



IOWA ADMINISTRATIVE BULLETIN

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July 6, 2016

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PREFACE

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

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

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

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

STEPHANIE A. HOFF, Administrative Code Editor

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CITATION of Administrative Rules

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

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

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

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

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

Schedule for Rule Making 2016

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 15, 2016	August 3, 2016
4	Friday, July 29, 2016	August 17, 2016
5	Friday, August 12, 2016	August 31, 2016

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the filing deadline 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*****

ACCOUNTANCY EXAMINING BOARD[193A]

Recognition of foreign accountant designations for CPA certification in Iowa; update of board address, 2.1(3), 9.5(2) IAB 6/22/16 ARC 2598C	Professional Licensing Bureau Offices 200 E. Grand Ave., Suite 350 Des Moines, Iowa	July 14, 2016 9 a.m.
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EDUCATION DEPARTMENT[281]

Open enrollment, 17.3, 17.8(2), 17.10(1), 17.12 IAB 7/6/16 ARC 2609C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 26, 2016 11 a.m. to 12 noon
Extracurricular interscholastic competition—open enrollment, 36.15(4), 36.16 IAB 7/6/16 ARC 2608C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 26, 2016 1 to 2 p.m.

LABOR SERVICES DIVISION[875]

Federal occupational safety and health standards—adoption by reference, 4.3 IAB 7/6/16 ARC 2615C	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	August 2, 2016 2 p.m. (If requested)
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MEDICINE BOARD[653]

Hearing procedures—composition of hearing panel, 25.18(1) IAB 7/6/16 ARC 2610C	Board Office, Suite C 400 S.W. 8th St. Des Moines, Iowa	July 26, 2016 12 noon
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NATURAL RESOURCE COMMISSION[571]

Alcoholic liquor, beer, and wine ban at beaches in Lake Macbride State Park and Pleasant Creek State Recreation Area, 61.7(2) IAB 7/6/16 ARC 2612C	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	July 26, 2016 2 p.m.
	Palisades-Kepler State Park Lodge 700 Kepler Dr. Mount Vernon, Iowa	July 26, 2016 4 p.m.

PAROLE BOARD[205]

Certificate of employability; parole revocation hearing; automatic revocation for conviction of aggravated misdemeanor, amendments to chs 9, 11 IAB 6/22/16 ARC 2590C	Board Conference Room 510 E. 12th St. Des Moines, Iowa	July 12, 2016 11 a.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Polysomnographic technologists and respiratory care and polysomnography practitioners—fees, 5.17 IAB 6/22/16 ARC 2596C	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	July 12, 2016 9 a.m.
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Sign language interpreters and transliterators—licensure, continuing education, 361.1 to 361.4, 362.2 IAB 6/22/16 ARC 2597C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	July 12, 2016 8 to 8:30 a.m.
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UTILITIES DIVISION[199]

Telecommunications services, amendments to ch 22 IAB 6/8/16 ARC 2569C	Room 69, Board Hearing Room 1375 E. Court Ave. Des Moines, Iowa	August 9, 2016 9 a.m.
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Iowa veterans home, amendments to ch 10 IAB 6/22/16 ARC 2594C	Sheeler 1 East Conference Room Iowa Veterans Home 1301 Summit St. Marshalltown, Iowa	July 12, 2016 8:30 a.m. (If requested)
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VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

RefugeeRISE AmeriCorps program, ch 12 IAB 7/6/16 ARC 2613C	Central First Floor Conference Room Economic Development Authority 200 E. Grand Ave. Des Moines, Iowa	July 26, 2016 10 a.m.
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The following list will be updated as changes occur.

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

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

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

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ARC 2609C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

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

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 17, “Open Enrollment,” Iowa Administrative Code.

Items 1, 3, and 4 are technical and clarifying in nature or reflect previous actions of the General Assembly. The amendments in Items 1, 3, and 4 are consistent with Iowa Code section 17A.7(2), which requires that each agency conduct a comprehensive review of all of its rules each five-year period.

Item 2 incorporates an amendment to the Open Enrollment Program included in 2016 Iowa Acts, House File 2264, which was passed by the 2016 General Assembly and became effective on April 7, 2016. Changes that resulted from House File 2264 include modifying the delineation of reasons that a pupil participating in open enrollment during grades 9 through 12 is not subject to the restriction on eligibility to participate in varsity interscholastic athletic contests and athletic competitions during the pupil’s first 90 school days of enrollment in the receiving district. In addition, a pupil is not subject to the restriction on eligibility for exercising open enrollment if the pupil had previously been the subject of a founded case of harassment or bullying in the district of residence.

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

Interested persons may make written comments on the proposed amendments on or before July 26, 2016, at 4:30 p.m. Comments on the proposed amendments should be directed to Phil Wise, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 26, 2016, from 11 a.m. to 12 noon in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of specific needs by calling (515)281-5295.

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

These amendments are intended to implement Iowa Code section 282.18 as amended by 2016 Iowa Acts, House File 2264.

The following amendments are proposed.

ITEM 1. Amend subrules 17.3(1) and 17.3(2) as follows:

17.3(1) Parent/guardian responsibilities. On or before March 1 of the school year preceding the school year for which open enrollment is requested, a parent/guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. Failure by the parent to send the form to the resident district and receiving district by the deadline may cause the application to be considered untimely. The parent/guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district; and area education agency; and from the state department of education.

17.3(2) School district responsibilities.

a. The board of the resident district shall take no action on an open enrollment request except for a request made under rule 281—17.5(282) or 281—17.14(282).

EDUCATION DEPARTMENT[281](cont'd)

b. The board of the receiving district shall act on an open enrollment request no later than June 1 of the school year preceding the school year for which the request is made.

(1) The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

(2) As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before March 1. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline, but the board of the receiving district shall take action to approve the request if good cause exists. The board shall have the discretion to determine the scope of the authorization. The authorization may be for regular applications filed on or before March 1, good cause applications, and kindergarten applications ~~and continuation applications~~ filed on or before September 1, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

c. The parent/guardian may withdraw an open enrollment request anytime prior to the first day of school in the resident district. After the first day of school, an open enrollment request can only be changed during the term of the approval by the procedures of subrules ~~17.8(3) and 17.8(4)~~, 17.8(5), 17.8(6), and 17.8(7).

d. The board of the receiving district shall comply with the provisions of rule ~~281—17.11(282)~~ if the application for open enrollment is for a pupil requiring special education as provided by Iowa Code chapter 256B.

e. Notification to parents.

(1) By September 30 of each school year, all districts shall notify parents of the following:

~~a.~~ 1. Open enrollment deadlines;

~~b.~~ 2. Transportation assistance;

~~c.~~ 3. That within 30 days of a denial of an open enrollment request by a district board of education, the parent/guardian may file an appeal with the state board of education only if the open enrollment request was based on repeated acts of harassment or a serious health condition of the ~~student~~ pupil that the district cannot adequately address; and that all other denials must be appealed to the district court in the county in which the primary business office of the district is located; and

~~d.~~ 4. Possible loss of athletic eligibility for open enrollment pupils.

(2) This notification may be published in a school newsletter, a newspaper of general circulation, a Web site, or a parent handbook provided to all patrons of the district. This information shall also be provided to any parent/guardian of a pupil who enrolls in the district during the school year.

ITEM 2. Amend subrule 17.8(2) as follows:

17.8(2) Restrictions on participation in interscholastic athletic contests and competitions. A pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

a. Participates in an athletic activity in the receiving district that is not available in the district of residence.

b. Participates in an athletic activity for which the resident district and the receiving district have a “cooperative student participation agreement” in place as provided by rule 281—36.20(280).

c. Has paid tuition for one or more years to the receiving school district prior to making application and being approved for open enrollment.

d. Has attended the receiving district for one or more years, prior to making application and being approved for open enrollment, under a sharing or mutual agreement between the resident district and the receiving district.

EDUCATION DEPARTMENT[281](cont'd)

e. Has been participating in open enrollment and whose parents/guardians move out of their district of residence but exercise the option of maintaining the open enrollment agreement as provided in subrule 17.8(6) except that the period of 90 school days of ineligibility shall apply to a student pupil who open enrolls to another school district. If the pupil has established athletic eligibility under open enrollment, it is continued despite the parent's or guardian's change in residence.

f. Obtains open enrollment as provided in subrule 17.8(7) except that the period of 90 school days of ineligibility shall apply to a student pupil who open enrolls to another school district.

g. Obtains open enrollment due to the dissolution and merger of the former district of residence under Iowa Code subsection 256.11(12).

h. Obtains open enrollment due to the pupil's district of residence entering into a whole-grade sharing agreement on or after July 1, 1990, including the grade in which the pupil would be enrolled at the start of the whole-grade sharing agreement.

i. Participates in open enrollment and the parent/guardian is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

j. ~~Rescinded IAB 5/15/02, effective 6/19/02.~~ Open enrolls from a district of residence that has determined that the pupil was previously subject to a founded incident of harassment or bullying as defined in Iowa Code section 280.28 while attending school in the district of residence.

ITEM 3. Amend subrule 17.10(1) as follows:

17.10(1) Full-time pupils. Unless otherwise agreed to in the mediation under paragraph 17.4(6) "b," for full-time pupils, the resident district shall pay each year to the receiving district an amount equal to the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4 and the teacher leadership supplemental state cost per pupil for the previous year as provided in Iowa Code section 257.9. If the pupil participating in open enrollment is also an eligible pupil under Iowa Code section 261E.6 (postsecondary enrollment options program), the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in Iowa Code section 261E.7.

ITEM 4. Rescind and reserve rule 281—17.12(282).

