional opportunities that are equitable and are adaptable to diverse learners.~~

~~(6) Collaboration, ethics and relationships. The intern fosters relationships with parents, school colleagues, and organizations in the larger community to support students' learning and development.~~

~~(7) Assessment. The intern understands and uses formal and informal assessment strategies to evaluate the continuous intellectual, social, and physical development of the learner.~~

~~(8) Field experiences that provide opportunities for interaction with students in an environment that supports learning in context. These experiences shall total at least 50 contact hours in the field prior to the beginning of the academic year of the candidate's initial employment as a teacher intern.~~

~~b.—Complete four semester hours of a teacher intern seminar during the teacher internship year to include support and extension of coursework from the teacher intern program.~~

~~c.—Complete the coursework and competencies in the following areas:~~

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~(1) Foundations, reflection, and professional development. The intern continually evaluates the effects of the practitioner's choices and actions on students, parents, and other professionals in the learning community and actively seeks out opportunities to grow professionally.~~

~~(2) Communication. The intern uses knowledge of effective verbal, nonverbal, and media communication techniques, and other forms of symbolic representation, to foster active inquiry and collaboration and to support interaction in the classroom.~~

~~(3) Exceptional learner program, which must include preparation that contributes to the education of individuals with disabilities and the gifted and talented.~~

~~(4) Preparation in the integration of reading strategies into the content area.~~

~~(5) Computer technology related to instruction.~~

~~(6) An advanced study of the items set forth in 13.9(4) "a"(1) to (7) above.~~

~~**13.9(5) Local school district requirements.** The local school district shall:~~

~~a. Provide an offer of employment to an individual who has been evaluated by a college or university for eligibility or acceptance in the teacher intern program.~~

~~b. Participate in a mentoring and induction program.~~

~~c. Provide a district mentor for the teacher intern.~~

~~d. Provide other support and supervision, as needed, to maximize the opportunity for the teacher intern to succeed.~~

~~e. Not overload the teacher intern with extracurricular duties not directly related to the teacher intern's teaching assignment.~~

~~f. Provide evidence to the board from a licensed evaluator that the teacher intern is participating in a mentoring and induction program.~~

~~g. At the board's request, provide information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.~~

~~**13.9(6) 13.9(4) Requirements to convert the teacher intern license to the initial license.**~~

~~a. An initial license shall be issued upon application provided that the teacher intern has met all of the following requirements: as verified by the recommendation from the state-approved program.~~

~~(1) Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education.~~

~~(2) Verification from a licensed evaluator that the teacher intern served successfully for a minimum of 160 days.~~

~~(3) Verification from a licensed evaluator that the teacher intern is participating in a mentoring and induction program and is being assessed on the Iowa teaching standards.~~

~~(4) Recommendation by a college or university offering an approved teacher intern program that the individual is eligible for an initial license.~~

~~(5) At the board's request, the teacher intern shall provide to the board information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.~~

~~b. The teacher intern year will count as one of the years that is needed for the teacher intern to convert the initial license to the standard license if the conditions listed in paragraph 13.9(6) "a" have been met.~~

~~**13.9(7) Requirements to obtain the initial license if the teacher intern does not complete the internship year.**~~

~~a. An initial license shall be issued upon application provided that the teacher intern has met the requirements for one of the following options:~~

~~(1) Option #1:~~

~~1. Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education; and~~

~~2. Verification by a college or university that the teacher intern successfully completed the college's or university's state-approved student teaching requirements; and~~

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

3.—Recommendation by a college or university offering an approved teacher intern program that the individual is eligible for an initial license.

~~(2) Option #2:~~

1.—Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education; and

2.—Verification by the approved teacher intern program that the teacher intern successfully completed 40 days of paid substitute teaching; and

3.—Verification by the teacher intern program that the teacher intern successfully completed 40 days of co-teaching; and

4.—Recommendation by the approved teacher intern program that the individual is eligible for an initial license.

~~b.—At the board's request, the teacher intern shall provide to the board information including, but not limited to, the teacher intern selection and preparation program, institutional support, local school district mentor, and local school district support.~~

~~13.9(8)~~ **13.9(5)** *Requirements to extend the teacher intern license if the teacher intern does not complete all of the education coursework during the term of the teacher intern license.*

a. A one-year extension of the teacher intern license may be issued upon application provided that the teacher intern has met both of the following requirements:

(1) Successful completion of ~~160 days~~ one year of teaching experience during the teacher internship.

(2) Verification by the recommending official at the approved teacher intern program that the teacher intern has not completed all of the coursework required for the initial license.

b. Only one year of teaching experience during the term of the teacher intern license or the extension of a teacher intern license may be used to convert the teacher intern license to a standard teaching license.

~~13.9(9)~~ *Requirements to obtain a teacher intern license if teaching in an international school.* A teacher intern candidate shall:

a.—Hold a baccalaureate degree from an accredited institution.

b.—Meet the requirements of at least one of the board's secondary (5-12) teaching endorsements listed in rule 282—13.28(272).

c.—Successfully complete the teacher intern program requirements listed in 13.9(4) "a"(1) to (7), 13.9(4) "b" and 13.9(4) "c"(1) to (6) through a four-year college or university and approved by the state board of education.

~~13.9(10)~~ *Requirements to convert the teacher intern license to the initial license if teaching in an international school.* An initial license shall be issued upon application provided that the teacher intern has met all of the following requirements:

a.—Successful completion of the coursework and competencies in the teacher intern program approved by the state board of education.

b.—Verification that the teacher intern served successfully for a minimum of 160 days.

**282—13.10(272) Specific requirements for a Class A extension license.** A nonrenewable Class A extension license valid for one year may be issued to an individual who has completed a teacher education program under any one of the following conditions:

~~13.10(1)~~ *Professional core requirements.* The individual has not completed all of the required courses in the professional core, 13.18(4) "a" through "j."

~~13.10(2)~~ *Human relations component.* The individual has not completed an approved human relations component.

~~13.10(3)~~ *Recency.* The individual meets the requirements for a valid license, but has had fewer than 160 days of teaching experience during the five-year period immediately preceding the date of application or has not completed six semester hours of college credit from a recognized institution within the five-year period. To obtain the desired license, the applicant must complete recent credits and, where

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~~recent credits are required, these credits shall be taken in professional education or in the applicant's endorsement area(s).~~

~~13.10(4) Degree not granted until next regular commencement. Rescinded IAB 9/9/09, effective 10/14/09.~~

~~13.10(5) 13.10(1) Based on an expired Iowa certificate or license, exclusive of a Class A extension or Class B license.~~

~~a. The holder of an expired license, exclusive of a Class A extension or Class B license, shall be eligible to receive a Class A extension license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.~~

~~b. The holder of an expired license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the license held shall be required to secure the signature of the superintendent or designee before the license will be issued.~~

~~13.10(6) 13.10(2) Based on a mentoring and induction program. An applicant may be eligible for a Class A extension license if the school district, after conducting a comprehensive evaluation, recommends and verifies that the applicant shall participate in the mentoring program for a third year. No further extensions are available for this type of Class A extension license.~~

~~13.10(7) Based on an administrative decision. The executive director is authorized to issue a Class A license to an applicant whose services are needed to fill positions in unique need circumstances.~~

**282—13.11(272) Specific requirements for a Class B license.** A Class B license, which is valid for two years and which is nonrenewable, may be issued to an individual under the following conditions:

**13.11(1) Endorsement in progress.** The individual has a valid initial, standard, master educator, permanent professional, Class A ~~(one-year extension of an initial, standard, or master educator) extension~~, exchange, or professional service license and one or more endorsements but is seeking to obtain some other endorsement. A Class B license may be issued if requested by an employer and if the individual seeking to obtain some other endorsement has completed at least two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for the endorsement. A Class B license may not be issued for the driver's education endorsement.

**13.11(2)** No change.

~~13.11(3) Request for exception executive director decision. A school district administrator may file a written request with the board for an exception to the minimum content requirements on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request. If the minimum content requirements have not been met for the Class B license, a one-year executive director decision license may be issued if requested by the school district and if the school district can demonstrate that a candidate with the proper endorsement was not found after a diligent search. The executive director decision license may not be renewed and will expire on June 30 of the fiscal year in which it was issued.~~

~~13.11(4) Provisional occupational license. If an individual is eligible for a provisional occupational license but has not met all of the experience requirements, a Class B license may be issued while the individual earns the necessary experience.~~

~~13.11(5) 13.11(4) Expiration. This The Class B license will expire on June 30 of the fiscal year in which it was issued plus one year.~~

ITEM 4. Amend rule 282—13.14(272) as follows:

**282—13.14(272) Specific requirements for a Class E emergency extension license.** A nonrenewable license valid for one year may be issued to an individual as follows:

**13.14(1) Expired license.** Based on an expired Class A, or Class B, or teacher exchange license, the holder of the expired license shall be eligible to receive a Class E emergency extension license upon application and submission of all required materials.

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**13.14(2) Application.** The application process will require transcripts of coursework completed during the term of the expired license, a program of study indicating the coursework necessary to obtain full licensure, and registration for coursework to be completed during the term of the Class E emergency extension license. The Class E emergency extension license will be denied if the applicant has not completed any coursework during the term of the Class A or Class B license unless extenuating circumstances are verified.

ITEM 5. Amend rules 282—13.16(272) and 282—13.17(272) as follows:

**282—13.16(272) Specific requirements for a substitute teacher's license.**

**13.16(1) Substitute teacher requirements.** A substitute teacher's license may be issued to an individual who provides verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and who:

*a.* Has completed a traditional teacher preparation program and been the holder of, or presently holds, or is eligible to hold, a license in Iowa; ~~or holds or held a regular teacher's license or certificate in another state, exclusive of temporary, emergency, or substitute certificate or license;~~ or

~~*b.* Has successfully completed all requirements of an approved teacher education program, but did not apply for an Iowa teacher's license at the time of completion of the approved program; or~~

*e. b.* Holds a valid or expired teaching certificate based on a nontraditional teacher preparation program, is able to verify three years of teaching experience, and provides passing scores on tests mandated by the state that issued the certificate. The license issued will contain a disclaimer stating that the holder of this license may not be eligible for full Iowa teaching licensure.

**13.16(2) Validity.** A substitute license is valid for five years and for not more than 90 days of teaching in one assignment during any one school year. A school district administrator may file a written request with the board for an extension of the 90-day limit in one assignment on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

**13.16(3) Authorization.** The holder of a substitute license is authorized to substitute teach in any school system in any position in which a regularly licensed teacher ~~was~~ is employed ~~to begin the school year~~ except in the driver's education classroom. In addition to the authority inherent in the initial, standard, master educator, professional administrator, ~~two-year~~ regional exchange, and permanent professional licenses and the endorsement(s) held, the holder of one of these regular licenses may substitute on the same basis as the holder of a substitute license while the regular license is in effect. The executive director may grant permission for a substitute to serve outside of a substitute's regular authority under unique circumstances.

