



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

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

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CITATION of Administrative Rules

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

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

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)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

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 Rulemaking 2023

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. 21 '22	Jan. 11 '23	Jan. 31 '23	Feb. 15 '23	Feb. 17 '23	Mar. 8 '23	Apr. 12 '23	July 10 '23
Jan. 4	Jan. 25	Feb. 14	Mar. 1	Mar. 3	Mar. 22	Apr. 26	July 24
Jan. 20	Feb. 8	Feb. 28	Mar. 15	Mar. 17	Apr. 5	May 10	Aug. 7
Feb. 3	Feb. 22	Mar. 14	Mar. 29	Mar. 31	Apr. 19	May 24	Aug. 21
Feb. 17	Mar. 8	Mar. 28	Apr. 12	Apr. 14	May 3	June 7	Sep. 4
Mar. 3	Mar. 22	Apr. 11	Apr. 26	Apr. 28	May 17	June 21	Sep. 18
Mar. 17	Apr. 5	Apr. 25	May 10	**May 10**	May 31	July 5	Oct. 2
Mar. 31	Apr. 19	May 9	May 24	May 26	June 14	July 19	Oct. 16
Apr. 14	May 3	May 23	June 7	June 9	June 28	Aug. 2	Oct. 30
Apr. 28	May 17	June 6	June 21	**June 21**	July 12	Aug. 16	Nov. 13
May 10	May 31	June 20	July 5	July 7	July 26	Aug. 30	Nov. 27
May 26	June 14	July 4	July 19	July 21	Aug. 9	Sep. 13	Dec. 11
June 9	June 28	July 18	Aug. 2	Aug. 4	Aug. 23	Sep. 27	Dec. 25
June 21	July 12	Aug. 1	Aug. 16	**Aug. 16**	Sep. 6	Oct. 11	Jan. 8 '24
July 7	July 26	Aug. 15	Aug. 30	Sep. 1	Sep. 20	Oct. 25	Jan. 22 '24
July 21	Aug. 9	Aug. 29	Sep. 13	Sep. 15	Oct. 4	Nov. 8	Feb. 5 '24
Aug. 4	Aug. 23	Sep. 12	Sep. 27	Sep. 29	Oct. 18	Nov. 22	Feb. 19 '24
Aug. 16	Sep. 6	Sep. 26	Oct. 11	Oct. 13	Nov. 1	Dec. 6	Mar. 4 '24
Sep. 1	Sep. 20	Oct. 10	Oct. 25	**Oct. 25**	Nov. 15	Dec. 20	Mar. 18 '24
Sep. 15	Oct. 4	Oct. 24	Nov. 8	**Nov. 8**	Nov. 29	Jan. 3 '24	Apr. 1 '24
Sep. 29	Oct. 18	Nov. 7	Nov. 22	**Nov. 22**	Dec. 13	Jan. 17 '24	Apr. 15 '24
Oct. 13	Nov. 1	Nov. 21	Dec. 6	**Dec. 6**	Dec. 27	Jan. 31 '24	Apr. 29 '24
Oct. 25	Nov. 15	Dec. 5	Dec. 20	**Dec. 20**	Jan. 10 '24	Feb. 14 '24	May 13 '24
Nov. 8	Nov. 29	Dec. 19	Jan. 3 '24	**Jan. 3 '24**	Jan. 24 '24	Feb. 28 '24	May 27 '24
Nov. 22	Dec. 13	Jan. 2 '24	Jan. 17 '24	Jan. 19 '24	Feb. 7 '24	Mar. 13 '24	June 10 '24
Dec. 6	Dec. 27	Jan. 16 '24	Jan. 31 '24	Feb. 2 '24	Feb. 21 '24	Mar. 27 '24	June 24 '24
Dec. 20	Jan. 10 '24	Jan. 30 '24	Feb. 14 '24	Feb. 16 '24	Mar. 6 '24	Apr. 10 '24	July 8 '24

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 21, 2023	August 9, 2023
4	Friday, August 4, 2023	August 23, 2023
5	Wednesday, August 16, 2023	September 6, 2023

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

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

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

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

COLLEGE STUDENT AID COMMISSION[283]

Workforce grant and incentive program, 10.2, 10.3, ch 34 IAB 7/12/23 Regulatory Analysis	475 S.W. Fifth Street, Suite D Des Moines, Iowa	August 2, 2023 4 p.m.
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EDUCATION DEPARTMENT[281]

Organization and operation, ch 1 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Agency procedure for rulemaking and petitions for rulemaking, ch 2 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Declaratory orders, ch 3 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Waivers from administrative rules, ch 4 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Appeal procedures, ch 6 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Statewide voluntary preschool program, ch 16 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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School fees, ch 18 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Charter schools, chs 19, 68 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Veterans' education and training, chs 51, 52 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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Financial incentives for national board certification, ch 84 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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EDUCATION DEPARTMENT[281](cont'd)

Equal employment opportunity and affirmative action in educational agencies, ch 95 IAB 7/12/23 Regulatory Analysis	ICN Room Grimes State Office Building Des Moines, Iowa	August 1, 2023 9 to 10 a.m.
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HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Iowa hazard mitigation plan, 9.3 IAB 7/12/23 ARC 7045C	Goldfinch Room 7900 Hickman Rd. Windsor Heights, Iowa Via video/conference call: meet.google.com/fqq-wozf-fex	August 2, 2023 10:30 to 11:30 a.m.
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TRANSPORTATION DEPARTMENT[761]