ARC 2608C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

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

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 36, "Extracurricular Interscholastic Competition," Iowa Administrative Code.

Item 1 incorporates an amendment to the Open Enrollment Program included in 2016 Iowa Acts, House File 2264, which was passed by the 2016 General Assembly and became effective on April 7, 2016. Changes that resulted from House File 2264 include modifying the delineation of reasons that a pupil participating in open enrollment during grades 9 through 12 is not subject to the restriction on eligibility to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first 90 school days of enrollment in the receiving district. In addition, a pupil is not subject to the restriction on eligibility for exercising open enrollment if the pupil had previously been the subject of a founded case of harassment or bullying in the district of residence.

Item 2 provides that the eligibility of a pupil open enrolling due to a founded case of harassment or bullying as defined in Iowa Code section 280.28 while attending school in the district of residence is not subject to review by the executive board of the governing organization.

EDUCATION DEPARTMENT[281](cont'd)

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

Interested persons may make written comments on the proposed amendments on or before July 26, 2016, at 4:30 p.m. Comments on the proposed amendments should be directed to Phil Wise, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 26, 2016, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of specific needs by calling (515)281-5295.

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

These amendments are intended to implement Iowa Code section 282.18 as amended by 2016 Iowa Acts, House File 2264.

The following amendments are proposed.

ITEM 1. Amend subrule 36.15(4) as follows:

36.15(4) *Open enrollment transfer rule.* A student in grades 9 through 12 whose transfer of schools had occurred due to a request for open enrollment by the student's parent or guardian is ineligible to compete in interscholastic athletics during the first 90 school days of transfer except that a student may participate immediately if the student is entering grade 9 for the first time and did not participate in an interscholastic athletic competition for another school during the summer immediately following eighth grade. The period of ineligibility applies only to varsity level contests and competitions. ("Varsity" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.) This period of ineligibility does not apply if the student:

- a. Participates in an athletic activity in the receiving district that is not available in the district of residence; or
- b. Participates in an athletic activity for which the resident and receiving districts have a cooperative student participation agreement pursuant to rule 281—36.20(280); or
- c. Has paid tuition for one or more years to the receiving school district prior to making application for and being granted open enrollment; or
- d. Has attended in the receiving district for one or more years prior to making application for and being granted open enrollment under a sharing or mutual agreement between the resident and receiving districts; or
- e. Has been participating in open enrollment and whose parents/guardians move out of their district of residence but exercise either the option of remaining in the original open enrollment district or enrolling in the new district of residence. If the ~~pupil~~ student has established athletic eligibility under open enrollment, it is continued despite the parent's or guardian's change in residence; or
- f. Has not been participating in open enrollment, but utilizes open enrollment to remain in the original district of residence following a change of residence of the student's parent(s). If the ~~pupil~~ student has established athletic eligibility, it is continued despite the parent's or guardian's change in residence; or
- g. Obtains open enrollment due to the dissolution and merger of the former district of residence under Iowa Code subsection 256.11(12); or
- h. Obtains open enrollment due to the ~~pupil's~~ student's district of residence entering into a whole-grade sharing agreement on or after July 1, 1990, including the grade in which the ~~pupil~~ student would be enrolled at the start of the whole-grade sharing agreement; or
- i. Participates in open enrollment and the parent/guardian is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services; or

EDUCATION DEPARTMENT[281](cont'd)

j. Open enrolls from a district of residence that has determined that the student was previously subject to a founded incident of harassment or bullying as defined in Iowa Code section 280.28 while attending school in the district of residence.

ITEM 2. Amend rule 281—36.16(280) as follows:

281—36.16(280) Executive board review. A student, parent of a minor student, or school contesting the ruling of a student's eligibility based on these rules, other than subrule 36.15(1) or paragraph 36.15(2) "c," "d," "f," or "k," or paragraph 36.15(4) "j" or a school contesting a penalty imposed under paragraph 36.15(6) "b," shall be required to state the basis of the objections in writing, addressed to the executive officer of the board of the governing organization. Upon request of a student, parent of a minor student, or a school, the executive officer shall schedule a hearing before the executive board on or before the next regularly scheduled meeting of the executive board but not later than 20 calendar days following the receipt of the objections unless a later time is mutually agreeable. The executive board shall give at least 5 business days' written notice of the hearing. The executive board shall consider the evidence presented and issue findings and conclusions in a written decision within 5 business days of the hearing and shall mail a copy to appellant.

ARC 2615C

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 4, "Recording and Reporting Occupational Injuries and Illnesses," Iowa Administrative Code.

The proposed amendment adopts by reference changes to federal occupational safety and health regulations governing record keeping and reporting. The changes become effective over a two-year period. Employers are already required to keep data about workplace illnesses and injuries, and the federal changes require that some employers annually submit that same data electronically. The federal changes also amend two existing regulations in order to encourage more employees to report illnesses and injuries to employers.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, make data about workplace illnesses and injuries more available, and make Iowa's regulations consistent with federal regulations. Pursuant to 29 CFR 1902.7 and 1904.37, Iowa must adopt changes to the federal occupational safety and health record-keeping and reporting regulations.

If requested in accordance with Iowa Code section 17A.4(1) "b" by the close of business on August 1, 2016, a public hearing will be held on August 2, 2016, at 2 p.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 no later than August 2, 2016, 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.

LABOR SERVICES DIVISION[875](cont'd)

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, it has been determined that 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 chapter 88 and 29 CFR 1904.37 and 1902.7.

The following amendment is proposed.

Amend rule 875—4.3(88) as follows:

875—4.3(88) Recording and reporting regulations. Except as noted in this rule, the Federal Occupational Safety and Health Administration regulations at 29 CFR 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 to 6135 (January 19, 2001) are adopted.

4.3(1) The following amendments to 29 CFR 1904.0 through 1904.46 are adopted:

- a. 66 Fed. Reg. 52031-52034 (October 12, 2001)
- b. 67 Fed. Reg. 44047 (July 1, 2002)
- c. 67 Fed. Reg. 77170 (December 17, 2002)
- d. 68 Fed. Reg. 38606 (June 30, 2003)
- e. 79 Fed. Reg. 56186 (September 18, 2014)
- f. 81 Fed. Reg. 29691 (May 12, 2016)
- g. 81 Fed. Reg. 31854 (May 20, 2016)

4.3(2) In addition to the reporting methods set forth in 29 CFR 1904.39(a), employers may make reports required by 29 CFR 1904.39 using at least one of the following methods:

- a. Completing the incident report form available at www.iowaosha.gov and faxing the completed form to (515)242-5076 or sending the completed form to osha@iwd.iowa.gov;
- b. Calling (877)242-6742; or
- c. Visiting 1000 E. Grand Avenue, Des Moines, Iowa.

ARC 2610C

MEDICINE BOARD[653]

Notice of Intended Action

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

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 25, “Contested Case Proceedings,” Iowa Administrative Code.

The purpose of Chapter 25 is to establish procedures for contested case hearings before the Board. The proposed amendment updates a subrule to be consistent with Iowa Code section 148.7(4) regarding the composition of a Board panel that hears a contested case proceeding.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on June 3, 2016.

Any interested person may present written comments on the proposed amendment not later than 4:30 p.m. on July 26, 2016. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

MEDICINE BOARD[653](cont'd)

There will be a public hearing on July 26, 2016, at 12 noon at the Board's office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

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

This amendment is intended to implement Iowa Code chapters 147, 148 and 272C.

The following amendment is proposed.

Amend subrule 25.18(1) as follows:

25.18(1) Hearings are conducted before a quorum of the board. When a sufficient number of board members is are unavailable to hear a contested case, the executive director, or the executive director's designee, may request alternate members, as defined in rule 653—1.1(17A,147) and Iowa Code sections 148.2A and 148.7(4), to serve on the hearing panel. A hearing panel ~~containing alternate members~~ must include at least six ~~people~~, members, at least half of whom ~~a majority~~ must be current board members, ~~a majority and at least half of whom~~ must be members licensed to practice medicine under Iowa Code chapter 148, ~~and no more than three may be public members.~~

ARC 2612C**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) and 461A.3, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 61, “State Parks, Recreation Areas, and State Forest Camping,” Iowa Administrative Code.

The purpose of this proposed amendment is to ban alcoholic liquor, beer, and wine at the beaches located in Lake Macbride State Park and Pleasant Creek State Recreation Area. The definition of “beach” means “that portion of state parks or recreation areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water area contiguous to the beach as marked by swim buoys or swim lines” and applies to proposed paragraph 61.7(2)“e.” However, the alcohol ban would not apply to any rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the Department of Natural Resources (Department). Thus, for example, this proposed amendment would not prevent an individual from reserving a beach-bordering shelter for a large party, such as a reunion or a wedding, and providing alcohol to guests.

Department citation records and incident reports indicate alcohol consumption at these particular beaches presents legitimate safety risks to the public and Department personnel. During the high summer season, the ratio of park users to park personnel on these beaches has, at times, based on visual observations and vehicle counts, been estimated at over 500:1. Documented citations and incidents at these beaches that are attributed to alcohol include assaults, public intoxication (to the point of near unconsciousness), littering, interference with official acts, disorderly conduct, and minors in possession. For instance, Lake Macbride State Park spans 2,180 acres bordering an 812-acre lake and contains 102 campsites and a 2-acre beach. In the last five years, of 371 total arrests made and citations issued at Lake Macbride State Park, 222 occurred at the beach and involved alcohol. In other words, an area that encompasses less than a quarter of 1 percent of the park's total size resulted in almost 60 percent of all park enforcement activity. Thus, the beach area requires an inordinate amount of staff time, resources, and attention, much of which can be attributed to alcohol use. Pleasant Creek State Recreation Area has similar statistics.