**282—13.17(272) Specific requirements for exchange licenses.** ~~An applicant seeking Iowa licensure who completes the teacher preparation program from a recognized non-Iowa institution shall verify the requirements of subrules 13.18(4) and 13.18(5) through traditional course-based preparation program and transcript review. A recognized non-Iowa teacher preparation institution is one that is state approved and is accredited by the regional accrediting agency for the territory in which the institution is located. Applicants for nontraditional exchange licenses are not required to have received their preparation through regionally approved teacher education programs.~~

**13.17(1) ~~One-year teacher~~ Teacher exchange license.**

*a.* For an applicant applying under ~~43.3(2)~~ 13.5(2), a one-year nonrenewable exchange license may be issued to the applicant under any of the following conditions:

(1) ~~The applicant has completed a state approved, regionally accredited teacher education program; and~~ The applicant has met the minimum coursework requirements for licensure but has some coursework deficiencies. Any coursework deficiencies must be completed for college credit through a regionally accredited institution, with the exception of human relations which may be taken for licensure renewal credit through an approved provider.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~(2) The applicant has the recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized non-Iowa institution where the preparation was completed; and~~

~~(3) The applicant holds and submits a copy of a valid or expired certificate or license, exclusive of a temporary, emergency or substitute license or certificate;~~

~~1. Reserved.~~

~~2. (2) If the applicant submits verification that the applicant has applied for and will receive the applicant's first teaching license and is waiting for the processing or printing of a valid and current out-of-state license, a regional exchange license may be issued and the lack of a valid and current out-of-state license will be listed as a deficiency; and~~

~~(3) The applicant has not met the requirement for recency set forth in 13.5(2) "b"(4).~~

~~(4) The applicant must provide verification of successfully passing the Iowa mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013. If the teacher preparation program was completed prior to January 1, 2013, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed or must provide verification of successfully passing the Iowa mandated assessment(s) by meeting the minimum score set by the Iowa department of education; and~~

~~(5) Each exchange license shall be limited to the area(s) and level(s) of instruction as determined by an analysis of the application, the transcripts and the license or certificate held in the state in which the basic preparation for licensure was completed or of the application and the credential evaluation report. The applicant must have completed at least 75 percent of the endorsement requirements through a two- or four-year institution in order for the endorsement to be included on the exchange license; and~~

~~(6) The applicant is not subject to any pending disciplinary proceedings in any state or country; and~~

~~(7) The applicant complies with all requirements with regard to application processes and payment of licensure fees.~~

~~b. After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.~~

~~13.17(2) Two-year nontraditional exchange license. For an applicant applying under 13.3(3) and 13.3(4), a two-year nontraditional teacher exchange license may be issued to the applicant from state-approved preparation programs, under the following conditions:~~

~~a. The applicant has met the requirements of 13.3(4) "a" and "b."~~

~~b. The applicant has met the requirements of 13.17(1) "a"(3) through (7).~~

~~c. To convert the two-year nontraditional exchange license, the applicant must meet all deficiencies as well as meet the Iowa teaching standards as determined by a comprehensive evaluation by a licensed evaluator, and the applicant shall have two years of successful teaching experience in Iowa. The evaluator may recommend extending the license for a third year to meet Iowa teaching standards.~~

~~d. The license may be extended to meet the requirements for two years of successful teaching in Iowa with proof of employment.~~

~~13.17(3) 13.17(2) International teacher exchange license.~~

~~a. A nonrenewable international exchange license may be issued to an applicant under the following conditions:~~

~~(1) The applicant has completed a teacher education program in another country; and~~

~~(2) The applicant is not subject to any pending disciplinary proceedings in any state or country; and~~

~~(3) The applicant complies with all requirements with regard to application processes and payment of licensure fees; and~~

~~(4) (2) The applicant is a participant in a teacher exchange program administered through the Iowa department of education, the U.S. Department of Education, or the U.S. Department of State.~~

~~b. Each exchange license shall be limited to the area(s) and level(s) of instruction as determined by an analysis of the application and the credential evaluation report.~~

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c. This license shall not exceed ~~three years~~ one year unless the applicant can verify continued participation in the exchange program beyond one year.

d. After the term of the exchange license has expired, the applicant may apply to be fully licensed if the applicant has completed all requirements and is eligible for full licensure.

~~13.17(4)~~ **13.17(3)** *Military exchange license.*

a. No change.

b. *Spouses of active duty military service members applying under ~~13.3(2)~~ 13.5(2).* A three-year nonrenewable military exchange license may be issued to the applicant under the following conditions:  
(1) to (4) No change.

c. *Veterans or their spouses applying under ~~13.3(2)~~ 13.5(2).* A ~~five~~ three-year teaching ~~exchange~~ military exchange license ~~or a one-year exchange license~~ may be issued to an applicant who meets the requirements of 13.17(4)(3) "b"(1) and (2). A veteran must provide a copy of the veteran's DD 214. A spouse must provide a copy of the veteran spouse's DD 214 and the couple's marriage license.

d. *Spouses of active duty military service veterans, or veterans' spouses applying under ~~13.3(3)~~ 13.5(2).* If the applicant has completed a nontraditional teacher preparation program but is not eligible for a teaching license, the applicant will be issued a substitute license, and the initial review for the portfolio review process will be completed by board staff. An applicant must provide verification of connection to the military outlined in 13.17(4)(3) "b"(3) or 13.17(4)(3) "c."

e. No change.

f. *Fees.* Fees for the background check, evaluation and license issued pursuant to 13.17(4)(3) will be limited to the fee outlined in rule 282—12.1(272), ~~paragraph "2."~~ for the issuance of a license.

ITEM 6. Rescind and reserve rules **282—13.18(272)**, **282—13.21(272)** and **282—13.22(272)**.

ITEM 7. Amend rules 282—13.26(272) and 282—13.27(272) as follows:

**282—13.26(272) Requirements for elementary endorsements.**

**13.26(1)** *Teacher—prekindergarten-kindergarten.*

a. *Authorization.* The holder of this endorsement is authorized to teach at the prekindergarten/kindergarten level.

~~b. Program requirements.~~

- ~~(1) Degree—baccalaureate, and~~
- ~~(2) Completion of an approved human relations program, and~~
- ~~(3) Completion of the professional education core. See subrule 13.18(3).~~

~~e. b. Content.~~

~~(1) Human growth and development: infancy and early childhood, unless completed as part of the professional education core. See subrule 13.18(4).~~

~~(2) to (8) No change.~~

**13.26(2)** *Teacher—prekindergarten through grade three.*

a. *Authorization.* The holder of this endorsement is authorized to teach children from birth through grade three.

~~b. Program requirements.~~

- ~~(1) Degree—baccalaureate.~~
- ~~(2) Completion of an approved human relations program.~~
- ~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~
- ~~(4) Highly qualified teacher (HQT) status. Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status. The board shall determine the test and the minimum passing score for HQT status. Verification must be provided through one of the following:~~

~~1. Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or~~

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~2.—Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or~~

~~3.—Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or~~

~~4.—Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.~~

~~5.—For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.~~

~~e. b. Content.~~

~~(1) Child growth and development with emphasis on cognitive, language, physical, social, and emotional development, both typical and atypical, for infants and toddlers, preprimary, and primary school children (grades one through three), unless combined as part of the professional education core. See subrule 13.18(4) of the licensure rules for the professional core.~~

~~(2) to (13) No change.~~

~~**13.26(3) Teacher—prekindergarten through grade three, including special education.**~~

~~a. Authorization. The holder of this endorsement is authorized to teach children from birth through grade three.~~

~~b.—Program requirements.~~

~~(1) Degree—baccalaureate, and~~

~~(2) Completion of an approved human relations program, and~~

~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~

~~(4) Highly qualified teacher (HQT) status.—Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status.—The board shall determine the test and the minimum passing score for HQT status.—Verification must be provided through one of the following:~~

~~1.—Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or~~

~~2.—Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or~~

~~3.—Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or~~

~~4.—Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.~~

~~5.—For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.~~

~~e. b. Content.~~

~~(1) to (7) No change.~~

~~**13.26(4) Teacher—elementary classroom.** These requirements will sunset on August 31, 2015.~~

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

*a. Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

*b. Program requirements.*

(1) Degree—baccalaureate, and

(2) Completion of an approved human relations component, and

(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

(4) Highly qualified teacher (HQT) status.—Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status.—The board shall determine the test and the minimum passing score for HQT status.—Verification must be provided through one of the following:

1.—Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2.—Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3.—Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

4.—Obtaining the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants from outside the United States.

5.—For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment of the federal highly qualified teacher legislation (June 2006). This option may also be utilized by applicants who have been teaching outside the United States.

*e. b. Content.*

(1) Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core. See subrule 13.18(4).

(2) to (11) No change.

**13.26(5) Teacher—elementary classroom.** Effective September 1, 2015, the following requirements apply to persons who wish to teach in the elementary classroom:

*a. Authorization.* The holder of this endorsement is authorized to teach in kindergarten and grades one through six.

*b. Program requirements.*

(1) Degree—baccalaureate, and

(2) Completion of an approved human relations component, and

(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).

(4) Highly qualified teacher (HQT) status.—Applicants from non-Iowa institutions who have completed the requirements for this endorsement must verify their HQT status.—The board shall determine the test and the minimum passing score for HQT status.—Verification must be provided through one of the following:

1.—Written verification from the department of education in the state in which the applicant completed the elementary teacher preparation program that the applicant has achieved HQT status in that state; or

2.—Written verification from the department of education in the state where the applicant is currently teaching that the applicant has achieved HQT status in that state; or

3.—Submission of the official test score report indicating the applicant has met the qualifying score for licensure in the state in which the applicant completed the elementary teacher preparation program; or

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

4. ~~Verification that the applicant has obtained the qualifying score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of the Individuals with Disabilities Education Act (IDEA). This option may also be utilized by applicants from outside the United States.~~

5. ~~For applicants who have completed the requirements for one of the Iowa elementary endorsements, verification of HQT status by meeting the minimum score set by the Iowa board of educational examiners if the applicant has not been teaching within the last five years and completion of a teacher preparation program prior to enactment in June 2006 of the federal highly qualified teacher provisions of IDEA. This option may also be utilized by applicants who have been teaching outside the United States.~~

~~e. b. Content.~~

(1) ~~Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core. See subrule 13.18(4).~~

(2) ~~to (8) No change.~~

**282—13.27(272) Requirements for middle school endorsements.**

**13.27(1) Authorization.** The holder of this endorsement is authorized to teach in the two concentration areas in which the specific requirements have been completed as well as in other subject areas in grades five through eight which are not the core content areas. The holder is not authorized to teach art, industrial arts, music, reading, physical education, talented and gifted, English as a second language, and special education.

**13.27(2) Program requirements.**

a. Be the holder of a currently valid Iowa teacher's license with either the general elementary endorsement or one of the subject matter secondary level endorsements set out in rule 282—13.28(272) or 282—subrules 17.1(1) and 17.1(3).

b. A minimum of 9 semester hours of required coursework in the following:

(1) Coursework in the growth and development of the middle school age child, specifically addressing the social, emotional, physical and cognitive characteristics and needs of middle school age children in addition to related studies completed as part of the professional education core ~~in subrule 13.18(4).~~

(2) Coursework in middle school design, curriculum, instruction, and assessment including, but not limited to, interdisciplinary instruction, teaming, and differentiated instruction in addition to related studies completed as part of the professional education core ~~in subrule 13.18(4).~~

(3) No change.

c. No change.