Special permits for operation and movement of vehicles and loads of excess size and weight, amendments to ch 511 IAB 7/12/23 ARC 7046C	Department of Transportation Motor Vehicle Division 6320 SE Convenience Blvd. Ankeny, Iowa	August 3, 2023 9 to 10 a.m. (If requested)
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“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 which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGING, DEPARTMENT ON[17]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Soil Conservation and Water Quality Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CHIEF INFORMATION OFFICER, OFFICE OF THE[129]
 OMBUDSMAN[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
 ECONOMIC DEVELOPMENT AUTHORITY[261]
 City Development Board[263]
 IOWA FINANCE AUTHORITY[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 HUMAN RIGHTS DEPARTMENT[421]
 HUMAN SERVICES DEPARTMENT[441]
 INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]

Child Advocacy Board[489]
Racing and Gaming Commission[491]
State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Professional Licensure Division[645]
 Dental Board[650]
 Medicine Board[653]
 Nursing Board[655]
 Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and Workforce Development Center Administration Division[877]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 283—Chapters 10 and 34
“Workforce Grant and Incentive Program”

Iowa Code section authorizing rulemaking: 256.230(7)“b” as enacted by 2023 Iowa Acts, Senate File 560, section 13

State or federal law(s) implemented by the rulemaking: 2023 Iowa Acts, Senate File 560, division VI

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 2, 2023
4 p.m.

475 S.W. Fifth Street, Suite D
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mark Wiederspan
Executive Director
Iowa College Student Aid Commission
475 S.W. Fifth Street, Suite D
Des Moines, Iowa 50309-4608
Email: mark.wiederspan@iowa.gov

Purpose and Summary

New Chapter 34 is proposed to ensure the Commission meets the requirements set forth in law by adopting rules for the administration of the new Workforce Grant and Incentive Program. The proposed rulemaking establishes the eligibility criteria and awarding of funds for the Workforce Grant and Incentive Program; describes the process, procedures and duties of the Commission, applicants, institutions, and employers; and provides the priority criteria for awarding in the event that all eligible workforce grant applicants cannot be funded. The rulemaking also establishes definitions for use under the program, many of which are being added to existing Chapter 10, “Uniform Policies.” As part of the review pursuant to Executive Order 10, the Commission intends to utilize Chapter 10 for definitions and policies that are consistently utilized across most state financial aid programs in order to streamline and reduce redundancies in administrative rules.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:

In general, the proposed rulemaking does not impose requirements that would add administrative burden beyond the provisions already established in law. The rulemaking defines the processes that will be utilized to ensure eligible applicants receive both workforce grants and workforce incentive payments and articulates priority criteria and general provisions of eligibility to align with other state-funded scholarships and grants. The Commission will use existing staff to administer the program.

The rulemaking stipulates that the Commission will periodically review compliance of the eligible institutions participating in the new program (paragraph 34.4(4)“f”). This requirement is not specifically

established in law. The Commission currently performs compliance reviews based on a risk assessment of all colleges/universities participating in all state-funded scholarship and grant programs. Typically, the Commission reviews the three to five colleges/universities that score highest on the risk assessment. The number of eligible institutions is not increasing due to this program; the new program is being offered in addition to the existing programs that would normally undergo a compliance review at an eligible institution. Thus, there would be no significant additional enforcement cost tied to this provision. However, the Commission and eligible institutions bear the costs involved with compliance reviews.

In addition, the rulemaking stipulates that employers will verify that an employee who applies for the workforce incentive payment has been employed on a full-time basis for 12 consecutive months in a high-demand job within the employer's organization. This requirement is not specifically established in law; an alternative data source that could effectively replace the employer's timely verification of employment has yet to be found. The Commission has implemented similar requirements for employers for other programs and does not anticipate the administrative burden of this requirement to result in measurable cost.

- Classes of persons that will benefit from the proposed rulemaking:

Iowa residents, eligible institutions, and the Commission will benefit from the rulemaking since it clarifies the processes by which Iowans will apply for and qualify for the Workforce Grant and Incentive Program, while also illustrating the duties of the eligible institutions, the Commission, and applicants in the administration of the new program. Employers will benefit from the incentive for students to remain in Iowa and work in high-demand jobs following graduation.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Other than compliance reviews, the rulemaking does not impose measurable costs beyond those imposed by law.

Compliance reviews are performed at the institution level, covering all state-funded financial aid programs for which an institution disburses funds. Since the review itself covers multiple programs, the Commission cannot assign a direct cost to a specific program. Staff spend an estimated cumulative total of 40 hours on a compliance review for an institution, a fraction of which could be assigned to a specific program. Data obtained from institutions suggests that institutional staff spend under ten hours collecting the required documents, transmitting them to the Commission, answering questions, responding to findings, and developing corrective action plans, a fraction of which could be assigned to an individual program.

- Qualitative description of impact:

Compliance reviews: Performing compliance reviews is a core tenant of any program administered by the State of Iowa. Compliance reviews add accountability for all partners participating in a program, ensure proper communication and understanding of any requirement under the program, and can generally enhance the integrity of the program. While some costs are imposed by such a requirement, the qualitative impact is positive because the requirement ensures the funds are being disbursed to the target audience in a manner that is consistent across all participating institutions.

Employment verification: The verification that a workforce incentive payment applicant has been employed by the organization on a full-time basis for 12 consecutive months in a high-demand occupation is necessary for the effective administration of the program. Ensuring the timely payment of the workforce incentive payment is a critical part of the effective operation of the program, and this cannot be done without the assistance of employers.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Commission estimates that it takes approximately 40 hours to perform a compliance review. Given the average hourly wage of individuals involved in this process, the review would cost approximately \$1,600 annually. Since a compliance review covers multiple programs, only a fraction

of this cost could be assigned to a specific program. The Commission will utilize existing staff to administer the program and compliance reviews.

- Anticipated effect on state revenues:

The proposed rulemaking is not anticipated to have any effect on state revenues beyond that of the legislation it is intended to implement.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed rulemaking is to publicly illustrate the process that will be used to administer and disburse Workforce Grant and Incentive Program awards/payments, articulate priority criteria and general provisions of eligibility, and ensure the future integrity of the program through periodic compliance reviews.