NATURAL RESOURCE COMMISSION[571](cont'd)

As an interim measure, in mid-July 2015, pursuant to the authority of Iowa Code section 461A.46, the Department's Director imposed an early closing time of 6 p.m. on both parks' beaches due to the particular challenges posed by large evening crowds. The Department's State Parks Bureau also entered into cooperative agreements with local law enforcement agencies to provide for scheduled backup assistance from nearby city police departments, respective county sheriff's offices, and state troopers, a necessity as indicated by the 269 calls for backup made from Lake Macbride State Park between 2010 and 2015. Combined, the early closing time and cooperative agreements have had a positive impact on the number of arrests made, citations issued, and verbal warnings issued at these beaches. However, the early closing time has been very unpopular with park users, especially with those who would like to visit these beaches after work and with those who are overnight campers. In addition, relying on law enforcement from other public agencies is not a sustainable practice.

Thus, the Commission is proposing the alcohol ban in lieu of the early closing time at Lake Macbride State Park and Pleasant Creek State Recreation Area beaches. The Commission believes that banning alcohol from these beaches will considerably reduce the number of arrests made and citations issued at these locations. More importantly, banning alcohol at these beaches will increase the safety and enjoyment of other park users in these areas. This change will enable Department staff at Lake Macbride State Park and Pleasant Creek State Recreation Area to focus less on the beach and more on the park as a whole, permitting the State Parks Bureau's resources to be applied to a greater variety of issues, areas, and user and resource needs (such as the large campgrounds).

Any interested person may make written suggestions or comments on the proposed amendment on or before July 26, 2016. Such written materials should be directed to Sherry Arntzen, State Parks Bureau, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034. Comments may be sent by fax to (515)725-8201 or by e-mail to Sherry.Arntzen@dnr.iowa.gov. Persons who wish to convey their views orally should contact Sherry Arntzen at (515)725-8486.

There will be a public hearing on July 26, 2016, at 2 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building, Des Moines, Iowa, at which time persons may present their views orally or in writing. There will also be a public hearing on July 26, 2016, at 4 p.m. at Palisades-Kepler State Park Lodge, 700 Kepler Drive, Mount Vernon, Iowa, at which time persons may present their views orally or in writing. At the hearings, persons 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 a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department to advise of specific needs.

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

This amendment is intended to implement Iowa Code section 461A.3.

The following amendment is proposed.

Amend subrule 61.7(2) as follows:

61.7(2) Beach use/swimming.

a. to d. No change.

e. Alcoholic liquor, beer, and wine, as each is defined in Iowa Code section 123.3, are prohibited on the beaches located within Lake Macbride State Park and Pleasant Creek State Recreation Area. This ban does not apply to rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the department.

ARC 2617C**REVENUE DEPARTMENT[701]****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 421.14, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 40, “Determination of Net Income,” and Chapter 86, “Inheritance Tax,” Iowa Administrative Code.

The Iowa General Assembly recently enacted 2015 Iowa Acts, chapter 137, which, in part, created the Iowa ABLE savings plan trust. The Iowa ABLE savings plan trust allows individuals to contribute funds to qualified ABLE accounts on behalf of eligible individuals with disabilities. Funds in the account earn interest, and the beneficiaries of the accounts can use the funds to pay for future disability-related expenses. Contributing funds to the account, withdrawing funds from the account, and interest accrued on the account all have possible Iowa income tax consequences for either the person contributing or the designated beneficiary. The Department proposes new rule 701—40.81(422) to administer those income tax consequences.

2015 Iowa Acts, chapter 137, also provides that a decedent’s interest in an ABLE account is not subject to Iowa inheritance tax. The Department proposes new subrule 86.5(16), which will be added to rule 701—86.5(450), the rule that describes how to calculate the gross estate for Iowa inheritance tax purposes, to specify that the decedent’s interest in a qualified ABLE account is not included in the gross estate.

Interested persons may make written comments on the proposed amendments on or before July 26, 2016. Written comments on the proposed amendments should be directed by mail to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306-0457; or by e-mail to ben.clough@iowa.gov. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, by telephone at (515)725-2176 or in person at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by July 26, 2016.

The Department finds that the Iowa ABLE savings plan will reduce income tax revenue and local option income surtax for schools revenue. The Office of the Treasurer of State estimates that the administrative costs for establishing the program will be significant. The impact of the program on inheritance taxes is assumed to be minimal.

Any person who believes that the application of the discretionary provisions of these amendments would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

After analysis and review of this rule making, the Department finds that these amendments are not likely to have a significant impact on jobs.

These amendments are intended to implement Iowa Code chapter 12I and sections 422.7(34), 422.7(34A), and 450.4(9).

The following amendments are proposed.

ITEM 1. Adopt the following **new** rule 701—40.81:

701—40.81(422) Iowa ABLE savings plan trust. The Iowa ABLE savings plan trust was created so that individuals can contribute funds on behalf of designated beneficiaries into accounts administered by the treasurer of state. The funds contributed to the trust may be used to cover future disability-related

REVENUE DEPARTMENT[701](cont'd)

expenses of the designated beneficiary. The funds contributed to the trust are intended to supplement, but not supplant, other benefits provided to the designated beneficiary by various federal, state, and private sources. The Iowa ABLE savings plan program is administered by the treasurer of state under the terms of Iowa Code chapter 12I. The following subrules provide details about how an individual's net income is affected by contributions to a beneficiary's account, by interest and any other earnings on a beneficiary's account, and by distributions of contributions which were previously deducted.

40.81(1) Definitions.

"Account owner" means an individual who enters into a participation agreement under Iowa Code chapter 12I for the payment of qualified disability expenses on behalf of a designated beneficiary.

"Designated beneficiary" means an individual who is a resident of this state or a resident of a contracting state and who meets the definition of "eligible individual" found in Section 529A of the Internal Revenue Code.

"Iowa ABLE savings plan trust" means a qualified ABLE program administered by the Iowa treasurer of state under the terms of Iowa Code chapter 12I.

"Other qualified ABLE program" refers to any qualified ABLE program administered by another state with which the Iowa treasurer of state has entered into an agreement under the terms of Iowa Code section 12I.10 (see subrule 40.81(2) below).

"Qualified ABLE program" means the same as defined in Section 529A of the Internal Revenue Code.

"Qualified disability expenses" means the same as defined in Section 529A of the Internal Revenue Code.

40.81(2) Contracting with other states. Iowa Code section 12I.10 allows the treasurer of state to choose to defer implementation of Iowa's own qualified ABLE program and instead enter into an agreement with another state that already has a qualified ABLE program, to provide Iowa residents access to that state's qualified ABLE program, provided that the other state's program meets the qualifications set out in Iowa Code section 12I.10(1).

40.81(3) Subtraction from net income for contributions made to the Iowa ABLE savings plan trust or other qualified ABLE program. For tax years beginning on or after January 1, 2016, individuals can subtract from their Iowa net income the amount contributed to the Iowa ABLE savings plan trust or other qualified ABLE program on behalf of a designated beneficiary during the tax year, subject to the maximum contribution level for that year.

40.81(4) Exclusion of interest and earnings on beneficiary accounts in the Iowa ABLE savings plan trust or other qualified ABLE program. For tax years beginning on or after January 1, 2016, to the extent that interest or other earnings accrue on an account in the Iowa ABLE savings plan trust or other qualified ABLE program (if the account owner is an Iowa resident), the interest or other earnings are excluded for purposes of computing net income on the designated beneficiary's Iowa individual income tax return.

40.81(5) Addition to net income of amounts distributed to the participant from the Iowa ABLE savings plan trust or other qualified ABLE program that had previously been deducted.

a. For tax years beginning on or after January 1, 2016, if a taxpayer, as an account owner, cancels the account owner's account in the Iowa ABLE savings plan trust or other qualified ABLE program and receives a distribution of the funds in the account, the amount of the distribution shall be included in net income on the account owner's Iowa individual income tax return to the extent that contributions to the account had been deducted on prior state individual income tax returns of the account owner or any other person as a contribution to the Iowa ABLE savings plan trust or other qualified ABLE program.

b. For tax years beginning on or after January 1, 2016, if a taxpayer makes a withdrawal of funds previously deducted by the taxpayer or any other person from the Iowa ABLE savings plan trust or other qualified ABLE program for purposes other than the payment of qualified disability expenses, the amount of the withdrawal shall be included in net income on the taxpayer's Iowa individual income tax return to the extent that contributions to the account had been deducted on prior state individual income tax returns of the taxpayer or any other person.

40.81(6) Maximum contribution level. The amount of the deduction available for an individual taxpayer each year for contributions on behalf of any one designated beneficiary to the Iowa ABLE

REVENUE DEPARTMENT[701](cont'd)

savings plan trust or other qualified ABLE program may not exceed the maximum contribution level for that year. The maximum contribution level is set by the treasurer of state. The maximum contribution level is indexed yearly for inflation pursuant to Iowa Code section 12D.3(1)“a.”

This rule is intended to implement Iowa Code section 422.7 as amended by 2015 Iowa Acts, chapter 137.

ITEM 2. Adopt the following **new** subrule 86.5(16):

86.5(16) *Qualified ABLE plans exempt.* Effective for estates of decedents dying on or after January 1, 2016, the value of the decedent’s interest in the Iowa ABLE savings plan trust is not subject to Iowa inheritance tax and therefore is not includable in the decedent’s gross estate for tax purposes. The value of the decedent’s interest in an ABLE savings program administered by another state with which the Iowa treasurer of state has entered into an agreement allowing Iowa residents to participate in the other state’s qualified ABLE program under the terms of Iowa Code section 12I.10 is also not subject to Iowa inheritance tax if the decedent is an Iowa resident. For more information on qualified plans administered by other states, see Iowa Code section 12I.10 and rule 701—40.81(422).