**13.27(3) No change.**

ITEM 8. Amend subrules 13.28(3), 13.28(20) to 13.28(25) and 13.28(28) as follows:

**13.28(3) Business—all. 5-12.** Completion of 30 semester hours in business to include 6 semester hours in accounting, 3 semester hours in business law to include contract law, 3 semester hours in computer and technical applications in business, 6 semester hours in marketing to include consumer studies, 3 semester hours in management, 6 semester hours in economics, and 3 semester hours in business communications to include formatting, language usage, and oral presentation. Coursework in entrepreneurship and in financial literacy may be a part of, or in addition to, the coursework listed above. ~~Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach marketing without completing the endorsement requirements must complete the endorsement requirements by July 1, 2010, in order to teach or continue to teach marketing. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching marketing.~~

**13.28(20) English as a second language (ESL). K-12.**

a. *Authorization.* The holder of this endorsement is authorized to teach English as a second language in kindergarten and grades one through twelve.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~*b. Program requirements.*~~

- ~~(1) Degree—baccalaureate, and~~
- ~~(2) Completion of an approved human relations program, and~~
- ~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~

~~*e. b. Content.* Completion of 18 semester hours of coursework in English as a second language to include the following:~~

- ~~(1) to (4) No change.~~

~~*d. Other.* Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach English as a second language without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach English as a second language. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching English as a second language.~~

**13.28(21) Elementary school teacher librarian.**

~~*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in kindergarten and grades one prekindergarten through grade eight.~~

~~*b. Program requirements.*~~

- ~~(1) Degree—baccalaureate.~~
- ~~(2) Completion of an approved human relations program.~~
- ~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~

~~*e. Content prior to September 1, 2012.* The following requirements apply for endorsements issued prior to September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:~~

- ~~(1) Knowledge of materials and literature in all formats for elementary children.~~
- ~~(2) Selection, utilization and evaluation of library resources and equipment.~~
- ~~(3) Design and production of instructional materials.~~
- ~~(4) Acquisition, cataloging and classification of library materials.~~
- ~~(5) Information literacy, reference services and networking.~~
- ~~(6) Planning, evaluation and administration of school library programs.~~
- ~~(7) Practicum in an elementary school media center/library.~~

~~*d. b. Content—effective on and after September 1, 2012.* The following requirements apply for endorsements issued on and after September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:~~

- ~~(1) to (4) No change.~~

**13.28(22) Secondary school teacher librarian.**

~~*a. Authorization.* The holder of this endorsement is authorized to serve as a teacher librarian in grades five through twelve.~~

~~*b. Program requirements.*~~

- ~~(1) Degree—baccalaureate.~~
- ~~(2) Completion of an approved human relations program.~~
- ~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~

~~*e. Content prior to September 1, 2012.* The following requirements apply for endorsements issued prior to September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:~~

- ~~(1) Knowledge of materials and literature in all formats for adolescents.~~
- ~~(2) Selection, utilization and evaluation of library resources and equipment.~~
- ~~(3) Design and production of instructional materials.~~
- ~~(4) Acquisition, cataloging and classification of library materials.~~
- ~~(5) Information literacy, reference services and networking.~~
- ~~(6) Planning, evaluation and administration of school library programs.~~
- ~~(7) Practicum in a secondary school media center/library.~~

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~~d. b. Content—effective on and after September 1, 2012. The following requirements apply for endorsements issued on and after September 1, 2012. Completion of 24 semester hours in school library coursework to include the following:~~

~~(1) to (4) No change.~~

**13.28(23) School teacher librarian. PK-12.**

~~a. Authorization. The holder of this endorsement is authorized to serve as a teacher librarian in prekindergarten through grade twelve. The applicant must be the holder of or eligible for the initial license.~~

~~b. Program requirements. Degree—master's.~~

~~c. Content—prior to September 1, 2012. The following requirements apply for endorsements issued prior to September 1, 2012. Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school library coursework, to include the following:~~

~~(1) Planning, evaluation and administration of school library programs.~~

~~(2) Curriculum development and teaching and learning strategies.~~

~~(3) Instructional development and communication theory.~~

~~(4) Selection, evaluation and utilization of library resources and equipment.~~

~~(5) Acquisition, cataloging and classification of library materials.~~

~~(6) Design and production of instructional materials.~~

~~(7) Methods for instruction and integration of information literacy skills into the school curriculum.~~

~~(8) Information literacy, reference services and networking.~~

~~(9) Knowledge of materials and literature in all formats for elementary children and adolescents.~~

~~(10) Reading, listening and viewing guidance.~~

~~(11) Utilization and application of computer technology.~~

~~(12) Practicum at both the elementary and secondary levels.~~

~~(13) Research in library and information science.~~

~~d. c. Content—effective on and after September 1, 2012. The following requirements apply for endorsements issued on and after September 1, 2012. Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school library coursework, to include the following:~~

~~(1) to (4) No change.~~

**13.28(24) Talented and gifted teacher.**

~~a. and b. No change.~~

~~e. Other. Individuals who were licensed in Iowa prior to August 31, 1995, and were allowed to teach talented and gifted classes without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach talented and gifted classes. A waiver provision is provided through the board of educational examiners for individuals who have been successfully teaching students who are talented and gifted.~~

**13.28(25) American Sign Language endorsement.**

~~a. Authorization. The holder of this endorsement is authorized to teach American Sign Language in kindergarten and grades one through twelve.~~

~~b. Program requirements.~~

~~(1) Degree—baccalaureate.~~

~~(2) Completion of an approved human relations program.~~

~~(3) Completion of the professional education core.~~

~~e. b. Content. Completion of 18 semester hours of coursework in American Sign Language to include the following:~~

~~(1) to (6) No change.~~

~~d. c. Other. Be the holder of or be eligible for one other teaching endorsement listed in rules 282—13.26(272) and 282—13.27(272) and this rule.~~

**13.28(28) School nurse endorsement.** The school nurse endorsement does not authorize general classroom teaching, although it does authorize the holder to teach health at all grade levels. Alternatively,

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a nurse may obtain a statement of professional recognition (SPR) from the board of educational examiners, in accordance with the provisions set out in 282—Chapter 16, Statements of Professional Recognition (SPR).

*a. Authorization.* The holder of this endorsement is authorized to provide service as a school nurse at the prekindergarten and kindergarten levels and in grades one through twelve.

~~*b. Program requirements.*~~

~~(1) Degree—baccalaureate, and~~

~~(2) Completion of an approved human relations program, and~~

~~(3) Completion of the professional education core. See subrules 13.18(3) and 13.18(4).~~

~~*e. b. Content.*~~

~~(1) to (4) No change.~~

~~*d. c. Other.* Hold a license as a registered nurse issued by the Iowa board of nursing.~~

ITEM 9. Amend subrule 13.29(1) as follows:

**13.29(1) Adding an endorsement.** After the issuance of a teaching license, an individual may add other endorsements to that license upon proper application, provided current requirements for that endorsement have been met. An updated license with expiration date unchanged from the original or renewed license will be prepared.

*a. Options.* To add an endorsement, the applicant must follow one of these options:

(1) Option 1. Receive the Iowa teacher education institution's recommendation that the current approved program requirements for the endorsement have been met.

(2) Option 2. Receive verification from the Iowa teacher education institution that the minimum state requirements for the endorsement have been met in lieu of the institution's approved program.

~~(3) Option 3. Receive verification from a state-approved and regionally accredited institution that the Iowa minimum requirements for the endorsement have been met.~~

(4) ~~Option 4.~~ Apply for a review of the transcripts by the board of educational examiners' staff to determine if all Iowa requirements have been met. The applicant must submit documentation that all of the Iowa requirements have been met by filing transcripts and supporting documentation for review. The fee for the transcript evaluation is in 282—Chapter 12. This fee shall be in addition to the fee for adding the endorsement.

*b. Additional requirements for adding an endorsement.*

(1) In addition to meeting the requirements ~~listed in rules 282—13.18(272) and 282—13.28(272)~~ for Iowa licensure, applicants for endorsements shall have completed a methods class appropriate for teaching the general subject area of the endorsement added.

(2) to (4) No change.

ITEM 10. Amend rule 282—14.2(272) as follows:

**282—14.2(272) Specific requirements.** For each of the following teaching endorsements in special education, the applicant must have completed 24 semester hours in special education.

**14.2(1)** No change.

**14.2(2) Instructional strategist I: mild and moderate.**

*a.* No change.

*b. Option 2—K-8 mild and moderate.* To obtain this endorsement, the applicant must hold a valid Iowa license with either a K-8 or 5-12 special education instructional endorsement and must meet the following basic requirements in addition to those set out in paragraph 14.2(2) "a."

(1) Child growth and development with emphasis on the emotional, physical, and mental characteristics of elementary age children, unless completed as part of the professional education core. See rule ~~282—13.18(272)~~.

(2) to (5) No change.

*c.* No change.

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*d. Option 2—5-12 mild and moderate.* To obtain this endorsement, the applicant must hold a valid Iowa license with either a K-8 or 5-12 special education instructional endorsement and must meet the following basic requirements in addition to those set out in paragraph 14.2(2)“c.”

(1) Adolescent growth and development with emphasis on the emotional, physical, and mental characteristics of adolescent age children, unless completed as part of the professional education core. See rule 282—13.18(272).

(2) to (4) No change.

(5) Secondary methods unless completed as part of the professional education core. See 282—paragraph 13.18(4)“l.”

**14.2(3) to 14.2(7)** No change.

**14.2(8)** *Deaf or hard of hearing endorsement.*

*a.* No change.

*b. Option 2.* An applicant who holds an endorsement in deaf or hard of hearing issued in another state or who is eligible for such an endorsement but who does not also hold or is not eligible for a regular education endorsement in Iowa (see 282—Chapter 13) must meet the following basic requirements in addition to those set out in paragraph 14.2(8)“a.”

(1) Child growth and development with emphasis on the emotional, physical, and mental characteristics of elementary age children unless completed as part of the professional education core. See 282—Chapter 13.

(2) to (5) No change.

(6) Adolescent growth and development with emphasis on the emotional, physical, and mental characteristics of adolescent age children unless completed as part of the professional education core. See 282—subrule 13.18(4).

(7) No change.

(8) Secondary methods unless completed as part of the professional education core. See 282—paragraph 13.18(4)“l.”

**14.2(9)** *Visually disabled endorsement.*

*a.* No change.

*b. Option 2.* An applicant who holds an endorsement for visually disabled issued in another state or who is eligible for such an endorsement but who does not also hold or is not eligible for a regular education endorsement in Iowa (see 282—Chapter 13) must meet the following basic requirements in addition to those set out in paragraph 14.2(9)“a.”

(1) Child growth and development with emphasis on the emotional, physical, and mental characteristics of elementary age children unless completed as part of the professional education core. See 282—Chapter 13.

(2) to (5) No change.

(6) Adolescent growth and development with emphasis on the emotional, physical, and mental characteristics of adolescent age children unless completed as part of the professional education core. See 282—subrule 13.18(4).

(7) No change.

(8) Secondary methods unless completed as part of the professional education core. See 282—paragraph 13.18(4)“l.”

**14.2(10) and 14.2(11)** No change.

ITEM 11. Rescind and reserve rule **282—18.2(272)**.

ITEM 12. Amend rule 282—18.4(272) as follows:

**282—18.4(272) General requirements for an administrator license.**

**18.4(1)** *Eligibility for applicants who have completed a teacher preparation program.* Applicants for the administrator license must first comply with the requirements for all Iowa practitioners set out in 282—Chapter 13. Additionally, the requirements of rules 282—13.2(272) and 282—13.3(272) and the

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~license-specific requirements set forth under each license must be met before an applicant is eligible for an administrator license.~~

**18.4(2)** *Specific requirements for an initial administrator license for applicants who have completed a teacher preparation program.* An initial administrator license valid for one year may be issued to an applicant who:

- ~~a. Is the holder of or is eligible for a standard license; and~~
- ~~b. Has three years of teaching experience; and~~
- ~~c. a. Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and~~
- ~~d. Has completed an approved human relations component; and~~
- ~~e. Has completed an exceptional learner component; and~~
- ~~f. b. Has completed an evaluator approval program; and~~
- ~~c. Provides a recommendation for the specific license and administrator endorsement(s) from the designated recommending official at the recognized institution where the preparation was completed; and~~
- ~~d. Has met the experience requirement set forth for the desired administrator endorsement; and~~
- ~~e. Is not subject to any pending disciplinary proceedings in any state; and~~
- ~~f. Complies with all requirements with regard to application processes and payment of licensure fees.~~

**18.4(3)** No change.

**18.4(4)** *Specific requirements for an initial administrator license for applicants who have completed a professional service endorsement.* An initial administrator license valid for one year may be issued to an applicant who:

- ~~a. Is the holder of an Iowa professional service license; and~~
- ~~b. Has three years of experience in an educational setting in the professional service endorsement area; and~~
- ~~c. Has completed a state-approved PK-12 principal and PK-12 supervisor of special education program (see subrule 18.9(1)); and~~
- ~~d. Is assuming a position as a PK-12 principal and PK-12 supervisor of special education (see subrule 18.9(1)) for the first time or has one year of out-of-state or nonpublic administrative experience; and~~
- ~~e. Has completed an approved the required coursework in human relations component, cultural competency, diverse learners and reading instruction set forth in 281—subrules 79.15(2) and 79.15(3); and~~
- ~~f. Has completed an exceptional learner component; and~~
- ~~g. f. Has completed the professional education core in 282—paragraphs 13.18(4)“a” through “j” 281—paragraphs 79.15(5)“b” to “k”; and~~
- ~~h. g. Has completed an evaluator approval program.~~

ITEM 13. Amend rules 282—18.6(272) and 282—18.7(272) as follows:

**282—18.6(272) Specific requirements for an administrator prepared out of state.** An applicant seeking Iowa licensure who completes an administrator preparation program from a recognized non-Iowa institution shall verify the requirements of rules 282—18.1(272) and 282—18.4(272) through traditional course-based preparation program and transcript review. A recognized non-Iowa administrator preparation institution is one that is state-approved and is accredited by the regional accrediting agency for the territory in which the institution is located. Applicants must hold and submit a copy of a valid or expired regular administrator certificate or license in the state in which the preparation was completed, exclusive of a temporary, emergency or substitute license or certificate.