The cost of inaction would be confusion in the process and criteria to be used in the application and awarding of funds under the program, as well as the potential for errors and irregularities in the award process that would remain unchecked without periodic compliance reviews. In addition, the workforce incentive payment could not be administered without employer verification of the necessary data elements for employees who apply for the award.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The rulemaking proposes an efficient administrative method of collecting applications and disbursing funding, reducing any administrative burden that otherwise might be introduced. The administrative method proposed for this program is the most cost-efficient method utilized by the Commission in the administration of state financial aid programs.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No other methods were seriously considered by the Commission since the method proposed is the most cost-efficient and seamless for all entities involved.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The alternative methods were rejected because they would lead to additional burden on students, eligible institutions, and the Commission.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The rulemaking will not significantly impact small businesses. The Commission will require Iowa employers of all sizes to verify that a workforce grant recipient has been employed on a full-time basis

for 12 consecutive months in a high-demand job within the employer's organization. The Commission chose this approach because there is not an alternative data source that could effectively replace the employer's verification of employment. Even so, the administrative burden of this verification is not expected to result in measurable costs to employers.

Text of Proposed Rulemaking

ITEM 1. Rescind rule 283—10.2(261) and adopt the following **new** rule in lieu thereof:

283—10.2(261) Definitions.

"Iowa resident" means a person who:

1. If attending an Iowa regent university, Iowa private college or university, or Iowa barber or cosmetology college, meets the criteria used by the state board of regents to determine residency for tuition purposes as described in rule 681—1.4(262) and, if the person qualifies for residency only as described in 681—paragraph 1.4(2) "b," meets the following additional criteria:

- Is a veteran or qualifying military person domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran or qualifying military person whose parent is domiciled in the state of Iowa; or

- Is the spouse, domestic partner, or dependent child of a veteran or qualifying military person who is domiciled in the state of Iowa; or

2. If attending an Iowa community college, meets the criteria defined by the Iowa department of education to determine residency for community college tuition purposes as defined in 281—subrule 21.2(11) and, if the person qualifies for residency only as described in 281—subparagraph 21.2(11) "b"(5), meets the following additional criteria:

- Is a veteran of uniformed service or a national guard member domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran of uniformed service or a national guard member whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran of uniformed service or a national guard member who is domiciled in the state of Iowa.

"Financial metric" is the means by which the commission ranks the relative financial need of an applicant for financial assistance. The calculated financial metric shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form developed by the U.S. Department of Education, which is used to determine the financial metric. Relative need will be ranked based on the applicant's financial metric provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified by the commission.

"Financial need" is the difference between the applicant's cost of attendance, as defined in Title IV, Part B, of the federal Higher Education Act of 1965, as amended, and the applicant's financial need and other available financial assistance at the eligible institution.

"Full-time" means enrollment in at least 12 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through "life experience credit" and "credit by examination" are not eligible for funding. Only coursework required for the student's eligible program of study can be used to determine enrollment status for state award calculations.

"Part-time" means enrollment which includes 3 to 11 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through "life experience credit" and "credit by examination" are not eligible for funding. Only coursework required for the student's eligible program of study can be used to determine enrollment status for state award calculations.

"Program of study" means a course of study that is eligible for federal student aid programs and leads to an undergraduate diploma, certificate, or degree.

“*Satisfactory academic progress*” is determined by the eligible institution, the standards of which meet the criteria for participation in federal student aid programs and are published on the eligible institution’s website.

ITEM 2. Adopt the following **new** rule 283—10.3(261):

283—10.3(261) Policies.

10.3(1) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the program. The student regains eligibility under this rule by providing documentation to the institution that the student has regained eligibility under Title IV of the Higher Education Act of 1965, as amended.

10.3(2) Reserved.

ITEM 3. Adopt the following **new** 283—Chapter 34:

CHAPTER 34
WORKFORCE GRANT AND INCENTIVE PROGRAM

283—34.1(261) Basis of aid. Assistance available under the Iowa workforce grant and incentive program is based on the financial need of Iowa residents enrolled in eligible programs of study at universities under the Iowa board of regents.

283—34.2(261) Definitions.

“*Academic year*” is defined as the fall, spring and summer semesters, in that sequence, within a state fiscal year.

“*Eligible institution*” means the same as defined in Iowa Code section 256.230(1) as enacted by 2023 Iowa Acts, Senate File 560, section 13.

“*Eligible program*” means an undergraduate program of study defined in 283—Chapter 10 that meets the provisions of Iowa Code section 256.230(1) as enacted by 2023 Iowa Acts, Senate File 560, section 13.

“*Financial metric*” means the same as defined in 283—Chapter 10.

“*Financial need*” means the same as defined in 283—Chapter 10.

“*Full-time*” means the same as defined in 283—Chapter 10.

“*High-demand job*” means the same as described in Iowa Code section 84A.1B(17) as enacted by 2023 Iowa Acts, Senate File 560, section 12.

“*Iowa resident*” means the same as defined in 283—Chapter 10.

“*Part-time*” means the same as defined in 283—Chapter 10.

“*Satisfactory academic progress*” means the same as defined in 283—Chapter 10.

283—34.3(261) Eligible workforce grant applicant. An eligible applicant is an Iowa resident who is enrolled full-time or part-time as an undergraduate student in an eligible program and who meets the eligibility criteria in Iowa Code section 256.230 as enacted by 2023 Iowa Acts, Senate File 560, section 13, and the following provisions:

1. Is within four full-time semesters or eight part-time semesters of completing the eligible program, and completes the application specified by the commission by the date established by the commission.
2. Establishes financial need, has an eligible financial metric, meets satisfactory academic progress standards, and does not meet a condition in 283—subrule 10.3(1).