ITEM 3. Amend rule **701—86.5(450)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections ~~422.7(4)~~ 422.7, 450.2, 450.3, 450.4(5), 450.8, 450.12, 450.37, 450.91, 633.699, and 633.703A and Iowa Code ~~Supplement~~ section 450.4 as amended by ~~2008 Iowa Acts, House File 2673, section 2~~ 2015 Iowa Acts, chapter 137.

ARC 2616C

REVENUE DEPARTMENT[701]

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 421.14, 422.16, and 422.68, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 46, “Withholding,” Iowa Administrative Code.

Iowa will now require W-2 and 1099 forms to be filed electronically with the Department on an annual basis. The Department will use the W-2 and 1099 forms to combat tax fraud. The Internal Revenue Service (IRS) already requires withholding agents to file W-2s at the federal level, and with these amendments Iowa is conforming with federal practice. Because withholding agents or employers are already required to file W-2s with the IRS, this is not an additional burden on withholding agents or employers. In addition, by reinstating a requirement to file W-2 and 1099 forms with the Department, Iowa will join most other states that have withholding requirements. For tax year 2016, only withholding agents with at least 50 employees are required to electronically file W-2 and 1099 forms with the Department. For tax year 2017, all withholding agents will be required to electronically file W-2 and 1099 forms with the Department. In addition, annual verified summary of payment reports will be due on or before the last day of January following the tax year. A withholding agent may request in writing an extension to electronically file due to hardship.

Interested persons may make written comments on the proposed amendments on or before July 26, 2016. Written comments on the proposed amendments should be directed by mail to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306-0457; or by e-mail to theresa.dvorak@iowa.gov. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, by telephone at (515)281-8450, or in person at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

REVENUE DEPARTMENT[701](cont'd)

Requests for a public hearing must be received by July 26, 2016.

After analysis and review of this rule making, the Department finds that there is no fiscal impact.

Any person who believes that the application of the discretionary provisions of these rules would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

After analysis and review of this rule making, the Department finds that the amendments to these rules are not likely to have a significant impact on jobs.

These amendments are intended to implement Iowa Code section 422.16(2)“b.”

The following amendments are proposed.

ITEM 1. Amend paragraph **46.3(3)“e”** as follows:

e. Annual verified summary of payments reports.

(1) Every withholding agent required to withhold Iowa income tax under subrules 46.1(1), 46.1(2), 46.1(3), and 46.4(1) is to furnish to the department of revenue on or before the last day of ~~February~~ January following the tax year an annual “Verified Summary of Payments Report” (VSP).

The withholding agent completing the VSP form must enter the total Iowa income tax withheld that is shown on the W-2 forms and 1099 forms for the year, the new jobs credits, supplemental jobs credits, accelerated career education credits and housing assistance credits claimed on withholding returns for the year. In addition, the withholding agent must enter on the VSP the withholding payments made for the year. If the amount of Iowa income tax withholding remitted to the department of revenue for the year is less than the withholding tax and withholding credits claimed, the withholding agent is to report the additional withholding tax due on an amended return and submit payment to the department.

If the Iowa income tax shown as withheld on the W-2s and 1099s issued for the tax year is less than the amount of withholding tax remitted to the department of revenue by the withholding agent, the agent should file an amended return with the department reflecting the excess tax paid.

(2) For Verified Summary of Payments Report forms filed with the department of revenue for the year 2000 ~~and subsequent years~~ through the year 2016, the withholding agents are not to submit W-2 forms and 1099 forms with the reports. However, the withholding agents should supply W-2 forms or 1099 forms as requested by personnel of the department of revenue if the request for the forms is made within three years from the end of the year for which the W-2 forms or 1099 forms apply. Therefore, if a request is made to a withholding agent for a W-2 form or a 1099 form for the year ~~2000~~ 2013, the request is valid if the request is postmarked, faxed or made on or before December 31, ~~2003~~ 2016.

ITEM 2. Reletter paragraphs **46.3(3)“f”** to **“h”** as **46.3(3)“g”** to **“i.”**

ITEM 3. Adopt the following new paragraph **46.3(3)“f”**:

f. W-2 forms and 1099 forms.

(1) Beginning in 2017 for tax year 2016, withholding agents with at least 50 employees are required to electronically file W-2 forms and 1099 forms with the department of revenue on or before the last day of January following the tax year. Withholding agents with fewer than 50 employees may, but are not required to, electronically file W-2 forms and 1099 forms with the department of revenue on or before the last day of January following the tax year.

(2) Beginning in 2018 for tax year 2017, all withholding agents are required to electronically file W-2 forms and 1099 forms with the department of revenue on or before the last day of January following the tax year.

(3) The department of revenue may, in a case involving a hardship, extend the requirement to electronically file to the 2019 tax year. No extension of time shall be granted unless the withholding agent makes a written request to the department of revenue for such action.

(4) Penalty. Failure to meet the filing requirements set out in this paragraph will subject withholding agents to the penalties under Iowa Code section 422.16(10).

ARC 2619C**REVENUE DEPARTMENT[701]****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 17A.3, 421.14, and 452A.59, the Department of Revenue proposes to amend Chapter 68, “Motor Fuel and Undyed Special Fuel,” Iowa Administrative Code.

The proposed amendment is necessary to implement changes to the tax rates on motor fuels effective July 1, 2016. The changes in the tax rates on motor fuels reflect changes in the ethanol distribution percentage for calendar year 2015. Under Iowa Code section 452A.3(1) and 701—paragraph 68.2(2)“a,” the rate of excise tax on motor fuels for the fiscal year is based on the ethanol distribution percentage as measured in the previous calendar year.

The Department has considered the factors listed in Iowa Code section 17A.4A. The Department will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than August 8, 2016, to Matt Bishop, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Alternatively, requests may be e-mailed to matt.bishop@iowa.gov. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request who each qualify as a small business, or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on this proposed amendment on or before July 26, 2016. Such written comments should be e-mailed to Matt Bishop at matt.bishop@iowa.gov or mailed to Matt Bishop, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Persons who want to convey their views orally should contact Matt Bishop, Policy and Communications Division, Department of Revenue; at (515)725-1106, or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by July 26, 2016.

Reducing taxes generally stimulates economic growth. However, the Department is unable to predict the specific impact this amendment will have on jobs.

This amendment is intended to implement Iowa Code section 452A.3.

The following amendment is proposed.

Amend subrule 68.2(1) as follows:

68.2(1) The following rates of tax apply to the use of fuel in operating motor vehicles and aircraft:

Gasoline	20.3¢ per gallon (for July 1, 2003, through June 30, 2004)
	20.5¢ per gallon (for July 1, 2004, through June 30, 2005)
	20.7¢ per gallon (for July 1, 2005, through June 30, 2006)
	21¢ per gallon (for July 1, 2006, through June 30, 2007)
	20.7¢ per gallon (for July 1, 2007, through June 30, 2008)
	21¢ per gallon (for July 1, 2008, through February 28, 2015)
	31¢ per gallon (for March 1, 2015, through June 30, 2015)
	30.8¢ per gallon (beginning for July 1, 2015, through June 30, 2016)
	<u>30.7¢ per gallon (beginning July 1, 2016)</u>

REVENUE DEPARTMENT[701](cont'd)

Ethanol blended gasoline	19¢ per gallon (for July 1, 2003, through February 28, 2015) 29¢ per gallon (for March 1, 2015, through June 30, 2015) 29.3¢ per gallon (beginning for July 1, 2015, through June 30, 2016) 29¢ per gallon (beginning July 1, 2016)
E-85 gasoline	17¢ per gallon (for January 1, 2006, through June 30, 2007) 19¢ per gallon (for July 1, 2007, through February 28, 2015) 29¢ per gallon (for March 1, 2015, through June 30, 2015) 29.3¢ per gallon (beginning for July 1, 2015, through June 30, 2016) 29¢ per gallon (beginning July 1, 2016)
Aviation gasoline	8¢ per gallon (beginning July 1, 1988)
Diesel fuel other than B-11 or higher	22.5¢ per gallon (on and before February 28, 2015) 32.5¢ per gallon (beginning March 1, 2015)
Biodiesel blended fuel (B-11 or higher)	22.5¢ per gallon (on and before February 28, 2015) 32.5¢ per gallon (for March 1, 2015, through June 30, 2015) 29.5¢ per gallon (beginning July 1, 2015)
Aviation jet fuel	3¢ per gallon (on and before February 28, 2015) 5¢ per gallon (beginning March 1, 2015)
L.P.G.	20¢ per gallon (on and before February 28, 2015) 30¢ per gallon (beginning March 1, 2015)
C.N.G.	16¢ per 100 cu. ft. (on and before June 30, 2014) 21¢ per gallon (for July 1, 2014, through February 28, 2015) 31¢ per gallon (beginning March 1, 2015)
L.N.G.	22.5¢ per gallon (on and before February 28, 2015) 32.5¢ per gallon (beginning March 1, 2015)

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:

July 1, 2015 — July 31, 2015	4.25%
August 1, 2015 — August 31, 2015	4.25%
September 1, 2015 — September 30, 2015	4.25%
October 1, 2015 — October 31, 2015	4.25%
November 1, 2015 — November 30, 2015	4.25%
December 1, 2015 — December 31, 2015	4.00%
January 1, 2016 — January 31, 2016	4.25%
February 1, 2016 — February 29, 2016	4.25%
March 1, 2016 — March 31, 2016	4.00%
April 1, 2016 — April 30, 2016	3.75%
May 1, 2016 — May 31, 2016	4.00%
June 1, 2016 — June 30, 2016	3.75%
July 1, 2016 — July 31, 2016	3.75%

ARC 2613C**VOLUNTEER SERVICE, IOWA COMMISSION ON[817]****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 2016 Iowa Acts, House File 2460, section 91(1b), Iowa Code chapter 15H and section 17A.3, the Iowa Commission on Volunteer Service hereby gives Notice of Intended Action to adopt Chapter 12, “RefugeeRISE AmeriCorps,” Iowa Administrative Code.