**18.6(1) ~~Specific requirements.~~ Administrator exchange license.** A one-year nonrenewable administrator exchange license may be issued to an individual who ~~completes the requirements in paragraphs 18.4(2)“a” through “f” and satisfies the following:~~ has not met any of the following requirements:

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~a. Has completed a state approved, regionally accredited administrator preparation program in a college or university approved by the state board of education or the state licensing agency in the individual's preparation state; and~~

~~b. Has the recommendation for the specific license and endorsement(s) from the designated recommending official at the recognized non-Iowa institution where the preparation was completed; and~~

~~c. Holds and submits a copy of a valid regular administrator certificate or license in the state in which the preparation was completed, exclusive of a temporary, emergency or substitute license or certificate; and~~

~~d. Meets the experience requirements for the administrator endorsement(s). Verified successful completion of three years of full-time teaching experience in other states, on a valid license, shall be considered equivalent experience necessary for the principal endorsement. Verified successful completion of six years of full-time teaching and administrative experience in other states, on a valid license, shall be considered equivalent experience for the superintendent endorsement provided that at least three years were as a teacher and at least three years were as a building principal or other PK-12 districtwide administrator; and~~

~~e. Is not subject to any pending disciplinary proceedings in any state; and~~

~~f. Complies with all requirements with regard to application processes and payment of licensure fees.~~

a. Professional core requirements. The applicant has not completed all of the required courses in the professional core in 281—subrules 79.15(2) and 79.15(3) and 281—paragraphs 79.15(5) “b” to “k.”

b. Endorsement requirements. The applicant has not completed a minimum of 75 percent of the coursework for the PK-12 principal and PK-12 supervisor of special education endorsement, and any additional administrator endorsements desired.

c. Regular administrator certificate or license in the state in which the preparation was completed. The applicant is eligible for and has applied for a regular administrator certificate or license in the state in which the preparation was completed but has not yet received the certificate or license.

d. Approved evaluator training requirement. The applicant has not completed the approved evaluator training requirement.

~~18.6(2) Rescinded IAB 2/23/11, effective 3/30/11.~~

~~18.6(3) Rescinded IAB 2/23/11, effective 3/30/11.~~

18.6(2) Conversion. Each applicant who receives the one-year administrator exchange license must complete any identified licensure deficiencies in order to be eligible for an initial administrator license or a professional administrator license in Iowa. Any coursework deficiencies must be completed for college credit through a regionally accredited institution, with the exception of the human relations component which may be taken for licensure renewal credit through an approved provider.

## **282—18.7(272) Specific requirements for a Class A extension license.**

**18.7(1)** A nonrenewable Class A administrator exchange license valid for one year may be issued to an applicant who has completed an administrator preparation program under any one of the following conditions:

~~a. Professional core requirements. The individual has not completed all of the required courses in the professional core, 282—paragraphs 13.18(4) “a” through “j.”~~

~~b. Human relations component. The individual has not completed an approved human relations component.~~

~~c. Regular administrator certificate or license in the state in which the preparation was completed. The individual has applied for a regular administrator certificate or license in the state in which the preparation was completed but has not yet received the certificate or license.~~

~~d. Based on evaluator requirement. The applicant has not completed the approved evaluator training requirement.~~

**18.7(2) 18.7(1)** A nonrenewable Class A extension license valid for one year may be issued to an applicant based on an expired Iowa professional administrator license.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~a. The holder of an expired professional administrator license shall be eligible to receive a Class A license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.~~

~~b. **18.7(2) Renewal.** The holder of an expired professional administrator license who is currently under contract with an Iowa educational unit (area education agency/local education agency/local school district) and who does not meet the renewal requirements for the administrator license held shall be required to secure the signature of the superintendent or designee before the Class A extension license will be issued. If the superintendent does not meet the renewal requirements, the superintendent shall be required to secure the signature of the school board president before the license will be issued.~~

~~**18.7(3) Authorization.** Each Class A license shall be limited to the area(s) and level(s) of administration as determined by an analysis of the application, the transcripts, and the license or certificate held in the state in which the basic preparation for the administrator license was completed.~~

~~**18.7(4) Conversion.** Each applicant receiving the one-year Class A license must complete any identified licensure deficiencies in order to be eligible for an initial administrator license or a professional administrator license in Iowa.~~

ITEM 14. Amend paragraph **18.9(1)“c”** as follows:

*c. Other.*

(1) The applicant must have had three years of teaching experience at the early childhood through grade twelve level while holding a valid license.

(2) No change.

ITEM 15. Amend subrules 18.9(2) and 18.9(3) as follows:

**18.9(2) PK-8 principal—out-of-state applicants.** This endorsement is only for applicants from out-of-state institutions.

*a. and b.* No change.

*c. Other.* The applicant must have had three years of teaching experience at the early childhood through grade eight level while holding a valid license.

**18.9(3) 5-12 principal—out-of-state applicants.** This endorsement is only for applicants from out-of-state institutions.

*a. and b.* No change.

*c. Other.* The applicant must have had three years of teaching experience at the secondary level (5-12) while holding a valid license.

ITEM 16. Amend subrule 18.10(3) as follows:

**18.10(3) Administrative experience.** The applicant must meet one of the following:

*a.* The applicant must have had three years of experience as a building principal while holding a valid license.

*b.* No change.

*c.* The applicant must have six years of teaching and administrative experience, provided that at least two years are teaching experience and one year is administrative experience, all while holding a valid license.

ITEM 17. Amend rule 282—18.12(272) as follows:

**282—18.12(272) Specific requirements for a Class E emergency license.** A nonrenewable Class E emergency license valid for one year may be issued to an individual as follows.

**18.12(1) and 18.12(2)** No change.

ITEM 18. Rescind and reserve rule **282—19.6(272).**

ITEM 19. Amend rules 282—27.1(272) and 282—27.2(272) as follows:

**282—27.1(272) Professional service license.** A professional service licensee is an individual prepared to provide professional services in Iowa schools but whose preparation has not required completion of

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

the ~~professional education core as described in 282—subrule 13.18(4)~~ teacher preparation coursework set forth in rule 281—79.15(256). The professional service license may be issued in the following areas:

1. School counselor.
2. School psychologist.
3. Speech-language pathologist.
4. Supervisor of special education (support).
5. Director of special education of an area education agency.
6. School social worker.
7. School audiologist.

**282—27.2(272) Requirements for a professional service license.**

**27.2(1) Initial professional service license.** An initial professional service license valid for two years may be issued to an applicant for licensure to serve as a school audiologist, school psychologist, school social worker, speech-language pathologist, supervisor of special education (support), director of special education of an area education agency, or school counselor who:

- a. to c. No change.
- d. Meets the recency requirement of 282—~~subrule 13.10(3)~~ subparagraph 13.5(2)“b”(4).

**27.2(2) Standard professional service license.** A standard professional service license valid for five years may be issued to an applicant who:

- a. and b. No change.
- c. Meets the recency requirement of 282—~~subrule 13.10(3)~~ subparagraph 13.5(2)“b”(4).

**27.2(3)** No change.

ITEM 20. Amend subrules 27.3(1) and 27.3(2) as follows:

**27.3(1) Elementary professional school counselor.**

a. *Authorization.* The holder of this endorsement has not completed the ~~professional education core (282—subrule 13.18(4))~~ teacher preparation coursework set forth in rule 281—79.15(256) but is authorized to serve as a professional school counselor in kindergarten and grades one through eight.

b. and c. No change.

**27.3(2) Secondary professional school counselor.**

a. *Authorization.* The holder of this endorsement has not completed the ~~professional education core (282—subrule 13.18(4))~~ teacher preparation coursework set forth in rule 281—79.15(256) but is authorized to serve as a professional school counselor in grades five through twelve.

b. and c. No change.

[Filed 5/12/15, effective 7/15/15]

[Published 6/10/15]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2015C**

**EDUCATIONAL EXAMINERS BOARD[282]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” rescinds Chapter 17, “Career and Technical Endorsements and Licenses,” and amends Chapter 22, “Authorizations,” Iowa Administrative Code.

These amendments move the multioccupational endorsement provisions from Chapter 17 (which has been rescinded) to Chapter 13. The amendments to the Board’s rules regarding career and technical licensure change the title from “license” to “authorization” in order to create a clear distinction between fully licensed teachers and those seeking authority to teach through experience. The amendments require that an applicant for the career and technical authorization have a job offer prior to obtaining

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

the authorization. Additionally, the amendments clarify the meaning of “recent” experience, update the list of required coursework for career and technical applicants, and eliminate redundant endorsements for teachers.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1917C** on March 18, 2015. A public hearing took place on April 8, 2015. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice of Intended Action.

These amendments are subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on May 8, 2015.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective July 15, 2015.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 13.28(33):

**13.28(33) Multioccupations.** Completion of any 5-12 endorsement and, in addition thereto, coursework in foundations of career and technical education, coordination of cooperative programs, and competency-based curriculum development. Four thousand hours of career and technical experience in two or more occupations. The multioccupations endorsement also authorizes the holder to supervise students in cooperative programs, school-to-work programs, and similar programs in which the student is placed in school-sponsored, on-the-job situations.

ITEM 2. Rescind and reserve **282—Chapter 17**.

ITEM 3. Adopt the following **new** rule 282—22.9(272):

**282—22.9(272) Requirements for the career and technical secondary authorization.**

**22.9(1) Authorization.** This authorization is provided to noneducators entering the education profession to instruct in occupations and specialty fields that are recognized in career and technical service areas and career cluster areas.

**22.9(2) Application process.** Any person interested in the career and technical secondary authorization shall submit the application to the board of educational examiners for an evaluation. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov/>.

**22.9(3) Specific requirements for the initial career and technical secondary authorization.**

a. The applicant must meet the background check requirements for licensure set forth in rule 282—13.1(272).

b. The applicant must obtain a recommendation from a school district administrator verifying that the school district wishes to hire the applicant.

c. An applicant for this authorization must have completed 6,000 hours of recent and relevant career and technical experience in the teaching endorsement area sought. If the candidate also holds a bachelor’s degree, the experience requirement is 4,000 hours. This experience shall have been accrued within the ten years prior to the date of application. Experience that does not meet these criteria may be considered at the discretion of the executive director. In subjects for which state registration, certification or licensure is required, the applicant must hold the appropriate license, registration or certificate before the initial career and technical secondary authorization or the career and technical secondary authorization will be issued.

d. The applicant must provide documentation of completion of a code of professional conduct and ethics training approved by the board of educational examiners.

e. Coursework requirements.

(1) Applicants must commit to complete the following requirements within the term of the initial authorization. Coursework must be completed for college credit from a regionally accredited institution.

1. A new teachers’ workshop of a minimum of 30 clock hours and specified competencies, to be completed during the term of the initial authorization.

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

2. Coursework in the methods and techniques of career and technical education.
3. Coursework in course and curriculum development.
4. Coursework in the measurement and evaluation of programs and students.
5. An approved human relations course.
6. Coursework in the instruction of exceptional learners to include the education of individuals with disabilities and the gifted and talented.

(2) Applicants who believe that their previous college coursework meets the coursework requirements in 22.9(3)“e”(1) may have the specific requirements waived. Transcripts or other supporting data should be provided to a teacher educator at one of the institutions which has an approved teacher education program. The results of the competency determination shall be forwarded with recommendations to the board of educational examiners. Board personnel will make final determination as to the competencies mastered and cite coursework which yet needs to be completed, if any.

**22.9(4) *Validity—initial authorization.*** The initial career and technical secondary authorization is valid for three years.