283—34.4(261) Awarding of workforce grant funds.

34.4(1) Selection criteria. All eligible applicants will be considered for an award.

34.4(2) Extent of award and maximum award. Eligible applicants may receive no more than four full-time or eight part-time semesters of awards, or the equivalent.

a. The maximum award for full-time students will not exceed the student's financial need and will not exceed \$2,000 per full-time semester.

b. A part-time student will receive a prorated award, as established by the commission, based on the number of credit hours for which the student is enrolled.

c. Awards will be provided during the fall and spring semesters of enrollment. Awards during the summer semester of enrollment may be provided if funding allows.

34.4(3) Priority for awards. In the event that funds available are insufficient to provide an award to all eligible applicants, awards will be prioritized as follows:

a. Eligible applicants who received a workforce grant in the prior academic year.

b. Eligible applicants with the lowest financial metrics.

c. Eligible applicants who are closest to the completion of their eligible program.

34.4(4) Awarding process.

a. The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. The eligible institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

c. The eligible institution will apply awards directly to student accounts to cover items included in the cost of attendance, as defined in Title IV, Part B, of the federal Higher Education Act of 1965, as amended.

d. The eligible institution will provide information about eligible applicants to the commission in a format specified by the commission. The eligible institution will make necessary changes to awards due to a change in enrollment, program of study, and financial situation and promptly report those changes to the commission.

e. The eligible institution is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The eligible institution will report changes in student eligibility to the commission.

f. The commission will periodically investigate and review compliance of eligible institutions participating in this state program with the criteria established in Iowa Code section 256.230 as enacted by 2023 Iowa Acts, Senate File 560, section 13, and this rule.

283—34.5(261) Eligible incentive payment applicant. Individuals who received a workforce grant and completed the eligible program within the same academic year may apply for the incentive payment if they meet the criteria of Iowa Code section 256.230(6) as enacted by 2023 Iowa Acts, Senate File 560, section 13, and are employed in Iowa.

283—34.6(261) Awarding of incentive payments.

34.6(1) Selection criteria. All eligible incentive payment applicants will be considered for an award.

34.6(2) Extent of award and maximum award. Eligible incentive payment applicants may apply for no more than one incentive payment of up to \$2,000.

34.6(3) Awarding process.

a. The commission will provide notice of the availability of the incentive payment application to eligible incentive payment applicants following completion of the eligible program. Eligible incentive payment applicants will apply for the incentive and begin full-time employment in a high-demand job in Iowa within six months of completing the eligible program.

b. Following the application deadline, the commission will designate eligible applicants for awards and begin tracking their employment.

c. After the applicant has completed 12 consecutive months of full-time employment, commission staff will verify with the Iowa employer that the applicant was employed full-time in a job position that is aligned with a high-demand job.

d. Following verification with the employer, the commission will make payment to the eligible incentive payment applicant.

These rules are intended to implement 2023 Iowa Acts, Senate File 560.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 1
“Organization and Operation”

Iowa Code sections authorizing rulemaking: 256.1 and 256.5A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter provides the organizational structure for the Department and the State Board of Education. The Department proposes removing duplicative statutory language and updating the Department’s organizational structure.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The Department discerns no quantitative impact.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly or less intrusive methods were noted.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Removing the chapter entirely would not have allowed for maintaining the criteria for the State Board of Education's student member, which must be established by rule.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1 ORGANIZATION AND OPERATION

281—1.1(17A,256) State board of education. The state board of education, authorized by Iowa Code chapter 256, is the governing and policy-forming body for the department of education.

1.1(1) Membership. The state board's membership is governed by Iowa Code sections 256.3 and 256.4.

1.1(2) Meetings. The board's meetings are governed by Iowa Code section 256.6. The majority of the board's meetings are held in the state board room, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. By notice of the regularly published meeting agenda, the board may

hold meetings in other areas of the state. The board may hold special meetings as provided in Iowa Code section 256.6.

1.1(3) Compensation. All voting members will receive compensation and reimbursement as provided in Iowa Code section 256.5. A student member will receive compensation pursuant to Iowa Code section 256.5A(6). If a student member's parent or guardian provides supervision pursuant to subrule 1.2(4), the parent or guardian will receive necessary expenses but not a per diem.

281—1.2(17A,256) Student member of the state board of education. The governor will appoint a public high school student to serve as a nonvoting member of the state board of education pursuant to Iowa Code section 256.5A.

1.2(1) Term. The nonvoting student member will serve a term from May 1 to April 30. The student member may serve a second year as the nonvoting student member without having to reapply for the position if the student has another year of high school eligibility remaining before graduation. A vacancy in the membership of the nonvoting student member will not be filled until the expiration of the term.

1.2(2) Qualifications. At the time of making application, a qualified nonvoting student member is to meet all of the following criteria:

- a. The student is a full-time, regularly enrolled tenth or eleventh grade student in an Iowa school district.
- b. The student has been regularly enrolled as a full-time student in the district of present enrollment for at least two consecutive semesters or the equivalent thereof.
- c. The student has a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale (3.75 on a 5.0 scale).
- d. The student demonstrates participation in extracurricular and community activities, as well as an interest in serving on the state board.
- e. The student has the consent of the student's parent or guardian, as well as the approval of the student's district.