Chapter 12 establishes a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state. The chapter will support AmeriCorps program member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa.

Public comments concerning this chapter will be accepted until 4:30 p.m. on July 26, 2016. Interested parties may direct written materials to Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309; or send them by e-mail to americorps@iowa.gov. Persons who wish to convey their views orally should contact the Iowa Commission on Volunteer Service Executive Director at (800)308-5987.

A public hearing will be held in the Central First Floor Conference Room of the Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa, on July 26, 2016, at 10 a.m. 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 rules. Any persons who intend to attend the public hearing and require accommodations to do so should contact the Iowa Commission on Volunteer Service and advise of specific needs.

These rules are not subject to waiver.

After analysis and review, the fiscal impact of these rules is \$300,000 of state funding appropriated to the Department of Human Services and transferred to the Economic Development Authority for the Iowa Commission on Volunteer Service.

The analysis of impact on jobs indicates that these rules will create approximately 22 positions.

These rules are intended to implement 2016 Iowa Acts, House File 2460, sections 90 and 91.

The following amendment is proposed.

Adopt the following **new** 817—Chapter 12:

CHAPTER 12
REFUGEERISE AMERICORPS

817—12.1(15H) Purpose and description of the program. The purpose of the RefugeeRISE AmeriCorps program is to provide RefugeeRISE AmeriCorps members with training and support to increase community integration and engagement for diverse refugee communities. Awarded on a competitive basis, RefugeeRISE grants will give support to AmeriCorps programs in Iowa utilizing AmeriCorps funds awarded by the commission, other funds received in the community programs account established pursuant to Iowa Code section 15H.7, or both.

817—12.2(15H) Applications. Appropriate forms and applications for grants and eligibility preapproval are available from the commission at www.volunteeriowa.org.

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

817—12.3(15H) Program eligibility criteria. The commission and department of human services will establish criteria consistent with state-level needs and federal program requirements. Any program deemed eligible for inclusion as a RefugeeRISE AmeriCorps program must meet the standards outlined by the commission and the department in the application instructions. Refugee-focused AmeriCorps programs that applied for AmeriCorps funding for program year 2016-2017 will be considered conditionally eligible for fiscal year 2017 in order to provide adequate time for criteria to be established. In subsequent years, all applicants that wish to be considered as RefugeeRISE AmeriCorps programs shall be considered as part of the AmeriCorps grant process.

817—12.4(15H) Grant criteria. Beginning with the 2017-2018 program year applications, the commission will establish grant criteria and funding priorities consistent with federal regulations and with commission and department of human services goals. Applicants will be considered either in conjunction with the AmeriCorps grant process or, in certain cases, through special competitions outlined and announced by the commission. At a minimum, grant criteria will include the following:

1. Goals and objectives of the project;
2. Qualifications of the applicant to manage funds;
3. For new and re-competing applicants, letters of local support verifying coordination and community cooperation;
4. Total project budget;
5. For previous grantees, evidence of ability to submit timely and accurate reports;
6. Description and time line of planned activities;
7. Description of the applicant organization, including staffing pattern;
8. Documentation of the applicant's ability to provide the required local match; and
9. Program performance and evaluation results and outcomes.

817—12.5(15H) Application process for new grants.

12.5(1) Request for applications. The commission shall issue a request for applications containing program criteria and application forms for the applicable fiscal year.

12.5(2) Application time frame. The applicant shall submit the completed application to the commission according to the time line identified in the request for applications.

12.5(3) Application review process. Applications submitted will be reviewed by a grant review committee, which is composed of members of the commission, individuals with expertise in youth programming, and citizens of Iowa. Using the criteria in rule 817—12.4(15H), the committee will review the applications to determine the appropriateness and the merit of the project.

12.5(4) Notification. Applicants whose projects have been selected for funding shall be notified by the commission.

817—12.6(15H) Administration of grants.

12.6(1) Contracts. The commission shall prepare contractual agreements for the grants.

a. The contract shall be executed by the executive director of the commission and the duly authorized official of the project.

b. The contract shall include due dates and the process for the submission of progress reports and financial reports.

12.6(2) Reporting. All grant recipients shall submit progress reports and financial reports to the commission.

12.6(3) Availability of funds. A separate request for applications will only be issued when there are available funds for this program. To the extent allowable by federal regulations, RefugeeRISE AmeriCorps will always be an acceptable program model for annual AmeriCorps grants and will be listed in the annual AmeriCorps program request for applications.

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

817—12.7(15H) Reversion of funds. Grant funds not expended by the project closeout date shall revert to the commission and the community programs account established pursuant to Iowa Code section 15H.7.

These rules are intended to implement 2016 Iowa Acts, House File 2460, sections 90 and 91.

ARC 2605C

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 amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

These amendments increase the statewide average cost of nursing facility services for a private-pay person. The figure is being 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 cost figure is used to determine a period of ineligibility when an applicant or recipient transfers assets for less than fair market value. When assets are transferred to attain or maintain Medicaid eligibility, the individual is ineligible for Medicaid payment of long-term care services. The period of ineligibility is determined by dividing the amount transferred by the 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 of nursing facility services is increased from \$5,407.24 to \$5,809.13.

These amendments also update the average charges for nursing facilities, psychiatric medical institutions for children (PMICs), and mental health institutes (MHIs) and the maximum Medicaid rate for intermediate care facilities for the intellectually disabled (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 \$4,952 per month to \$5,267 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 \$6,556 per month to \$7,999 per month.
- The average charge for care in an MHI increased from \$24,083 per month to \$29,708 per month.

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

- The maximum Medicaid rate for ICF/ID increased from \$27,388 per month to \$28,915 per month.

The increases in these amounts will 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 2505C** on April 27, 2016. 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 June 8, 2016.

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), 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, 2016, 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 MAIT.

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.

HUMAN SERVICES DEPARTMENT[441](cont'd)

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

These amendments became effective July 1, 2016.

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, ~~2015~~ 2016, through June 30, ~~2016~~ 2017, this average statewide cost shall be ~~\$5,407.24~~ \$5,809.13 per month or ~~\$177.87~~ \$191.09 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, ~~2015~~ 2016, to June 30, ~~2016~~ 2017, shall be as follows:

(1) The average statewide charge to a private-pay resident of a nursing facility is ~~\$4,952~~ \$5,267 per month.

(2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$27,388~~ \$28,915 per month.

(3) The average statewide charge to a resident of a mental health institute is ~~\$24,083~~ \$29,708 per month.

(4) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$6,556~~ \$7,999 per month.

(5) No change.

[Filed Emergency After Notice 6/8/16, effective 7/1/16]

[Published 7/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2614C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board of the Department of Public Health hereby amends Chapter 25, “State Plumbing Code,” Iowa Administrative Code.

These amendments update references in the state plumbing code from the 2012 edition of the Uniform Plumbing Code (UPC) to the 2015 edition of the UPC. The Board previously adopted the 2015 edition of the UPC and overlooked additional references to the UPC in rule 641—25.5(105). In addition, the amendments update a reference to the most recent census date.

Pursuant to Iowa Code section 17A.4(3)“a,” the Board finds that notice and public participation are unnecessary because the Board previously adopted amendments to Chapter 25, which updated the state plumbing code to the 2015 edition of the UPC, and overlooked updating additional references to the UPC in rule 641—25.5(105). Iowa Code section 105.4 requires the Board to adopt the most recent version of the UPC.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its June 14, 2016, meeting reviewed the Board’s determination and the amendments and approved the Emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board also finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective June 15, 2016, because the amendments confer a public benefit to licensees by ensuring that only one edition of the UPC is used consistently throughout the rules. These amendments will also ensure that licensees are not required to purchase two different UPC editions and use two different UPC editions on state examinations for licensure.

These rules are subject to waiver under the Board’s general waiver provisions contained in 641—Chapter 31.

The Board adopted these amendments on May 17, 2016.

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

These amendments are intended to implement Iowa Code section 105.4.

These amendments became effective on June 15, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 641—25.5(105), introductory paragraph, as follows:

641—25.5(105) Backflow prevention with containment. Cities with populations of 15,000 or greater as determined by the ~~1990~~ 2010 census or any subsequent regular or special census shall have a backflow prevention program with containment. The minimum requirements for a program are given in subrules 25.5(1) through 25.5(5). These requirements are in addition to the applicable requirements of Section 603 of the Uniform Plumbing Code, ~~2012~~ 2015 Edition.

ITEM 2. Amend subrule 25.5(1), introductory paragraph, as follows:

25.5(1) Definitions. The following definitions are added to those in Chapter 2 and Section 603 of the Uniform Plumbing Code, ~~2012~~ 2015 Edition, or are modified from those definitions for the purposes of rule 641—25.5(105) only.

[Filed Emergency 6/15/16, effective 6/15/16]

[Published 7/6/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2611C

WORKERS’ COMPENSATION DIVISION[876]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 86.8, the Workers’ Compensation Commissioner hereby amends Chapter 8, “Substantive and Interpretive Rules,” Iowa Administrative Code.

This amendment updates references to the tables which determine payroll taxes.