**22.9(5) *Renewal.*** The initial career and technical secondary authorization may be renewed once if the candidate can demonstrate that coursework progress has been made.

**22.9(6) *Conversion.*** The initial career and technical secondary authorization may be converted to a career and technical secondary authorization if the applicant has met the following:

- a. Completion of the required coursework set forth in paragraph 22.9(3)“e.”
- b. Documentation of completion of a code of professional conduct and ethics training approved by the board of educational examiners. The training must be completed after the issuance of the initial authorization and no more than three years prior to the date of application.

**22.9(7) *Specific requirements for the career and technical secondary authorization.***

- a. This authorization is valid for five years.
- b. An applicant for this authorization must first meet the requirements for the initial career and technical secondary authorization.
- c. Renewal requirements for the career and technical secondary authorization. Applicants for renewal must meet the requirements set forth in 282—subrule 20.5(1) and 282—paragraphs 20.5(2)“a” to “d.”

**22.9(8) *Revocation and suspension.*** Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the initial career and technical secondary authorization or the career and technical secondary authorization. If a school district hires an applicant without a valid license or authorization, a complaint may be filed against the teacher and the superintendent of the school district.

[Filed 5/12/15, effective 7/15/15]

[Published 6/10/15]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2018C**

**EDUCATIONAL EXAMINERS BOARD[282]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 23, “Behind-the-Wheel Driving Instructor Authorization,” Iowa Administrative Code.

The amendment allows holders of the driver education endorsement to maintain a behind-the-wheel authorization with classroom instruction authority. This amendment will be particularly beneficial to the holders of initial teaching licenses who teach driver’s education in the summer only, since this summer employment does not meet the experience requirement to move to a standard license, and since initial license holders do not have an unlimited number of renewals on their initial licenses. This amendment

## EDUCATIONAL EXAMINERS BOARD[282](cont'd)

also benefits holders of expired licenses who want to continue to teach driver's education and maintain this authorization annually with relevant renewal training.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1920C** on March 18, 2015. A public hearing took place on April 8, 2015. No one attended the public hearing, and no written comments were received.

This amendment is identical to that published under Notice of Intended Action.

This amendment is subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on May 8, 2015.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

This amendment will become effective July 15, 2015.

The following amendment is adopted.

Amend rule 282—23.1(272,321) as follows:

**282—23.1(272,321) Requirements.** Applicants for the behind-the-wheel driving instructor authorization shall meet the following requirements:

**23.1(1)** and **23.1(2)** No change.

**23.1(3) Classroom instruction.** To be eligible to provide classroom instruction, holders of the behind-the-wheel driving instructor authorization must additionally hold a valid or expired initial, standard, exchange, or master educator license with endorsement for driver education as set forth in 282—subrule 13.28(4).

[Filed 5/12/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2021C**

**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 21, “Community Colleges,” Iowa Administrative Code.

This amendment clarifies protocol for community college residency determinations for students, including veterans, and clarifies permissible tuition rates. The amendment moves the State Board of Education's Uniform Policy on Residency Status into administrative rule.

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

Notice of Intended Action was published in the February 18, 2015, Iowa Administrative Bulletin as **ARC 1879C**. Public comments were allowed until 4:30 p.m. on March 10, 2015. A public hearing was held on that date. No one attended the public hearing.

This rule making has been modified from that published under Notice. Proposed Item 1 was not adopted. In addition, the explanation of in-state residency for veterans in 21.2(11)“b”(5) was modified at the request of the Iowa National Guard.

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

This amendment is intended to implement Iowa Code chapter 260C.

This amendment will become effective July 15, 2015.

The following amendment is adopted.

Rescind subrule 21.2(11) and adopt the following **new** subrule in lieu thereof:

**21.2(11) Residency status and tuition.** A student who has been admitted to an Iowa community college shall be classified as a resident or as a nonresident for admission, tuition, and fee purposes. A student classified as a resident shall pay resident tuition costs. A student classified as a nonresident shall

## EDUCATION DEPARTMENT[281](cont'd)

pay nonresident tuition costs. Tuition rates are established by a community college's board of trustees pursuant to Iowa Code section 260C.14(2).

*a. Tuition rates.* Tuition rates adopted by a community college's board of trustees shall be consistent with the following requirements.

(1) Resident tuition.

1. Tuition for residents shall not exceed the lowest tuition rate per semester, or the equivalent, for a full-time student charged by an institution of higher education under the state board of regents.

2. For students of high school age enrolled in a course through a contractual agreement with a school district, the limit on resident tuition shall not apply, and the amount of tuition shall be determined by the community college's board of trustees with the consent of the school board.

3. Resident tuition rates shall not require department approval.

(2) Nonresident tuition. Tuition for nonresidents shall be not less than the marginal cost of instruction of a student attending the college. The establishment of nonresident tuition rates shall not require department approval, with the exception of rates established pursuant to paragraphs 21.2(11) "a"(2) "2" and "3" and 21.2(11) "a"(3).

1. International student tuition rates. A separate nonresident rate for international students shall be permissible, provided the rate is reasonable and reflects the cost of appropriate services.

2. Reciprocal agreements. A lower tuition rate for nonresidents is permitted under a reciprocal tuition agreement between a community college and an educational institution in another state, if the rate established in the agreement is approved by the department.

3. Other nonresident rates. Other nonresident tuition rates may be established for specific purposes provided the tuition rate is greater than the resident tuition rate, the tuition rate is not less than the marginal cost of instruction, and the arrangement is approved by the department.

(3) Consortia. A separate tuition rate for residents and nonresidents is permitted for courses delivered through a consortia agreement for online, distance education, or other coursework between Iowa community colleges, if the rate established in the agreement is approved by the department. Tuition shall not be less than the lowest resident rate or higher than the highest nonresident rate of institutions within the consortium.

(4) Noncredit course tuition. Tuition for noncredit continuing education courses shall be determined based on course costs and market demand. Tuition rates for courses that are not credit-bearing shall not require department approval.

(5) Department approval. For tuition rates requiring department approval, the department shall approve rates which comply with the requirements set forth in this chapter. Before a rate is adopted by a community college's board of trustees and charged to students, the community college shall request and receive approval for a tuition rate.

(6) Reporting. A community college shall annually report all tuition rates and mandatory fees in a manner prescribed by the department.

(7) Notification. A community college shall inform all students about residency status determinations, the appeal process, and tuition policies. Information shall be included in appropriate publications such as the college's catalog, registration materials, Web site, and student handbook.

*b. Determination of residency status.* In determining a community college resident or nonresident classification, the primary determinant shall be the reason the student is in the state of Iowa. The second determinant shall be the length of time a student has resided in Iowa. If a student is in the state primarily for educational purposes, that student shall be considered a nonresident. The burden of establishing the reason a student is in Iowa for other than educational purposes rests with the student.

(1) Procedure. The registrar or officially designated community college office shall require written documents, affidavits, or other related evidence deemed necessary to determine why a student is in Iowa. A student shall be required to file at least two documents from different sources to determine residency status. Examples of acceptable documentation include: written and notarized documentation from an employer that the student is employed in Iowa or a signed and notarized statement from the student describing employment and sources of support; an Iowa state income tax return; an Iowa driver's license; an Iowa vehicle registration card; an Iowa voter registration card; or proof of Iowa Homestead credit on

## EDUCATION DEPARTMENT[281](cont'd)

property taxes. In all events, to be determined a resident of Iowa, the student must document residing in the state of Iowa for at least 90 days prior to the beginning of the term for which the student is enrolling.

1. If a student gives misleading or incorrect information for the purpose of evading payment of nonresident tuition, the student must pay the nonresident tuition for each term the student was not officially classified as a nonresident.

2. The procedures described in paragraph 21.2(11) "b" shall be administered by the registrar or staff designated by the community college.

(2) Residency of minor students. The domicile of a minor shall follow that of the parent with whom the minor resides, except where emancipation of said minor can be proven. The word "parent" herein shall include legal guardian or others in cases where the lawful custody of a minor has been awarded to persons other than the minor's actual parents. A minor living with a resident of Iowa who is legally responsible for the minor shall be granted resident status if the minor has lived with the Iowa resident for at least 90 days immediately prior to enrollment. The residency status of an emancipated minor shall be based upon the same qualifications established for a student having attained majority.

(3) Residency of students who are not citizens of the United States. The residency status of students who are not citizens of the United States shall be determined consistent with the following procedures.

1. A student who is a refugee or who is granted asylum by an appropriate agency of the United States must provide proof of certification of refugee or asylum grantee status. A student may be accorded resident status for admission and tuition purposes when the student comes directly, or within a reasonable time, to the state of Iowa from a refugee facility or port of debarkation and has not established domicile in another state.

2. A student who has immigrant status, and the student's spouse or dependents, may establish Iowa residency in the same manner as a United States citizen.

3. A student who has nonimmigrant status and who holds a nonstudent visa, and the student's spouse or dependents, may establish residency in the same manner as a United States citizen. An alien who has nonimmigrant status and whose primary purpose for being in Iowa is educational is classified as nonresident.

4. A student who is a resident of an Iowa sister state may be classified as a resident or nonresident, in accordance with rules adopted by the college's board of directors.

(4) Residency of federal personnel and dependents. A student, or the student's spouse or dependent child, who has moved into the state of Iowa as the result of military or civil orders from the federal government, and the minor children of such student, is immediately an Iowa resident.

(5) Residency of veterans and family members and individuals covered under Section 702 of the Veterans Access, Choice and Accountability Act of 2014. A veteran of a uniformed service, a member of the National Guard, or the veteran's or member's spouse or dependent child shall be classified as an Iowa resident student and be eligible for resident tuition and fee amounts, if the veteran or national guard member meets the requirements of paragraph 21.2(11) "b"(5) "1," "2," or "3."

1. The veteran has separated from a uniformed service with an honorable or general discharge, is eligible for benefits, or has exhausted benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 or any other federal authorizing veteran educational benefits program.

2. The individual is an active duty military person or activated or temporarily mobilized National Guard member.

3. The individual is a covered person under Section 702 of the Veterans Access, Choice and Accountability Act of 2014 or subsequent legislation.

(6) Reclassification of residency status. It is the responsibility of a student to request a reclassification of residency status. If a student is reclassified as a resident for tuition purposes, such classification shall be effective beginning with the next term for which the student enrolls. In no case shall reclassification to residency status be made retroactive for tuition and fee purposes, even though the student could have previously qualified for residency status had the student applied.

(7) Appeal. The decision on the residency status of a student for admission, tuition, and fee purposes may be appealed to a review committee established by the community college. The findings

EDUCATION DEPARTMENT[281](cont'd)

of the review committee may be appealed to the community college's board of trustees, whose decision shall be a final administrative decision.

[Filed 5/14/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2022C**

**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 7, "Professional Development," and Chapter 9, "Complaints, Investigations and Disciplinary Action," Iowa Administrative Code.

The amendment to Chapter 7 expands acceptable professional development hours.

The amendment to Chapter 9 provides to licensees more detailed guidance pertaining to actions or omissions that could result in disciplinary action. The guidance is patterned after similar rules previously adopted by other professional licensing boards and has been adapted to the specific laws and rules of this Board.

Prior to publication of the Notice, stakeholder feedback was received from lobbyist David Scott, whose clients include the Iowa Engineering Society and the Society of Land Surveyors of Iowa. After discussion with stakeholders at several meetings of the Board, the proposed amendments were approved by all participants.

Notice of Intended Action for the amendments was published in the Iowa Administrative Bulletin on February 18, 2015, as **ARC 1886C**. A public hearing was held at 9 a.m. on March 11, 2015, at the offices of the Professional Licensing Bureau, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa. No comments were received.

These amendments are identical to those published under Notice.

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

These amendments were adopted by the Board on May 14, 2015.

There is no fiscal impact. No current fees are being changed, and no new fees are being imposed.

After analysis and review of this rule making, no adverse impact on jobs was 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 toward jobs.

These amendments are intended to implement Iowa Code section 542B.21.

These amendments will become effective July 15, 2015.

The following amendments are adopted.