1.2(3) Application process. The application process for the nonvoting student member is as follows:

a. The department will, on behalf of the state board, prepare and disseminate application forms to all school districts in Iowa. In addition to the application itself, the student will submit all of the following:

- (1) A consent form signed by the student's parent or guardian.
- (2) An approval of the application signed by the superintendent of the student's district of enrollment or the superintendent's designee.
- (3) A letter of recommendation from a high school teacher from whom the student received instruction.
- (4) A letter of recommendation from a person in the community familiar with the student's community activities.

b. The number of applicants in a year from any one district is limited as follows:

- (1) If district enrollment for grades 10 through 12 is less than 400 students, there may be no more than one applicant from the district.
- (2) If district enrollment for grades 10 through 12 is between 400 and 1,199 students, there may be no more than two applicants from the district.
- (3) If district enrollment for grades 10 through 12 is 1,200 students or more, there may be no more than three applicants from the district.

c. All applications are to be submitted on or before February 1 of the year in which the term is to begin. Applications may be hand-delivered or postmarked on or before February 1 to the Iowa department of education.

d. All applications will be initially screened by a committee to be appointed by the director of the department. The initial screening committee will select not more than 20 semifinalists. If fewer than a total of 20 applications are received, the initial screening process may be omitted at the discretion of the director of the department.

e. The applications of the semifinalists will be reviewed by a committee appointed by the president of the state board. The committee will submit a list of two to five finalists to the governor, who will appoint the student member from the list submitted.

1.2(4) Participation of student member in official board activities.

a. Upon appointment to the board, the student member is to, at a minimum, fulfill the following qualifications to remain eligible to serve:

(1) Maintain enrollment as a full-time student in an Iowa public school district (if the student moves or transfers from the district of application, the student will obtain the approval of the superintendent or the superintendent's designee in the student's new district of enrollment).

(2) Maintain a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale or 3.75 on a 5.0 scale.

(3) Attend regularly scheduled board meetings as required of voting board members. As a nonvoting member, the student will not participate in any closed session of the board.

b. The student member's absences from school to participate in official state board activities will be excused absences. The student member's participation in board activities outside the regularly scheduled meetings of the state board will be approved by the president of the board and the student's superintendent or the superintendent's designee.

c. If the student member is a minor, the student's parent or guardian will accompany the student while the student is participating in official state board activities at a location other than the student's resident community, unless the parent or guardian submits to the state board a signed release indicating that the parent or guardian has determined that such supervision is unnecessary.

d. The nonvoting student member is not considered for purposes of constituting the board's necessary quorum.

281—1.3(17A,256) Director of the department of education. The director is appointed pursuant to Iowa Code section 256.8 and performs such duties as assigned by the Iowa Code or the Iowa Administrative Code, including Iowa Code section 256.9.

281—1.4(17A,256) Department of education. The department of education is established by Iowa Code section 256.1 to perform the functions and duties set forth in that section, in other Iowa Code provisions, and in the Iowa Administrative Code. The department is organized into such divisions as established by statute or the director. The mailing address for the state board of education, the director, and all divisions of the department is Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

These rules are intended to implement Iowa Code section 17A.3.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 2
“Agency Procedure for Rulemaking and Petitions for Rulemaking”

Iowa Code chapter authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter provides rules about the rulemaking process. The Department proposes removing duplicative statutory language, including making liberal use of incorporation by reference.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The Department discerns no quantitative impact.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:
There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other less costly or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The alternative method was rejected because the chapter, as a whole, is required.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2 AGENCY PROCEDURE FOR RULEMAKING AND PETITIONS FOR RULEMAKING

281—2.1(17A) Incorporation by reference. The Iowa department of education (department) and the Iowa state board of education incorporate by this reference all such matters in Iowa Code chapter 17A that deal with rulemaking or petitions for rulemaking.

281—2.2(17A) Contact information.

2.2(1) General. Petitions for rulemaking and inquiries about department rules and the rulemaking process may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

2.2(2) Comments on proposed rules. Any public comment on a Notice of Intended Action or similar document may be directed to the Legal Consultant, Iowa Department of Education, Grimes State Office

Building, 400 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

2.2(3) *Petitions for rulemaking.* A petition for rulemaking that substantially conforms to the following form will be considered by the department:

DEPARTMENT OF EDUCATION

Petition by (Name of Petitioner)
for the Adoption/Amendment/Repeal of
(Cite rule involved).

}

PETITION FOR
RULEMAKING

281—2.3(17A) Electronic submissions. The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the department’s website (educateiowa.gov).

These rules are intended to implement Iowa Code section 256.7(3) and chapter 17A.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 3
“Declaratory Orders”

Iowa Code section authorizing rulemaking: 17A.9A
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.9A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

Chapter 3 provides rules about declaratory orders. The Department proposes removing duplicative statutory language, including making liberal use of incorporation by reference.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the cost.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The Department discerns no quantitative impact.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:
There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rule is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other less costly or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The alternative method was rejected because the chapter, as a whole, is required.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3 DECLARATORY ORDERS

281—3.1(17A) Incorporation by reference. The Iowa department of education adopts by reference the declaratory orders segment of the Uniform Rules on Agency Procedure, which are published on the general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

281—3.2(17A) Additional information concerning declaratory orders. For purposes of uniform rules on declaratory orders, the following amendments apply.

1. In lieu of "(designate agency)" insert "Iowa department of education".
2. In lieu of "(designate office)" insert "Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146".
3. In lieu of "_____ days (15 or less)" insert "15 days".
4. In lieu of "_____ days" insert "15 days".

5. In lieu of “(designate official by full title and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.

6. In lieu of “(specify office and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.

7. Method of service, time of filing, proof of mailing, the date of issues of an order, or a refusal to issue an order are governed by 281—Chapter 6.

These rules are intended to implement Iowa Code section 17A.9.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 4
“Waivers from Administrative Rules”

Iowa Code section authorizing rulemaking: 17A.9A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter provides rules about waivers of administrative rules. The Department proposes removing duplicative statutory language, including making liberal use of incorporation by reference.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The Department discerns no quantitative impact.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:
There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other less costly or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The alternative method was rejected because the chapter, as a whole, is required.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4 WAIVERS FROM ADMINISTRATIVE RULES

281—4.1(17A) Definitions. For purposes of this chapter:

“*Board*” means the state board of education.