In compliance with Iowa Code section 17A.4(3)“a,” the Workers’ Compensation Commissioner finds that notice and public participation are unnecessary. Rule 876—8.8(85,17A) is noncontroversial and, further, Iowa Code section 85.61(6) requires adoption of current tables to determine payroll taxes by July 1 of each year. The Division must wait until the Internal Revenue Service and the Iowa Department of Revenue determine whether there will be changes in their publications on July 1 of the current year.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its June 14, 2016, meeting reviewed the Division’s determination and the amendments and approved the Emergency adoption.

The Division also finds, pursuant to Iowa Code section 17A.5(2)“b”(1)(b), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective

WORKERS' COMPENSATION DIVISION[876](cont'd)

July 1, 2016, as it confers a benefit upon the public to ensure speedy and uniform compliance with the Division's legislative mandate.

The Division has determined that this amendment will not necessitate additional annual expenditures exceeding \$100,000 or combined expenditures exceeding \$500,000 within five years by all affected persons, including the agency. Therefore, no fiscal impact statement accompanies this rule making.

The Division has determined that this amendment will have no impact on small business within the meaning of Iowa Code section 17A.4A.

This amendment does not include a waiver provision because rule 876—12.4(17A) provides the specified situations for waiver of Workers' Compensation Division rules.

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

This amendment is intended to implement Iowa Code section 85.61(6).

This amendment became effective on July 1, 2016.

The following amendment is adopted.

Amend rule 876—8.8(85,17A) as follows:

876—8.8(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for the period July 1, ~~2014~~ 2016, through June 30, ~~2015~~ 2017, are the tables in effect on July 1, ~~2014~~ 2016, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (Internal Revenue Service, Employer's Supplemental Tax Guide, Publication 15-A [~~2014~~ 2015].)

2. Iowa Withholding Tax Guide. (Iowa Department of Revenue Iowa Withholding Tax Rate Tables [Effective April 1, 2006].)

3. Social Security and Medicare withholding (FICA) at the rate of 7.65 percent. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [~~2014~~ 2015].)

This rule is intended to implement Iowa Code section 85.61(6).

[Filed Emergency 6/15/16, effective 7/1/16]

[Published 7/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2606C

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 77, “Standards for Teacher Intern Preparation Programs,” Iowa Administrative Code.

Chapter 77 outlines the standards and program requirements that all alternative licensure educator preparation programs must meet in order to be accredited to prepare educators in Iowa. Compliance with these standards is required and is evaluated during each educator preparation program’s accreditation review. The standards are also applied in an annual reporting system. The current standards are in need of updating to remain current with research-based best practices in educator preparation, accountability and continuous program improvement. A team of 12 Iowa educators, Department of Education staff, and Board of Educational Examiners staff developed the changes that were proposed under Notice of Intended Action. A second team of 12 Iowa educators reviewed the proposed changes and provided feedback, which was incorporated into the submission. The proposed changes were vetted by educators and policy experts in Iowa and across the United States.

By statute, no waiver of these rules is permitted (Iowa Code section 256.7(3)).

Notice of Intended Action was published in the April 27, 2016, Iowa Administrative Bulletin as **ARC 2509C**. Public comments were allowed until 4:30 p.m. on May 17, 2016. A public hearing was held on that date. One person attended the hearing and provided a letter corroborating the person’s public comment. Additionally, two people wrote letters presenting information.

All information provided by the public in letters or in person was concerned with one issue: the use of student teaching and substitute teaching in lieu of an internship. The team that wrote the updated standards and the team that reviewed the updated standards considered the use of student teaching and substitute teaching at length. Both teams reached a consensus that the use of student teaching and substitute teaching was not to be included in updated Chapter 77. For this reason, no changes were made to the proposed amendments in response to these comments. However, since publication of the Notice, four nonsubstantive, technical changes have been made. For consistency, the phrase “teacher candidates” was changed to “teacher intern candidates” in the second sentence of 77.10(7), and the conjunction “and” was added to 77.8(2), 77.8(3) and 77.8(6).

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

These amendments are intended to implement Iowa Code chapter 256.

These amendments will become effective August 10, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 281—77.2(256) as follows:

281—77.2(256) Definitions. For purposes of clarity, the following definitions are used throughout the chapter:

“*AEA*” means area education agency.

“*BOEE*” means the board of educational examiners, the board responsible for establishing licensure requirements and issuing licenses.

“*Clinical experiences*” means a candidate’s direct experiences in PK-12 schools. “*Clinical experiences*” includes field experiences and internships.

“*Cooperating teachers*” means classroom teachers who provide guidance and supervision to teacher candidates during the candidates’ field experiences in the schools.

“*Department*” means the department of education.

“*Director*” means the director of education.

“*Diverse groups*” means one or more groups of individuals possessing certain traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

EDUCATION DEPARTMENT[281](cont'd)

“Educator preparation program” is a synonym for practitioner preparation program.

“ELPS” means Educational Leadership Policy Standards, the national standards for educational administration.

“Institution” means a four-year college or university in Iowa offering teacher intern preparation and seeking state board approval of its teacher intern preparation program.

“INTASC InTASC” means the Interstate New Teacher Assessment and Support Consortium, the source of national standards for beginning teachers.

“Intern” means an individual who is enrolled in a teacher intern preparation program leading to teacher intern licensure and is currently employed as an intern by an Iowa school district.

“Iowa teaching standards” represents a set of knowledge and skills that reflects the best evidence available regarding effective teaching as listed in rule 281—83.4(284). The standards shall serve as the basis for comprehensive evaluations of teachers and as a basis for professional development plans.

“Mentor” means an individual, employed by a school district or area education agency as a classroom teacher, or a retired teacher, who holds a valid license issued under Iowa Code chapter 272. The individual must have a record of four years of successful teaching practice with at least two of the four years on a nonprobationary basis and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers or teacher interns.

“Practitioner” means a teacher, administrator, or other school personnel holding a license issued by the board of educational examiners.

“Program” means the program for teacher intern preparation at colleges and universities leading to licensure of teacher interns.

“School district” means a school corporation as defined in Iowa Code chapter 290. A school district is also referred to as a “local education agency” or “LEA.”

“State board” means the state board of education.

“Teacher intern candidate” means an individual who is enrolled in a teacher intern preparation program leading to teacher intern licensure and who has not yet begun employment as an intern.

“Teacher intern preparation program” means the program for teacher intern preparation at colleges and universities leading to licensure of teacher interns.

“Unit” means the organizational entity within an institution with the responsibility of administering the teacher intern preparation program.

ITEM 2. Amend rule 281—77.4(256) as follows:

281—77.4(256) Criteria for Iowa teacher intern preparation programs. Each institution seeking approval of its ~~program of teacher intern preparation program~~ shall file evidence of the extent to which ~~it~~ the program meets the standards contained in this chapter by means of a written self-evaluation report and an evaluation conducted by the department. ~~For institutions not already offering practitioner preparation programs approved by the state board, the evaluation process shall include a site visit by representatives of the department and additional documentation as needed.~~ No waiver of the criteria or standards in this chapter shall be permitted. After the state board has approved the teacher intern preparation program filed by an institution, teacher intern candidates who complete the program and are recommended by the authorized official of that institution will be issued the appropriate license and endorsement(s).

ITEM 3. Rescind rule 281—77.5(256) and adopt the following new rule in lieu thereof:

281—77.5(256) Approval of programs. For initial approval of a program, institutions shall submit written documentation of the teacher intern preparation program’s compliance with the standards in rules 281—77.8(256) through 281—77.11(256). The evaluation process shall include a site visit by representatives of the department and additional documentation as needed. Approval by the state board of the institutions’ teacher intern preparation programs shall be based on the recommendation of the director after study of the factual and evaluative evidence on record about each program in terms of the standards contained in this chapter. Approval, if granted, shall cover the period of time between initial approval and the institution’s next regularly scheduled state review under rules 281—79.5(256)

EDUCATION DEPARTMENT[281](cont'd)

and 281—79.6(256). After the initial approval period, approval of the teacher intern preparation program will be included as part of the institution's reapplication for approval of its entire practitioner preparation program. Approval, if granted to institutions offering only teacher intern preparation programs, shall be for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

If approval is not granted, the applying institutions will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the institutions shall be given the opportunity to present factual information concerning their program at a regularly scheduled meeting of the state board, not beyond three months of the board's initial decision. Following a minimum of six months after the board's decision to deny approval, the institution may reapply when it is ready to show what actions have been taken to address the areas required for improvement.

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

ITEM 4. Rescind rule 281—77.8(256) and adopt the following **new** rule and heading in lieu thereof:

TEACHER INTERN PREPARATION PROGRAM STANDARDS

281—77.8(256) Governance and resources standard. Governance and resources adequately support the preparation of teacher intern candidates to meet professional, state and institutional standards. As a component of the program, the institution shall work collaboratively with the local school district(s) or AEA.

77.8(1) The institution shall have a clearly understood governance structure that serves as a basis to provide guidance and support for the teacher intern preparation program.

77.8(2) The institution's responsibilities shall include but not be limited to:

- a. Establishing a teacher intern leadership team that will provide oversight of the program;
- b. Providing appropriate resources to ensure a quality program; and
- c. Submitting a recommendation by the authorized official of the program to the BOEE for a teacher intern license after the teacher intern candidate's completion of the coursework and competencies as outlined in the program of study in subrule 77.10(3).

77.8(3) The leadership team's responsibilities include:

- a. Establishing the conceptual framework to provide the foundation for all components of the program;
- b. Screening and selecting teacher intern candidates;
- c. Establishing an advisory team to provide guidance to the teacher intern preparation program annually for program evaluation and continuous improvement. The advisory team shall include institutional personnel, including program faculty, and representatives from LEA 5-12 grade level teachers and administrators; and
- d. Using program evaluation and continuous improvement to review and monitor the program goals, the program of study, the support system, and the assessment system.