ITEM 1. Amend subrule 7.3(2) as follows:

**7.3(2) PDH conversion.** The following chart illustrates the conversion from other units to PDH:

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

ACTIVITY	PDH
1 College or unit semester hour Credit for qualifying college or community college courses will be based upon course credit established by the college.	45 PDH per semester hour
1 College or unit quarter hour Credit for qualifying college or community college courses will be based upon course credit established by the college.	30 PDH per quarter hour
1 Continuing Education Unit as defined in 193C IAC— 7.2(542B,272C)	10 PDH
1 Contact hour attendance in a class, course, seminar, or professional or technical presentation made at a meeting, in-house training session, convention or conference. Credit for qualifying seminars and workshops will be based on 1 PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings will earn PDH units for the actual time of each program, <u>excluding</u> time for breaks and meals.	1 PDH per hour
1 Contact hour teaching a class, course, seminar, or a professional or technical presentation a. Teaching credit is valid for teaching a course or seminar for the first time only. b. Teaching credit does not apply to full-time faculty. c. Teaching credit is limited to 10 PDH per biennial renewal period.	2 PDH per hour
Each published paper, article, or book Credit for published material is earned in the biennium of publication.	10 PDH per publication
Active participation in a professional or technical society. Credit for active participation in professional and technical societies is limited to 2 PDH per renewal period per organization and requires that a licensee serve as an officer or actively participate in a committee of the organization. PDH credits are earned for a minimum of one year's service.	2 PDH per organization per renewal period
Each patent Credit for patents is earned in the biennium the patent is issued.	10 PDH per patent
Participation on an NCEES examination development committee <del>participation</del> or Iowa state specific land surveying examination development committee, including the writing and grading of examination questions, writing reference materials for examinations, and evaluating past examination question performance. Licensees may claim a maximum of <del>45</del> 30 PDH per biennial renewal period for participation in this activity.	3 2 PDH per hour of committee participation

ITEM 2. Rescind rule 193C—9.3(542B) and adopt the following new rule in lieu thereof:

**193C—9.3(17A,272C,542B,546) Grounds for discipline.** The board may initiate disciplinary action against a licensee holding an active, inactive or lapsed license on any of the following grounds:

**9.3(1)** Fraud or deceit in procuring a license. Fraud or deceit in procuring or attempting to procure an initial, comity, renewal, or reinstated license includes any intentional perversion of or reckless disregard for the truth when an application, or information in support of another's application, is submitted to the board, including:

- a. False representation of a material fact, whether by word or by conduct, by false or misleading allegation, or by concealment of that which should have been disclosed.
- b. Attempting to file or filing with the board any false or forged record or document, such as a college transcript, diploma or degree, examination report, verification of licensure, or continuing education certificate.
- c. Reporting information, such as satisfaction of continuing education, in a false manner, through overt deceit, or with reckless disregard for the truth or accuracy of the information asserted.
- d. Otherwise participating in any form of fraud or misrepresentation by act or omission.

**9.3(2)** Professional incompetence. Professional incompetence includes, but is not limited to:

- a. A substantial lack of knowledge or ability to discharge professional obligations within the practice of engineering or land surveying.
- b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other practitioners in the state of Iowa acting in the same or similar circumstances.
- c. A failure to exercise the degree of care which is ordinarily exercised by the average practitioner acting in the same or similar circumstances.

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

*d.* Failure to conform to the minimum standards of acceptable and prevailing practice of engineering or land surveying in this state, including the land surveying standards set forth in Iowa Code chapters 354 and 355 and 193C—Chapters 11 and 12.

*e.* Engaging in engineering or land surveying practices which are outside the technical competence of the licensee without taking reasonable steps to associate with a competent licensee or other steps to ensure competent practice.

*f.* Any other act or omission that demonstrates an inability to safely practice in a manner protective of the public's interest, including acts or omissions described in 193C—8.3(542B).

**9.3(3)** Deceptive practices. Deceptive practices are grounds for discipline, whether or not actual injury is established, and include, but are not limited to, the following:

*a.* Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of engineering or land surveying.

*b.* Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation.

*c.* Acceptance of any fee by fraud or misrepresentation.

*d.* Falsification of business or client records.

*e.* Submission of false or misleading reports or information to the board including information supplied in an audit of continuing education or as a condition of probation, or in a reference submitted for an examination or a license applicant or in any reports identified in this rule or 193C—8.3(542B).

*f.* Knowingly presenting as one's own the license, signature, or seal of another or of a fictitious licensee, or otherwise falsely impersonating a person holding an engineering or land surveying license.

*g.* Representing oneself as a professional engineer or professional land surveyor after the license has been suspended, revoked, surrendered, or placed on inactive status or has lapsed.

*h.* Fraud in representations as to skill or ability.

*i.* Any violation of Iowa Code section 542B.16 or associated rules in 193C—Chapter 6 involving a licensee's seal or certificate.

**9.3(4)** Unethical, harmful or detrimental conduct. Licensees engaging in unethical conduct or practices harmful or detrimental to the public may be disciplined whether or not injury is established. Behaviors and conduct which are unethical or harmful or detrimental to the public include, but are not limited to, the following actions:

*a.* A violation of the code of professional conduct in 193C—Chapter 8.

*b.* Verbal or physical abuse, or improper sexual contact, if such behavior occurs within the practice of engineering or land surveying or if such behavior otherwise provides a reasonable basis for the board to conclude that such behavior could occur within such practice and, if so, would place the public at risk.

*c.* Aiding or abetting a violation of a provision of Iowa Code section 542B.27(1).

**9.3(5)** Lack of proper qualifications. Lack of proper qualifications includes, but is not limited to:

*a.* Continuing to practice as an engineer or land surveyor without satisfying the continuing education required for license renewal.

*b.* Habitual use of or addiction to alcohol or other drugs, or other impairment, which adversely affects the licensee's ability to practice in a safe and competent manner.

*c.* As provided in Iowa Code section 272C.3(2) "b," any act, conduct, or condition, including lack of education or experience, or a pattern of careless or intentional acts or omissions that demonstrate a lack of qualifications which are necessary to ensure a high standard of professional care or that impair a practitioner's ability to safely and skillfully practice the profession.

**9.3(6)** Professional misconduct. Professional misconduct includes, but is not limited to, the following:

*a.* Engaging in any conduct that subverts or attempts to subvert a board investigation of a licensee, license applicant, or unlicensed firm, individual, or other entity.

*b.* Failure to fully cooperate with a disciplinary investigation of a licensee or license applicant or with an investigation of firms, individuals or other entities that are not licensed by the board.

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

*c.* Failure to comply with a subpoena issued by the board or to respond to a board inquiry within 30 calendar days of the date of mailing by certified mail of a written communication directed to the licensee's last address on file with the board.

*d.* Revocation, suspension, or other disciplinary action taken against a licensee by a licensing authority of this state or another state, territory, or country. A "disciplinary action" includes a voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, discipline by the board based solely on such action shall be vacated.

*e.* Violation of the terms of an initial agreement with an impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with an impaired practitioner review committee.

*f.* Engaging in the practice of engineering or land surveying while the person's license is lapsed or inactive.

*g.* Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order or other board decision imposing discipline.

*h.* The board's receipt of a notice of noncompliance, as more fully described in rules 193—7.43(252J) (child support), 193—7.44(261) (student loans), and 193—7.45(272D) (state debt).

**9.3(7)** Willful or repeated violations. Willful or repeated violations include the willful or repeated violation or disregard of any provision of Iowa Code chapter 272C or 542 or any administrative rule adopted by the board in the administration or enforcement of such chapters.

**9.3(8)** Conviction of felony. Conviction of felony includes the conviction of a felony under the laws of the United States, of any state or possession of the United States, or of any other country. If such conviction is overturned or reversed by a court of last resort, discipline by the board based solely on the conviction shall be vacated.

[Filed 5/15/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2029C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

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

This amendment increases premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) program with income over 150 percent of the federal poverty level (FPL).

The Department requested these changes because Iowa Code section 249A.3(2)"a"(1)(b) requires that "[t]he maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state." The average cost to the state for state employees' health insurance for a single person is \$707 effective January 1, 2015. Therefore, the maximum premium must be set at that amount.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1951C** on April 1, 2015. The Department received no comments on this rule making during the public comment period. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on May 13, 2015.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions 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.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

This amendment will become effective August 1, 2015.  
The following amendment is adopted.

Amend subparagraph **75.1(39)“b”(3)** as follows:

(3) Premiums shall be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	<del>\$31</del> <u>\$32</u>
165% of Federal Poverty Level	<del>\$42</del> <u>\$44</u>
180% of Federal Poverty Level	<del>\$50</del> <u>\$53</u>
200% of Federal Poverty Level	<del>\$58</del> <u>\$62</u>
225% of Federal Poverty Level	<del>\$68</del> <u>\$73</u>
250% of Federal Poverty Level	<del>\$78</del> <u>\$84</u>
300% of Federal Poverty Level	<del>\$99</del> <u>\$106</u>
350% of Federal Poverty Level	<del>\$119</del> <u>\$130</u>
400% of Federal Poverty Level	<del>\$140</del> <u>\$153</u>
450% of Federal Poverty Level	<del>\$160</del> <u>\$177</u>
550% of Federal Poverty Level	<del>\$201</del> <u>\$221</u>
650% of Federal Poverty Level	<del>\$242</del> <u>\$268</u>
750% of Federal Poverty Level	<del>\$284</del> <u>\$316</u>
850% of Federal Poverty Level	<del>\$335</del> <u>\$375</u>
1000% of Federal Poverty Level	<del>\$404</del> <u>\$451</u>
1150% of Federal Poverty Level	<del>\$475</del> <u>\$530</u>
1300% of Federal Poverty Level	<del>\$556</del> <u>\$612</u>
1480% of Federal Poverty Level	<del>\$647</del> <u>\$707</u>

[Filed 5/18/15, effective 8/1/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2026C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Chapter 85, “Services in Psychiatric Institutions,” and Chapter 88, “Managed Health Care Providers,” Iowa Administrative Code.

These amendments change the reimbursement methodology for non-state-owned psychiatric medical institutions for children (PMICs). On and after July 1, 2014, non-state-owned PMICs shall be reimbursed according to the Iowa Plan for Behavioral Health contractor’s provider-specific per diem rate without reconciliation.

The reimbursement methodology is not changing for state-owned PMICs. The basis of payment for state-owned providers of inpatient psychiatric services for individuals under 21 years of age is 100 percent of the actual and allowable cost. The actual and allowable cost is based on the cost report information the facility submits to the Department on Form 470-0664, Financial and Statistical Report.

These amendments also add a reference to Chapter 85 within Chapter 88 in order to include PMIC services under the Iowa Plan for Behavioral Health contract requirements.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1921C** on March 18, 2015. The Department received no comments during the public comment period. One change has been made in the table in Item 1 since these amendments were published under Notice of Intended Action. The words “managed care” have been omitted from the second column to match other usage.

The Council on Human Services adopted these amendments on May 13, 2015.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions 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.

These amendments will become effective August 1, 2015.

The following amendments are adopted.

ITEM 1. Amend subrule **79.1(2)**, provider category “Psychiatric medical institutions for children,” as follows:

Provider category	Basis of reimbursement	Upper limit
Psychiatric medical institutions for children:		
1. <u>Inpatient in non-state-owned facilities</u>	<u>Retrospective cost-related Provider-specific fee schedule as determined by the Iowa Plan for Behavioral Health contractor</u>	<u>Effective 8/1/11: Actual and allowable cost not to exceed a maximum for non-state-owned providers of 103% of patient-day-weighted average costs of non-state-owned providers located within Iowa. Effective 7/1/14: non-state-owned facilities provider-specific fee schedule in effect.</u>
2. <u>Inpatient in state-owned facilities</u>	<u>Retrospective cost-related</u>	<u>Effective 8/1/11: 100% of actual and allowable cost.</u>
2. <u>3. Outpatient day treatment</u>	<u>Fee schedule</u>	<u>Fee schedule in effect 6/30/13 plus 1%.</u>

ITEM 2. Amend rule 441—85.25(249A) as follows:

**441—85.25(249A) Reimbursement to psychiatric medical institutions for children.**

**85.25(1)** *Computation of inpatient rate for non-state-owned facilities prior to July 1, 2014, and for state-owned facilities.* Facilities For services rendered by non-state-owned facilities on or before June 30, 2014, or by state-owned facilities, facilities are paid at a per diem rate based on the facility’s actual and allowable cost for the service not to exceed the upper limit as provided in 441—subrule 79.1(2).

a. to c. No change.