“*Department*” means the department of education.

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

“*Person*” means an individual, school corporation, government or governmental subdivision or agency, nonpublic school, partnership or association, or any legal entity.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

281—4.2(17A) General. The director may grant a waiver of any administrative rule, if the waiver is consistent with Iowa Code section 17A.9A.

281—4.3(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the director may in the director's sole discretion issue an order waiving in whole or in part the obligations of a rule if the director finds, based on clear and convincing evidence, all of the factors listed in Iowa Code section 17A.9A(2) and that any waiver from the obligations of the rule in the specific case would not have a negative impact on the student achievement of any person affected by the waiver.

281—4.4(17A) Filing of petition. All petitions for waiver are submitted in writing to the Director, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding, using the caption of the contested case.

281—4.5(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

1. The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.
2. A description and citation of the specific rule from which a waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement includes a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.
5. A history of any prior contacts between the board, the department and the petitioner relating to the regulated activity, license, or grant affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, or grant within the last five years.
6. A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.
7. Any information known to the requester regarding the board's or department's treatment of similar cases.
8. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.
9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.
10. Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

281—4.6(17A) Additional information. Prior to issuing an order granting or denying a waiver, the department may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the department may on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the department.

281—4.7(17A) Notice. The department will acknowledge receiving the petition and ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the department may give notice to other persons. To accomplish this notice provision, the department may obligate the petitioner to serve the notice on all persons to whom notice is necessary by any provision of law and provide a written statement to the department attesting that notice has been provided.

281—4.8(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings apply in three situations: (1) to any petition for a waiver filed within a contested case, (2) when provided by rule or order, or (3) when required to do so by statute.

281—4.9(17A) Ruling. An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and the reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

4.9(1) General. The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the director, based on the unique, individual circumstances set out in the petition.

4.9(2) Compliance with Iowa Code standards. The department applies the standards and burdens in Iowa Code section 17A.9A(3).

4.9(3) Administrative deadlines. When the rule from which a waiver is sought establishes administrative deadlines, the director will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

4.9(4) Time for ruling. The director will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the director will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the director to grant or deny a petition within the time period is deemed a denial of that petition by the director. However, the director remains responsible for issuing an order denying a waiver.

4.9(5) Service of order. Within seven days of its issuance, any order issued under this chapter is transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

281—4.10(17A) Public availability. The department will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

281—4.11(17A) After issuance of a waiver.

4.11(1) Cancellation. A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the director issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

4.11(2) Violations. A violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

4.11(3) Defense. After the director issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

4.11(4) Judicial review. Judicial review of the director's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

281—4.12(17A) Exception. This chapter does not apply to 281—Chapters 36 and 37 or to specific waiver provisions adopted in other chapters.

These rules are intended to implement Iowa Code section 17A.9A.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 6
“Appeal Procedures”

Iowa Code section authorizing rulemaking: 256.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 290

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter governs contested cases. The Department proposes removing duplicative statutory language and incorporating other standard language by reference when feasible.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The Department discerns no quantitative impact.
 - Qualitative description of impact:
The Department discerns no qualitative impact.

3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:
There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is streamlined and reduces duplicative language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other less costly or less intrusive methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6 APPEAL PROCEDURES

281—6.1(290) Scope of chapter. This chapter applies to all hearing requests seeking appellate review by the state board of education, the director of education, or the department of education.

281—6.2(256,290,17A) Definitions. The definitions contained in rule X.2 of the Uniform Rules on Agency Procedures for contested cases, effective on July 1, 1999, which are published on the general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf, are incorporated by reference. The following additional definitions apply to this chapter:

“*Appellant*,” as used in this chapter, refers to a party bringing an appeal to the state board of education, the director of education, or the department of education.

“*Appellee*,” as used in this chapter, refers to the party in a matter against whom an appeal is taken or the party whose interest is adverse to the reversal of a prior decision now on appeal to the state board of education, the director of education, or the department of education.

“*Board*,” as used in this chapter, means the state board of education.

“*Department*” means the department of education.

“*Designated office*” means the Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319, or as ordered by the presiding officer.

“*Director*,” as used in this chapter, refers to the director of education.

“*Presiding officer*” means the director of the department of education or the designated administrative law judge.

281—6.3(290,17A) Incorporation by reference. The following rules from the Uniform Rules on Agency Procedures for contested cases, effective on July 1, 1999, are incorporated by reference:

1. X.7(17A) Waiver of procedures.
2. X.9(17A) Disqualification.
3. X.10(17A) Consolidation—severance.
4. X.12(17A) Service and filing of pleadings and other papers.
5. X.13(17A) Discovery.
6. X.14(17A) Subpoenas, with the following addition: Witnesses and serving officers may be allowed the same compensation as is paid for like attendance or service in district court. The witness’s fees and mileage are considered costs of any appeal filed under Iowa Code chapter 290, and costs are assigned to the nonprevailing party. The witness’s fees and expenses for hearings brought under other statutes and rules are the responsibility of the party requesting or subpoenaing the witness.
7. X.15(17A) Motions.
8. X.16(17A) Prehearing conference.
9. X.17(17A) Continuances.
10. X.19(17A) Intervention.
11. X.20(17A) Hearing procedures.
12. X.21(17A) Evidence.
13. X.22(17A) Default, with the following correction: The reference to Iowa Rule of Civil Procedure 236 is corrected to Rule 1.977.
14. X.23(17A) Ex parte communication.
15. X.24(17A) Recording costs.
16. X.28(17A) Applications for rehearing.
17. X.29(17A) Stays of agency actions.
18. X.30(17A) No factual dispute contested cases.
19. X.31(17A) Emergency adjudicative proceedings.