77.8(4) The teacher intern preparation program and LEAs will work collaboratively to provide opportunities for teacher intern candidates to observe and be observed by others and to engage in discussion and reflection on clinical practice.

77.8(5) The LEA will provide the following:

- a. An offer of employment to a teacher intern candidate in the program;
- b. A mentoring and induction program with a district-assigned mentor; and
- c. An assurance that the LEA will not overload the intern with extracurricular duties.

77.8(6) The institution provides resources and support necessary for the delivery of a quality teacher intern preparation program. The resources and support include the following:

- a. Financial resources; facilities; and appropriate educational materials, equipment and library services;

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- b.* Commitment to a work climate, policies, and faculty/staff assignments that promote/support best practices in teaching, scholarship and service;
- c.* Equitable resources and access for all program components regardless of delivery model or location;
- d.* Professional development opportunities for all faculty members;
- e.* Technological support for instructional needs to enhance candidate learning with instructional technology integrated into classroom experiences;
- f.* Quality clinical experiences and evaluations for all educator candidates;
- g.* Recruiting and supporting faculty; and
- h.* Sufficient faculty and administrative, clerical, and technical staff.

77.8(7) The program has a clearly articulated process regarding candidate and intern performance, aligned with the institutional policy, for decisions impacting progress through the program. Program and school district policies for removal and replacement of interns from their internship assignment are clearly communicated to all candidates, school administrators and faculty.

ITEM 5. Rescind rule 281—77.9(256) and adopt the following **new** rule in lieu thereof:

281—77.9(256) Faculty standard. Faculty qualifications and performance shall facilitate the professional development of teacher intern candidates in accordance with the following provisions.

77.9(1) The program defines the roles and requirements for faculty members by position. The program describes how roles and requirements are determined.

77.9(2) Faculty members shall have preparation and have had experiences in situations similar to those for which the teacher intern candidates are being prepared.

77.9(3) The program holds faculty members accountable for teaching prowess. This accountability includes evaluation and indicators for continuous improvement.

77.9(4) The program holds faculty members accountable for professional growth to meet the academic needs of the program.

77.9(5) Faculty members shall maintain an ongoing, meaningful involvement in activities in schools at the secondary grade level. Activities of faculty members shall include at least 40 hours of team teaching during a period not to exceed five years in duration at the middle school, junior high school or high school level.

77.9(6) Faculty members collaborate with colleagues in the intern program and colleagues in secondary settings.

77.9(7) All faculty members demonstrate an understanding of the depth, breadth and best practices of the program.

ITEM 6. Rescind rule 281—77.10(256) and adopt the following **new** rule in lieu thereof:

281—77.10(256) Program of study standard. A program's required coursework shall include a minimum of 28 semester hours or equivalent designed to ensure that teacher intern candidates develop the dispositions, knowledge, and performance expectations of the InTASC standards embedded at a level appropriate for a beginning teacher.

77.10(1) Teacher intern candidates shall develop the dispositions, knowledge, and performance expectations of the Iowa teaching standards (aligned with InTASC standards), and the BOEE's Code of Professional Conduct and Ethics at a level appropriate for a beginning teacher.

77.10(2) All components of the program of study must be initiated and completed after the candidate has completed a baccalaureate degree.

77.10(3) Coursework and competencies to be completed prior to the beginning of the candidate's initial employment as an intern include, but are not limited to:

- a.* Understands how learners grow and develop and implements developmentally appropriate and challenging learning experiences. This aligns with InTASC standard 1.

- b.* Demonstrates competence in content knowledge appropriate to the teaching position. This aligns with Iowa teaching standard 2 (281—subrule 83.4(2)) and with InTASC standards 4 and 5.

EDUCATION DEPARTMENT[281](cont'd)

c. Demonstrates competence in classroom management. This aligns with Iowa teaching standard 6 (281—subrule 83.4(6)) and with InTASC standard 3.

d. Demonstrates competence in planning and preparing for instruction. This aligns with Iowa teaching standard 3 (281—subrule 83.4(3)) and with InTASC standard 7.

e. Uses a variety of methods to monitor student learning. This aligns with Iowa teaching standard 5 (281—subrule 83.4(5)) and InTASC standard 6.

77.10(4) Additional coursework and competencies to be completed prior to the recommendation for an initial teaching license shall include but not be limited to:

a. Uses strategies to deliver instruction that meets the multiple learning needs of students. This aligns with Iowa teaching standard 4 (281—subrule 83.4(4)) and with InTASC standards 2 and 8.

b. Engages in professional growth. This aligns with Iowa teaching standard 7 (281—subrule 83.4(7)) and with InTASC standard 9.

c. Contributes to efforts to achieve district and building goals. This aligns with Iowa teaching standard 8 (281—subrule 83.4(8)) and with InTASC standard 10.

d. Demonstrates ability to enhance academic performance and support for implementation of the school district student achievement goals. This aligns with Iowa teaching standard 1 (281—subrule 83.4(1)).

77.10(5) Each teacher intern candidate demonstrates knowledge about literacy and receives preparation in literacy. Each candidate also develops and demonstrates the ability to integrate reading strategies into content area coursework.

77.10(6) Each teacher intern candidate effectively demonstrates the ability to integrate technology into instruction to support student learning.

77.10(7) Each teacher intern candidate receives dedicated coursework related to the study of human relations, cultural competency, and diverse learners, such that the candidate is prepared to work with students from diverse groups, as defined in rule 281—77.2(256). The unit shall provide evidence that teacher intern candidates develop the ability to meet the needs of all learners, including:

a. Students from diverse ethnic, racial and socioeconomic backgrounds;

b. Students with disabilities;

c. Students who are gifted and talented;

d. English language learners; and

e. Students who may be at risk of not succeeding in school.

77.10(8) Each teacher intern candidate demonstrates knowledge and application of the Iowa core to the teaching and learning process.

77.10(9) Each teacher intern candidate will be engaged in field experiences that include opportunities for both observation of exemplary instruction and involvement in co-planning and co-teaching. Each teacher intern candidate will complete at least 50 hours of field experience prior to the candidate's initial employment as an intern. The institution enters into a written contract with the cooperating school or district providing preinternship field experiences.

77.10(10) The teacher intern preparation program will provide a teacher intern seminar during the teacher internship year to:

a. Support and extend coursework from the teacher intern content; and

b. Facilitate teacher intern reflection.

77.10(11) Programs shall submit curriculum exhibit sheets for approval by the BOEE and the department.

77.10(12) In accordance with 281—Chapter 83, all interns shall be provided with a district-level mentor in addition to the program supervisor. The purpose of this district-level mentor is to provide coaching feedback dependent on the intern's classroom experience. This district-level mentor shall not serve in an evaluative role. The district-level mentor shall complete specialized training for serving as a mentor as required in rule 281—83.3(284). The program shall coordinate support between the teacher intern candidate's local district mentor and program supervisor.

77.10(13) The program shall provide an orientation for teacher intern candidates. The orientation will include, but not be limited to:

EDUCATION DEPARTMENT[281](cont'd)

- a. Program goals and expectations;
- b. Licensure and ethics requirements;
- c. Support provided by the program; and
- d. Support provided by the LEA or AEA.

77.10(14) Teacher intern faculty shall provide teacher intern candidates with academic advising, feedback about their performance throughout the program, and consultation opportunities.

77.10(15) Teacher intern faculty shall provide regular supervision in teacher intern candidates' classrooms with additional supervision and assistance provided as needed.

ITEM 7. Rescind rule 281—77.11(256) and adopt the following new rule in lieu thereof:

281—77.11(256) Assessment standard. The teacher intern preparation program shall utilize a clearly defined assessment system based on program standards and include both individual candidate assessment and comprehensive program assessment.

77.11(1) The teacher intern assessment system shall be used by the teacher intern preparation program to appropriately monitor individual candidate performance and to evaluate and improve the intern program.

77.11(2) Candidate assessment includes clear criteria for the following:

a. Acceptance into the program (to include testing described in Iowa Code section 256.16). Acceptance requirements include but are not limited to:

(1) Completion of a baccalaureate degree from a regionally accredited institution, meeting program-established required grade point criteria for the baccalaureate degree and content area;

(2) Completion of coursework that meets the state minimum requirements for at least one of the BOEE's secondary endorsement areas; and

(3) Screening designed to generate information about the prospective candidate's attributes identified as essential for candidates in the program.

b. Continuation in the program with clearly defined checkpoints/gates, to include:

(1) For formal admission, a requirement that candidates have successfully passed a preprofessional skills test at the level approved by the program before beginning an internship; and

(2) Verification of an offer of employment as an intern from a school or district administrator.

c. Program completion (to include the assessments described in Iowa Code section 256.16) and subsequent recommendation by the authorized official of the program for an initial teaching license.

77.11(3) Individual candidate assessment includes all of the following:

a. Measures used for candidate assessment are fair, reliable, and valid;

b. Candidates are assessed on their demonstration/attainment of program standards;

c. Multiple measures are used for assessment of the candidate on each program standard;

d. Candidates are assessed on program standards at different developmental stages;

e. Candidates are provided with formative feedback on their progress toward attainment of program standards; and

f. Candidates use the provided formative assessment data to reflect upon and guide their development and growth toward attainment of program standards.

77.11(4) Comprehensive program assessment includes all of the following:

a. Individual candidate assessment data on program standards are analyzed;

b. The aggregated assessment data are analyzed to evaluate the program;

c. Findings from the evaluation of aggregated assessment data are used to make program improvements;

d. Evaluation data are shared with stakeholders; and

e. The collection, aggregation, analysis, and evaluation of assessment data take place on a regular cycle.