**85.25(2)** *Inpatient reimbursement for non-state-owned facilities effective July 1, 2014.* Services rendered by non-state-owned facilities on or after July 1, 2014, shall be reimbursed according to the Iowa Plan for Behavioral Health contractor’s negotiated, provider-specific per diem rate.

~~85.25(2)~~ **85.25(3)** *Reserve bed payments.*

a. to c. No change.

~~85.25(3)~~ **85.25(4)** *Day treatment rates.* Outpatient day treatment services are paid on a fixed fee basis.

ITEM 3. Amend subrule 88.62(1) as follows:

**88.62(1)** *Contract.* The department may enter into a contract for the provision of mental health and substance abuse services specified in 441—Chapter 78, and Chapter 85, Division II, or any portion thereof, with a prepaid health plan.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*a.* and *b.* No change.

[Filed 5/18/15, effective 8/1/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

## ARC 2020C

### INSPECTIONS AND APPEALS DEPARTMENT[481]

#### Adopted and Filed

Pursuant to the authority of Iowa Code sections 135C.14 and 135C.36, the Department of Inspections and Appeals hereby amends Chapter 58, "Nursing Facilities," Iowa Administrative Code.

The adopted amendment makes technical changes to clarify the rule related to the appointment of a provisional administrator at a nursing facility when the facility has, through no fault of its own, lost its administrator and has been unable to replace the administrator.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 1, 2015, as **ARC 1938C**. The Department received no comments during the public comment period. The adopted amendment is identical to that published under Notice of Intended Action.

The Department does not believe that the amendment imposes any financial hardship on any regulated entity, body, or individual.

This amendment was initially reviewed by the State Board of Health at its March 11, 2015, meeting, and subsequently approved by the Board at its May 13, 2015, meeting.

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

This amendment is intended to implement Iowa Code sections 135C.14 and 135C.36.

This amendment shall become effective July 15, 2015.

The following amendment is adopted.

Amend subrule 58.8(4) as follows:

**58.8(4)** A provisional administrator may be appointed on a temporary basis by the nursing facility licensee to assume the administrative duties when the facility, through no fault of its own, has lost its administrator and has been unable to replace the administrator. ~~provided that no~~

*a.* ~~No facility licensed under Iowa Code chapter 135C shall be permitted to have a provisional administrator for more than 12 consecutive months in any 12-month period and further provided that:~~

~~*a. b.* The facility shall notify the department has been notified prior to the date in writing within ten business days of the administrator's appointment. The written notice shall include the estimated time frame for the appointment of the provisional administrator and the reason for the appointment of a provisional administrator. (III)~~

~~*b.* The board of examiners for nursing home administrators has approved the administrator's appointment and has confirmed such appointment in writing to the department. (III)~~

~~*c.* The provisional administrator's appointment must be approved by the board of examiners for nursing home administrators. The approval shall be confirmed in writing to the department. (III)~~

[Filed 5/13/15, effective 7/15/15]

[Published 6/10/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.

**ARC 2019C****TRANSPORTATION DEPARTMENT[761]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Iowa Department of Transportation, on May 12, 2015, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the April 1, 2015, Iowa Administrative Bulletin as **ARC 1922C**.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR) Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and after adoption, the final regulations are published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year.

To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the U.S. Department of Transportation.

The amendments to the FMCSR and the HMR that have become final and effective since the 2012 edition of the CFR are listed below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR

Parts 385 and 390-399 (FR Vol. 77, No. 190, Pages 59818-59829, 10-01-12)

This final rule makes technical corrections throughout Title 49 CFR, Subtitle B, Chapter III. The Federal Motor Carrier Safety Administration (FMCSA) is making minor editorial changes to add revised delegations of authority from the Secretary of Transportation, correct errors and omissions, and improve clarity. This rule does not make any substantive changes to the affected parts of the FMCSR. Effective Date: October 1, 2012.

Parts 107, 171, 172, 173 and 178 (FR Vol. 77, No. 194, Pages 60935-60945, 10-05-12)

This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 5, 2012.

Part 385 (FR Vol. 77, No. 205, Pages 64759-64762, 10-23-12)

This final rule amends the FMCSR to remove the provision indicating that the FMCSA will consider a 10-day extension of the 45-day period after which passenger and hazardous materials carriers must cease operation after receiving a proposed unsatisfactory safety rating. The FMCSA previously discontinued this practice as a matter of policy and amends the regulation to be consistent with the policy and the statutory language concerning this matter. Although FMCSA will continue to review requests for upgrades of a proposed unsatisfactory safety rating for such carriers, FMCSA no longer grants extensions to the 45-day period. Effective Date: November 23, 2012.

Part 390 (FR Vol. 77, No. 209, Pages 65497-65498, 10-29-12)

## TRANSPORTATION DEPARTMENT[761](cont'd)

This action withdraws the FMCSA's direct final rule of August 27, 2012, amending the definition of "gross combination weight rating" (GCWR) in 49 CFR Parts 383 and 390. The direct final rule would have taken effect on October 26, 2012. However, the FMCSA received several adverse comments and will, therefore, develop a notice of proposed rule making to request public comments on proposed changes to the GCWR definition. The direct final rule published August 27, 2012, (77 FR 51706) was withdrawn effective October 26, 2012.

Parts 171, 172, 173 and 178 (FR Vol. 78, No. 4, Pages 1101-1118, 01-07-13)

This final rule responds to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011. The January 19, 2011, final rule amended the HMR by revising, removing or adding proper shipping names, the hazard class of a material, packing group assignments, special provisions, packaging authorizations, packaging sections, air transport quantity limitations, and vessel stowage requirements. The amendments were necessary to align the HMR with recent revisions to international standards for the transport of hazardous materials by all modes. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) amends the HMR as a result of administrative appeals submitted in response to various amendments adopted in the January 19, 2011, final rule. This final rule also addresses recent actions taken by the International Civil Aviation Organization's Dangerous Goods Panel regarding certain lithium ion battery-powered mobility aids (e.g., wheelchairs, travel scooters) offered by passengers for air transport and passenger notification of hazardous materials restrictions by operators. Further, this final rule adopts amendments to the HMR as a result of two administrative appeals submitted by an appellant in response to a final rule published on February 2, 2010, that revised shipper responsibilities related to packaging design variation, manufacturer notification, and record-keeping requirements for certain packaging types. Effective Date: January 1, 2013.

Parts 171, 172, 173, 177 and 178 (FR Vol. 78, No. 4, Pages 987-1100, 01-07-13)

This final rule amends the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations' Recommendations on the Transport of Dangerous Goods—Model Regulations and address a petition for rule making. Voluntary Compliance Date: January 1, 2013. Mandatory Compliance Date: January 1, 2014.

Parts 172, 173 and 178 (FR Vol. 78, No. 45, Pages 14702-14716, 03-07-13)

This final rule amends the HMR in response to petitions for rule making submitted by the regulated community to update, clarify, or provide relief from miscellaneous regulatory requirements. Specifically, PHMSA is amending the record-keeping and package-marking requirements for third-party laboratories and manufacturers to ensure the traceability of packaging; removing the listing for "NA1203, gasohol, gasoline mixed with ethyl alcohol, with not more than 10% alcohol"; harmonizing internationally and providing a limited quantity exception for Division 4.1, self-reactive solids and self-reactive liquids types B through F; allowing smokeless powder classified as a Division 1.4C material to be reclassified as a Division 4.1 material; and providing greater flexibility by allowing the dangerous cargo manifest to be in locations designated by the master of the vessel besides "on or near the vessel's bridge" while the vessel is in a United States port. Voluntary Compliance Date: March 7, 2013. Mandatory Compliance Date: May 6, 2013.

Parts 171, 172, 173, 177, 178 and 180 (FR Vol. 78, No. 47, Pages 15303-15331, 03-11-13)

This final rule amends the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements. These amendments promote safer transportation practices, eliminate unnecessary regulatory requirements, address a petition for rule making, incorporate a special permit into the HMR, facilitate international commerce, and simplify the regulations. These amendments also update various entries in the Hazardous Materials Table and corresponding special provisions, clarify the lab pack requirements for temperature-controlled materials, and require hazmat employers

TRANSPORTATION DEPARTMENT[761](cont'd)

to make hazmat employee training records available upon request to an authorized official of the U.S. Department of Transportation or an entity explicitly granted authority to enforce the HMR. Effective Date: May 10, 2013. Voluntary Compliance Date: March 11, 2013.

Parts 390, 391, 395 and 396 (FR Vol. 78, No. 50, Pages 16189-16195, 03-14-13)

This final rule promulgates the regulatory exemptions for the “transportation of agricultural commodities and farm supplies” and for “covered farm vehicles” and their drivers enacted by Sections 32101(d) and 32934, respectively, of the Moving Ahead for Progress in the 21st Century Act (MAP-21). Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. Regulated entities must, however, comply fully with the terms of each exemption they claim. Effective Date: March 14, 2013.

Parts 107 and 171 (FR Vol. 78, No. 74, Pages 22798-22800, 04-17-13)

This final rule revises the references in PHMSA’s regulations to the maximum and minimum civil penalties for a knowing violation of the federal hazardous materials transportation law or a regulation, order, special permit, or approval issued under that law. As amended in MAP-21, effective October 1, 2012, the maximum civil penalty for a knowing violation is now \$75,000, except that the maximum civil penalty is \$175,000 for a violation that results in death, serious illness, or severe injury to any person or substantial destruction of property. In addition, there is no longer a minimum civil penalty amount, except that the minimum civil penalty amount of \$450 applies to a violation relating to training. Effective Date: April 17, 2013.

Part 107 (FR Vol. 78, No. 76, Pages 23503-23506, 04-19-13)

This final rule requires the U.S. Department of Transportation to adjust the amount of the annual registration fee to account for any unexpended balance in the Hazardous Materials Emergency Preparedness Fund. Due to an unexpended balance that has accumulated in the fund, PHMSA is lowering the registration fees for registration year 2013-2014 for all persons, as defined in PHMSA regulations, that transport or offer for transportation in commerce certain categories and quantities of hazardous materials. Specifically, for registration year 2013-2014, the fee for a small business or not-for-profit organization is revised to be \$125 (plus a \$25 processing fee), and for all other businesses, the fee is \$1300 (plus a \$25 processing fee). After the 2013-2014 registration year, the registration fees will return to 2012-2013 registration year levels. Additionally, PHMSA makes an editorial change to its regulations to clarify the appropriate fee amounts; there are no substantive changes other than the addition of the fees for 2013-2014 and for 2014-2015 and later. In order to make the change effective for the 2013-2014 registration year and thus draw down the unexpended balance as soon as possible, PHMSA issued this final rule without a prior notice of proposed rule making in accordance with the good-cause exemption specified in the Administrative Procedures Act. Additionally, for good cause, this final rule is effective immediately. Effective Date: April 19, 2013.

Parts 107, 171, 172 and 173 (FR Vol. 78, No. 136, Pages 42457-42478, 07-16-13)

This final rule revises the HMR applicable to the approval of Division 1.4G consumer fireworks and establishes U.S. Department of Transportation-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also reformatting the procedural regulations pertaining to certification agencies. These actions clarify regulations with respect to PHMSA’s fireworks approval process and provide regulatory flexibility in seeking authorization for the transportation of Division 1.4G consumer fireworks. Effective Date: August 15, 2013.

Parts 172 and 173 (FR Vol. 78, No. 146, Pages 45880-45893, 07-30-13)

This final rule amends the HMR applicable to air bag inflators, air bag modules, and seat-belt pretensioners. The revisions incorporate the provisions of two special permits into the regulations. In addition, PHMSA is amending the current approval and documentation requirements for a material classified as a UN3268 air bag inflator, air bag module, or seat-belt pretensioner. These revisions are intended to reduce the regulatory burden on the automotive industry and facilitate commerce, while continuing to maintain an equivalent level of safety. Effective Date: August 29, 2013. Voluntary Compliance Date: July 30, 2013.