281—6.4(290,17A) Manner of appeal.

6.4(1) An appeal under this chapter is started by filing an affidavit, unless an affidavit is not obligated by the statute establishing the right of appeal. The affidavit is to set forth the facts, any error complained of, or the reasons for the appeal in a plain and concise manner and be signed by the appellant. The affidavit is to be delivered to the office of the director by United States Postal Service, facsimile (fax), electronic mail, or personal service. The affidavit is considered filed with the agency on the date of the United States Postal Service postmark, the date of arrival of the facsimile, the date of arrival of the electronic mail message, or the date personal service is made. Time will be computed as provided in Iowa Code section 4.1(34).

6.4(2) The director or designee, within five days after the filing of such affidavit, will notify the proper officer in writing of the taking of an appeal. The officer, within ten days, will file with the board a complete certified transcript of the record and proceedings related to the decision appealed. A certified copy of the minutes of the meeting of the governmental body making the decision appealed will satisfy this rule.

6.4(3) The director or designee will send written notice by certified mail, return receipt requested, at least ten days prior to the hearing, unless the ten-day period is waived by all parties, to all persons known to be interested. Such notice includes the time, place, and nature of the hearing; a statement of the legal

authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes and rules involved; and a short and plain statement of the matters asserted. A copy of the appeal hearing rules will be included with the notice.

The notice of hearing will contain the following information: identification of all parties including the name, address and telephone number of the person who will act as advocate for the agency or the state and of parties' counsel where known; reference to the procedural rules governing conduct of the contested case proceeding; reference to the procedural rules governing informal settlement; and identification of the presiding officer, if known (if not known, a description of who will serve as presiding officer (e.g., director of the department or administrative law judge from the department of inspections, appeals, and licensing)).

6.4(4) An amendment to the affidavit of appeal may be made by the appellant up to ten working days prior to the hearing. With the agreement of all parties, an amendment may be made until the hearing is closed to the receipt of evidence.

281—6.5(17A) Record. The record of a contested case or appeal is described in Iowa Code section 17A.12(6).

281—6.6(290,17A) Decision and appeal.

6.6(1) The presiding officer, after due consideration of the record and the arguments presented, will make a decision on the appeal. The proposed decision will be mailed to the parties or their representatives by regular mail. The parties may elect to receive the proposed decision by other means, such as electronic mail or electronic filing.

6.6(2) The decision may only be based on the laws of the United States, the state of Iowa and the regulations and policies of the department of education and in the best interest of education.

6.6(3) A proposed decision of the presiding officer, if there is no appeal under subrule 6.6(4), is placed on the consent agenda of the next regular board meeting for summary adoption, unless the decision is within the province of the director to make.

6.6(4) Any adversely affected party may appeal a proposed decision to the state board within 20 days after issuance of the proposed decision by filing a notice of appeal with the office of the director. The notice of appeal will be signed by the appealing party or a representative of that party, contain a certificate of service (or other evidence of service), and specify:

- a. The names and addresses of the parties initiating the appeal;
- b. The proposed decision to be appealed;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision;
- d. The relief sought; and
- e. The grounds for relief.

6.6(5) Unless otherwise ordered, within 15 days of a party's filing of the notice of appeal, each appealing party may file exceptions and briefs. Within ten days after the filing of exceptions and briefs by the appealing party, any party may file a responsive brief. Briefs shall cite any applicable legal authority, specify relevant portions of the record in the proceeding below, and be limited to a maximum length of 25 pages. An opportunity for oral arguments may be given with the consent of the board. To be granted oral argument, a party must file a request to present oral arguments with the party's briefs. With or without oral argument, the appeal of the proposed decision will be placed on the next regular board agenda.

6.6(6) The board may affirm, modify, or vacate the decision or may direct a rehearing before the director or the director's designee.

6.6(7) Copies of the final decision will be sent to the parties or their representatives by regular mail within five days after state board action, if mandated, on the proposed decision.

6.6(8) No individual who participates in the making of any decision may have advocated in connection with the hearing, the specific controversy underlying the case, or other pending factually related matters. Nor may any individual who participates in the making of any proposed decision be subject to the authority, direction, or discretion of any person who has advocated in connection with

the hearing, the specific controversy underlying the hearing, or a pending related matter involving the same parties.

281—6.7(256,17A) Specific programs.

6.7(1) *General rule.* If a specific federal program’s statutes or regulations impose criteria for appeals to the state board of education, the director of education, or the department of education, those specific criteria govern and are incorporated by reference.

6.7(2) *Specific programs.* The following is a nonexhaustive list to which this rule applies:

a. Appeals under the Child and Adult Care Food Program (CACFP) are governed by the criteria contained in 7 CFR Section 226.6 as of May 1, 2023.

b. Due process complaints under Part B of the Individuals with Disabilities Education Act and Iowa Code chapter 256B are governed by 281—Chapter 41.

c. Due process complaints under Part C of the Individuals with Disabilities Education Act are governed by 281—Chapter 120.

These rules are intended to implement Iowa Code sections 256.7(6) and 256.9(17) and chapters 17A and 290.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 16
“Statewide Voluntary Preschool Program”

Iowa Code section authorizing rulemaking: 256C.2
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth the elements of the Statewide Voluntary Preschool Program. The Department proposes removing duplicative statutory language, eliminating obsolete provisions, and updating the Department’s organizational structure.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking: School districts, and the taxpayers who support them, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking: Iowans in general, especially Iowans of preschool age and their families, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact: There are costs to school districts to comply with these rules; however, the largest costs (staffing at certain ratios, including certified teachers) are required by statute.
 - Qualitative description of impact: The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:

There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues. State costs are set by a funding formula, which is established by statute and independent of these proposed rules.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative and obsolete language. Other than that, there is no difference in costs and benefits.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly or less intrusive methods were noted.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16 STATEWIDE VOLUNTARY PRESCHOOL PROGRAM

281—16.1(256C) Definitions.