77.11(5) The program shall conduct a survey of graduates and their employers to ensure that the graduates are well-prepared, and the data shall be used for program improvement.

77.11(6) The program shall regularly review, evaluate, and revise the assessment system.

EDUCATION DEPARTMENT[281](cont'd)

77.11(7) The program shall annually report to the department such as is required by the state and federal governments.

ITEM 8. Rescind and reserve rules **281—77.12(256)** to **281—77.15(256)**.

[Filed 6/13/16, effective 8/10/16]

[Published 7/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2618C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Homeland Security and Emergency Management Department hereby amends Chapter 7, "Local Emergency Management," Iowa Administrative Code.

The amendment of subrule 7.4(4) makes two changes related to training requirements for local emergency management coordinators. The first change reduces the time frame to complete baseline and professional development training from five years to two years. The second change removes the list of ten specific baseline courses from the subrule and allows the Department Director to develop the needed courses in consultation with the Iowa Emergency Management Association and to maintain the list on the Department's Web site.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2534C** on May 11, 2016. A public hearing was held on May 31, 2016. No public comment was received during the comment period or during the public hearing. This amendment is identical to that published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted this amendment on June 16, 2016.

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

This amendment is intended to implement Iowa Code chapter 29C.

This amendment will become effective August 10, 2016.

The following amendment is adopted.

Amend subrule 7.4(4) as follows:

7.4(4) Local emergency management coordinator continuing education requirements. Each local emergency management coordinator shall meet the following educational development requirements. The director may extend the time frame for meeting these continuing education requirements upon request from the commission.

a. Within ~~five~~ two years of appointment as a local emergency management coordinator, the person must complete ~~the following~~ a set of study courses: prescribed by the director and developed in consultation with the Iowa Emergency Management Association. The listing of courses shall be maintained on the department's Web site.

~~(1) A Citizen's Guide to Disaster Assistance IS-7.~~

~~(2) Emergency Operations Center (EOC) Management and Operations IS-775.~~

~~(3) Emergency Manager: An Orientation to the Position IS-1.~~

~~(4) Are You Ready? An In-depth Guide to Citizen Preparedness IS-22.~~

~~(5) An Introduction to Hazardous Materials IS-5A.~~

~~(6) Introduction to Incident Command System IS-100.b.~~

~~(7) ICS for Single Resources and Initial Action Incidents IS-200.a.~~

~~(8) Radiological Emergency Management IS-3.~~

~~(9) Introduction to Hazard Mitigation IS-393.a.~~

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

~~(10) Emergency Management Program Development.~~

~~b. Within five two years of appointment as a local emergency management coordinator, the person must complete the professional development series of courses as prescribed by the Federal Emergency Management Agency.~~

~~c. Upon completion of the requirements established in subrule 7.4(4), paragraphs “a” and “b;” of this subrule, a person must complete annually a minimum of 24 hours of state-approved emergency management training. Since completion of the annual training will follow the federal fiscal year, October 1 to September 30, the requirement to complete 24 hours of annual training will commence on the next October 1.~~

~~d. The local emergency management coordinator must document completion of courses by submitting a copy of the certificate of completion, a letter indicating satisfactory completion, or other appropriate documentation.~~

~~e. The Iowa homeland security and emergency management department, in conjunction consultation with the Iowa Emergency Management Association, may substitute courses when deemed appropriate.~~

~~f. An emergency management coordinator who has met the baseline requirements prior to October 1, 2006, will not be required to take any of the new study courses listed above prescribed by the director in accordance with paragraph “a” to reestablish the person’s baseline.~~

[Filed 6/17/16, effective 8/10/16]

[Published 7/6/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2604C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 119, “Record Check Evaluations for Certain Employers and Educational Training Programs,” Iowa Administrative Code.

These amendments add a definition for “deferred judgment” and clarify that deferred judgments will be considered in criminal background checks.

In keeping with case law analysis, the Department evaluates deferred judgments as convictions because the statutes that the Department relies upon to conduct record check evaluations are designed to protect Iowa’s most vulnerable populations. These amendments will assist attorneys who advise clients and judges who consider dispositive options in administrative and criminal venues.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2504C** on April 27, 2016. 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 June 8, 2016.

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 234.6.

These amendments will become effective September 1, 2016.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of “Deferred judgment” in rule **441—119.1(135B,135C)**:

“*Deferred judgment*” means deferred judgment as defined in Iowa Code section 907.1 and is considered an admission of committing an act. Under this chapter, the admission of committing an act must be considered a conviction for purposes of public protection.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 2. Amend subrule 119.2(1) as follows:

119.2(1) *Record check evaluations on prospective employees and students.* A requesting entity shall request a record check evaluation prior to employment or enrollment of a person whose background check indicates a criminal or dependent adult abuse or child abuse record. Any deferred judgments will be considered in criminal background checks. Criminal, child abuse and dependent adult abuse background checks are required on all prospective employees or students, including employees or students who have terminated employment or participation in a training program for any reason or any length of time and wish to return to the same employment or training program, unless an exemption is provided in these rules.

a. and b. No change.

[Filed 6/8/16, effective 9/1/16]

[Published 7/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2603C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board (Board) hereby amends Chapter 71, "Administration of the Conveyance Safety Program," and Chapter 72, "Conveyances Installed On or After January 1, 1975," Iowa Administrative Code.

These amendments set forth standards for material lift elevators and establish fees for material lift elevator installation permits. The Board adopts by reference the relevant ASME standards for new installations.

The purposes of these amendments are to protect the health and safety of the public, align the rules with statutory authority, and implement legislative intent.

Notice of Intended Action was published in the January 6, 2016, Iowa Administrative Bulletin as **ARC 2355C**. Comments were received regarding the addition of "vertical reciprocating conveyor" to the definition of "conveyance." These amendments were revised to remove references to vertical reciprocating conveyors while the Board continues to study the issues raised in the comments. The effective date of these amendments was added to the text in Item 1, and Item 5 was changed to reflect the effective date of these amendments.

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

After analysis and review of this rule making, no adverse impact on jobs is expected.

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

These amendments shall become effective on August 10, 2016.

The following amendments are adopted.

ITEM 1. Amend rule **875—71.1(89A)**, definition of "Conveyance," as follows:

"Conveyance" means any elevator, escalator, material lift elevator installed on or after August 10, 2016, dumbwaiter, wind tower lift, CPH, or other equipment governed by Iowa Code chapter 89A.

ITEM 2. Rescind paragraphs **71.16(3)"b"** and **"c."**

ITEM 3. Reletter paragraphs **71.16(3)"d"** to **"h"** as **71.16(3)"e"** to **"i."**

ITEM 4. Adopt the following new paragraphs **71.16(3)"b"** to **"d"**:

b. Material lift elevators: \$500.

c. Other hydraulic elevators: \$750.

d. Other traction elevators: \$1000.

LABOR SERVICES DIVISION[875](cont'd)

ITEM 5. Rescind rule 875—72.22(89A) and adopt the following **new** rule in lieu thereof:

875—72.22(89A) Material lift elevators. The provisions contained in ASME A17.1, Sections 7.4 through 7.7 and 7.9 through 7.11, are adopted by reference for material lift elevators installed on or after August 10, 2016.

[Filed 6/8/16, effective 8/10/16]

[Published 7/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/6/16.

ARC 2607C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board (Board) hereby amends Chapter 71, "Administration of the Conveyance Safety Program," Chapter 72, "Conveyances Installed On or After January 1, 1975," and Chapter 73, "Conveyances Installed Prior to January 1, 1975," Iowa Administrative Code.

These amendments set forth new rules for elevators in broadcast towers. The requirements mirror existing standards and reflect current administrative practices.

The purposes of these amendments are to update the rules to reflect current administrative practices; to protect the health and safety of inspectors and mechanics who inspect, test, and work on broadcast towers; and to implement legislative intent.

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

Notice of Intended Action was published in the March 2, 2016, Iowa Administrative Bulletin as **ARC 2422C**. Several owners of broadcast towers commented. In light of the comments, the Board has removed the requirements pertaining to vision panels and has added a clause to allow for more flexibility for scheduling inspections.

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

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

These amendments shall become effective on August 10, 2016.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subparagraph **71.11(2)"a"(3)**:

(3) The inspector shall arrange to perform the periodic inspection of a broadcast tower elevator when the maintenance company is on site to perform the periodic tests. If the inspection is to be performed by employees of the commissioner, the inspection shall occur during the division's normal business hours, unless otherwise agreed to by the commissioner pursuant to subrule 71.16(11).

ITEM 2. Adopt the following **new** rule 875—72.28(89):

875—72.28(89) Elevators in broadcast towers. This rule applies to special purpose elevators located in broadcast towers.

72.28(1) Anchorages. Anchorages compliant with 29 CFR 1926.502(d)(15) shall be attached inside the car and on the car top.

72.28(2) Emergency stop switch. An emergency stop switch compliant with ASME A17.1, Sections 2.26.2.8 and 5.7.19, shall be installed on the car top.

ITEM 3. Adopt the following **new** rule 875—73.28(89):

875—73.28(89) Elevators in broadcast towers. This rule applies to special purpose elevators located in broadcast towers.

LABOR SERVICES DIVISION[875](cont'd)

73.28(1) Anchorages. Anchorages compliant with 29 CFR 1926.502(d)(15) shall be attached inside the car and on the car top.

73.28(2) Emergency stop switch. An emergency stop switch compliant with ASME A17.1, Sections 2.26.2.8 and 5.7.19, shall be installed on the car top.

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