## TRANSPORTATION DEPARTMENT[761](cont'd)

Parts 385, 390 and 392 (FR Vol. 78, No. 164, Pages 52607-52655, 08-23-13)

This final rule amends FMCSA's regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the FMCSA via a new electronic online unified registration system (URS). FMCSA establishes fees for the registration system, discloses the cumulative information to be collected in the URS, and provides a centralized cross reference to existing safety and commercial regulations necessary for compliance with the registration requirements. The final rule implements statutory provisions in the Interstate Commerce Commission Termination Act of 1995 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005. The URS will streamline the registration process and serve as a clearinghouse and depository of information on, and identification of, motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities required to register with FMCSA. Effective Dates: The final rule is effective October 23, 2015, except for Section 390.19 (amendatory instruction 55) and Section 392.9b (amendatory instruction 61), which were effective November 1, 2013, and except for Section 366.2 (amendatory instruction 19), which is effective April 25, 2016. Compliance Dates: The compliance date for this final rule is October 23, 2015, except that the compliance date for Sections 390.19 and 392.9b is November 1, 2013, and the compliance date for Section 366.2 is April 25, 2016.

Part 385 (FR Vol. 78, No. 178, Pages 56618-56620, 09-13-13)

This final rule amends FMCSA's hazardous materials safety permit rules to update the current incorporation by reference of the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as Defined in 49 CFR Part 173.403." The rules currently reference the April 1, 2012, edition of the out-of-service criteria, and through this final rule, FMCSA incorporates the April 1, 2013, edition. Effective Date: September 13, 2013.

Parts 385, 390, 391, 393, 395, 396 and 397 (FR Vol. 78, No. 185, Pages 58470-58486, 09-24-13)

This final rule makes technical corrections throughout FMCSA's regulations. FMCSA is making minor editorial changes to correct errors and omissions, ensure conformity with the style of the Office of the Federal Register, and improve clarity. This rule does not make any substantive changes to the affected parts of the FMCSR. Effective Date: September 24, 2013.

Parts 177 and 392 (FR Vol. 78, No. 186, Pages 58915-58923, 09-25-13)

This final rule amends the FMCSRs and HMRs, respectively, to prohibit a driver of a commercial motor vehicle or of a motor vehicle transporting certain hazardous materials or certain agents or toxins from entering onto a highway-rail grade crossing unless there is sufficient space to drive completely through the grade crossing without stopping. This action is in response to Section 112 of the Hazardous Materials Transportation Authorization Act of 1994, as amended by Section 32509 of MAP-21. The intent of this rule making is to reduce highway-rail grade crossing crashes. Effective Date: October 25, 2013.

Parts 385 and 392 (FR Vol. 78, No. 190, Pages 60226-60234, 10-01-13)

This final rule adopts certain regulations required by MAP-21. The majority of these statutory changes went into effect on October 1, 2012, while others went into effect on October 1, 2013. It is necessary to make conforming changes to ensure that FMCSA's regulations are current and consistent with the applicable statutes. Effective Date: October 1, 2013.

Part 107 (FR Vol. 78, No. 191, Pages 60726-60745, 10-02-13)

This final rule publishes PHMSA's revised statement of policy to update baseline assessments for frequently cited violations of the HMR and to clarify additional factors that affect penalty amounts. This revised statement of policy is intended to provide the regulated community and the general public with information on the hazardous materials penalty assessment process. Effective Date: October 1, 2013.

Parts 107, 171, 172, 173, 177, 178 and 180 (FR Vol. 78, No. 191, Pages 60745-60755, 10-02-13)

This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is

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to enhance the accuracy of and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. Effective Date: October 1, 2013.

Part 390 (FR Vol. 78, No. 205, Page 63100, 10-23-13)

This final rule makes corrections to FMCSA's August 23, 2013, final rule regarding the unified registration system. This final rule makes four minor revisions to the unified registration system's final rule to be consistent with FMCSA's "General Technical, Organizational and Conforming Amendments to the Federal Motor Carrier Safety Regulations" final rule published on September 24, 2013. Effective Date: October 23, 2013.

Part 395 (FR Vol. 78, No. 208, Pages 64179-64181, 10-28-13)

This final rule amends FMCSA's December 27, 2011, final rule entitled "Hours of Service of Drivers" to provide an exception from the 30-minute rest break requirement for short-haul drivers who are not required to prepare records of duty status. The FMCSA also removes regulatory text made obsolete by the passing of the July 1, 2013, compliance date for the final rule. This action responds to a decision of the U.S. Court of Appeals for the District of Columbia Circuit. Effective Date: October 28, 2013.

Parts 171, 172, 173 and 178 (FR Vol. 78, No. 211, Pages 65453-65488, 10-31-13)

This final rule corrects editorial errors and amends certain requirements in response to administrative appeals submitted by persons affected by certain final rules published in the Federal Register. Voluntary Compliance Date: PHMSA is authorizing voluntary compliance beginning October 31, 2013. Delayed Compliance Date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 1, 2014.

Part 391 (FR Vol. 79, No. 009, Pages 2377-2380, 01-14-14)

This final rule amends FMCSA's regulations to keep in effect until January 30, 2015, the requirement that interstate drivers subject to either the commercial driver's license (CDL) or the commercial learner's permit (CLP) regulations, as well as to the federal physical qualification requirements, must retain paper copies of their medical examiner's certificate when operating a commercial motor vehicle. Interstate motor carriers are also required to retain copies of their drivers' medical certificates in their driver qualification files. This action is being taken to ensure that the medical qualifications of CDL holders and CLP holders are documented adequately until all state driver licensing agencies are able to post the drivers' self-certification whether the physical qualifications standards are applicable to them and the medical examiner's certificate information, on the commercial driver's license information system (CDLIS) driver record. This rule does not, however, extend the compliance dates for the state driver licensing agencies to collect and to post to the CDLIS driver record the CDL holder's self-certification about applicable standards and the medical examiner's certificate. Effective Date: January 14, 2014.

Part 385 (FR Vol. 79, No. 14, Pages 3520-3542, 01-22-14)

This final rule amends FMCSA's regulations to enable FMCSA to suspend or revoke the operating authority registration of for-hire motor carriers that show egregious disregard for safety compliance, permit persons who have shown egregious disregard for safety compliance to exercise controlling influence over their operations, or operate multiple entities under common control to conceal noncompliance with safety regulations. These amendments implement Section 4113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended by Section 32112 of MAP-21, and are designed to enhance the safety of commercial motor vehicle operations on the nation's highways. Effective Date: February 21, 2014.

Parts 107, 171, 172, 173 and 178 (FR Vol. 79, No. 52, Pages 15033-15046, 03-18-14)

This final rule amends the HMR to adopt provisions contained in certain widely used or longstanding special permits and certain competent authority approvals that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations, provided that an equivalent level of safety is maintained. An approval is a document that is required under an international standard (i.e., International Maritime Dangerous Goods Code, International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air), or is specifically provided for in the HMR, and is issued by the Associate Administrator for Hazardous Materials Safety. These revisions are intended to provide wider access to the regulatory

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flexibility offered in special permits and approvals and to eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety. Effective Date: April 17, 2014.

Parts 383 and 390 (FR Vol. 79, No. 53, Pages 15245-15250, 03-19-14)

This final rule amends the FMCSRs by revising the definition of “gross combination weight rating” (or GCWR) to clarify the applicability of FMCSR’s safety regulations for single-unit trucks (vehicles other than truck tractors) when the single-unit trucks are towing trailers and the GCWR information is not included on the vehicle manufacturer’s certification label. Effective Date: April 18, 2014.

Part 385 (FR Vol. 79, No. 94, Pages 27766-27768, 05-15-14)

This final rule amends FMCSA’s hazardous materials safety permits rules to update the current incorporation by reference of the “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as Defined in 49 CFR Part 173.403.” Currently, the rules reference the April 1, 2013, edition of the out-of-service criteria, and through this final rule, FMCSA incorporates the April 1, 2014, edition. Effective Date: May 15, 2014.

Parts 171, 172, 173, 177 and 178 (FR Vol. 79, No. 133, Pages 40589-40618, 07-11-14)

This final PHMSA rule, in coordination with the Nuclear Regulatory Commission, amends requirements in the HMR governing the transportation of Class 7 (radioactive) materials based on recent changes contained in the International Atomic Energy Agency (IAEA) publication “Regulations for the Safe Transport of Radioactive Material, 2009 Edition, IAEA Safety Standards Series No. TS-R-1.” The purposes of this rule making are to harmonize requirements of the HMR with international standards for the transportation of Class 7 (radioactive) materials and to update, clarify, correct, or provide relief from certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials. Effective Date: October 1, 2014.

Parts 171, 172 and 173 (FR Vol. 79, No. 151, Pages 46011-46040, 08-06-14)

This final PHMSA rule, developed in consultation with the Federal Aviation Administration, modifies the requirements governing the transportation of lithium cells and batteries. This final rule revises hazard communication and packaging provisions for lithium batteries and harmonizes the HMR with applicable provisions of the United Nations’ Model Regulations, the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the International Maritime Dangerous Goods Code. Effective Date: August 6, 2014.

Part 107 (FR Vol. 79, No. 152, Pages 46194-46200, 08-07-14)

This final rule amends PHMSA’s hazardous materials procedural regulations. Specifically, this final rule prohibits a person who fails to pay a civil penalty as ordered, or fails to abide by a payment agreement, from performing activities regulated by the HMR until payment is made. Effective Date: September 8, 2014.

These amendments also rescind rule 761—520.8(321) and adopt in lieu thereof a new rule to include the planting and harvesting periods pertaining to agricultural operations to comply with the agricultural operations hours of service exception as stated in 49 CFR 395.1(k). Other proposed amendments strike a definition that is no longer needed, correct citations to the Iowa Code and Iowa Administrative Code and ensure consistency with the Iowa Code.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation’s highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code sections 321.449 and 321.450.

These amendments will become effective July 15, 2015.

Rule-making actions:

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ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

*a. Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2012~~ 2014).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

*b. Hazardous materials regulations.* The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2012~~ 2014).

ITEM 3. Rescind the definition of “Gasoline” in rule **761—520.2(321)**.

ITEM 4. Amend rule **761—520.2(321)**, definitions of “Farm customer” and “Rules adopted under this section concerning physical and medical qualifications,” as follows:

“*Farm customer*” as used in Iowa Code section 321.450(3), ~~unnumbered paragraph 3~~, means a retail consumer residing on a farm or in a rural area or city with a population of 3000 or less.

“*Rules adopted under this section concerning physical and medical qualifications*” as used in Iowa Code sections 321.449(5) and Iowa Code section 321.450(2), ~~unnumbered paragraph 2~~, means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

ITEM 5. Amend paragraph **520.3(1)“c”** as follows:

*c. Unregistered farm trailers* as defined in ~~761—subrule 400.1(3)~~ rule **761—400.1(321)**, pursuant to Iowa Code section 321.123.

ITEM 6. Amend subrule 520.4(1) as follows:

**520.4(1)** Pursuant to Iowa Code section 321.450(3), ~~unnumbered paragraph 3~~, “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a ~~100-air-mile~~ one-hundred-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

ITEM 7. Amend rule 761—520.7(321), introductory paragraph, as follows:

**761—520.7(321) Driver’s statement.** A “driver” as used in Iowa Code sections 321.449(5) and ~~Iowa Code section 321.450(2), unnumbered paragraph 2~~, shall carry at all times a notarized statement of employment. The statement shall include the following:

ITEM 8. Rescind rule 761—520.8(321) and adopt the following new rule in lieu thereof:

**761—520.8(321) Planting and harvesting periods.** In accordance with the provisions of 49 CFR 395.1, the planting and harvesting periods pertaining to agricultural operations are March 15 through June 30 and October 4 through December 14.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/10/15.