“*Applicant*” means a school district applying to become an approved local program. Only public school districts in Iowa may apply for state funds under this chapter.

“*Approved local program*” means the same as defined in Iowa Code section 256C.1.

“*Assessment*” means a systematic ongoing procedure for obtaining information from observations, interviews, portfolios, and tests that can be used to make judgments about the strengths and needs of individual children and plan appropriate instruction.

“*Comprehensive services*” means the provision of quality, developmentally appropriate early learning experiences consistent with age-relevant abilities or milestones; extended day child care services; developmental screenings, including health, hearing, and vision screenings; transportation; and family education and support services.

“*Curriculum*” means a research-based or evidence-based written framework that is comprehensive, addresses the needs of the whole child, and provides a guide for decision making about content, instructional methods, and assessment.

“*Department*” means the same as defined in Iowa Code section 256C.1.

“*Developmentally appropriate*” means practices that are based upon knowledge of how children develop and learn and that are responsive to the individual child’s learning strengths, interests, and needs.

“*Director*” means the same as defined in Iowa Code section 256C.1.

“*Eligible child*” means the same as defined in Iowa Code section 256C.3(1).

“*Family education and support*” means any developmentally appropriate activity or information, provided either formally or informally to parents, that supports the success of children and their families to reach desired results.

“*Para-educator*” means a certified educational assistant as defined in Iowa Code section 272.1(6) and licensed under 282—Chapter 22.

“*Prekindergarten program*” means an education program offered by a school district or by an accredited nonpublic school as defined in 281—Chapter 12.

“*Preschool budget enrollment*” means the same as defined in Iowa Code section 256C.5.

“*Preschool foundation aid*” means the same as defined in Iowa Code section 256C.5.

“*Preschool program*” means the statewide voluntary preschool program for four-year-old children created in Iowa Code chapter 256C.

“*Program standards*” means the expectations for the characteristics or quality of early childhood settings, centers, and schools approved by the department. Approved program standards include National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria, Head Start Program Performance Standards, the Iowa Quality Preschool Program Standards (QPPS) and Criteria, or other approved program standards as determined by the department.

“*School district*” means the same as defined in Iowa Code section 257.2.

“*Staff member*” means an individual who implements preschool activities under the direct supervision of a teacher. Staff members include para-educators, teacher aides and teacher associates. All staff members are to meet the program standards defined herein.

“*Teacher*” means an individual who holds a valid practitioner’s license issued by the board of educational examiners under Iowa Code chapter 272 and holds an endorsement from the board of educational examiners that includes prekindergarten or kindergarten. There is no obligation that the teacher be an employee of the applicant district; the teacher may be employed by a private provider or other public agency with which the district has entered into an agreement or contract under Iowa Code chapter 28E.

281—16.2(256C) Preschool program standards. Approved program standards include Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the National Association for the Education of Young Children Program Standards and Accreditation Criteria. All approved local preschool programs adopt preschool program standards and meet the following criteria:

16.2(1) Personnel. A minimum of one teacher is present with eligible children during the voluntary preschool program instructional time.

16.2(2) Ratio of staff to children. At least one teacher is present in a classroom during the instructional time described in subrule 16.2(4). A minimum of one staff member and one teacher are present when 11 to 20 children are present. Staff members and teachers have reasonable line-of-sight supervision of all children.

16.2(3) Maximum class size. There are no more than 20 children per classroom.

16.2(4) Instructional time. Eligible children receive instructional time as established by Iowa Code section 256C.3(3) “f” that meets the needs of the child and is directly related to the program’s curriculum, such time to be exclusive of recess.

16.2(5) Child learning standards. The preschool program demonstrates how the curriculum, assessment, staff development, and instructional strategies are aligned to the Iowa Early Learning Standards. The teacher provides instruction on the skills and knowledge included in the Iowa Early Learning Standards.

16.2(6) Curriculum. The preschool program adopts a research-based or evidence-based curriculum.

16.2(7) Assessment. The preschool program adopts a research-based or evidence-based assessment to provide information on children’s learning and development.

16.2(8) Staff development. The school district complies with Iowa Code section 256C.3(4) “d.” The district makes available to any teacher of a statewide voluntary preschool program who is not employed by the district staff development that the district offers to the district’s personnel to maintain the skills appropriate to the teacher’s role. The school district ensures that staff members for the program are provided appropriate staff development in early childhood education.

16.2(9) Space. The preschool program provides adequate and appropriate space and facilities in accordance with program standards.

16.2(10) Materials. The preschool program provides instructional materials and supplies consistent with the program standards and Iowa Early Learning Standards.

16.2(11) Meals. The preschool program provides adequate and appropriate meals or snacks in accordance with program standards.

16.2(12) Parent involvement. The preschool program involves families through at least one home visit by the licensed teacher of the child, one family night, and at least two family-teacher conferences per year. Family involvement may include volunteering in the classroom, orientation to the preschool program, parent education, general communications, or other activities.

16.2(13) Integration of other preschool programs. The preschool program complies with Iowa Code section 256C.3(3) “d.”

16.2(14) Comprehensive services. The preschool program may collaborate with other agencies for the provision of the following:

- a. Quality, developmentally appropriate early learning experiences;
- b. Extended day child care;
- c. Transportation;
- d. Developmental screening, including health, hearing, and vision screening;
- e. Referral to other agencies providing health insurance, health care, immunizations, nutrition services, and mental health and oral health services; and
- f. Family education and support.

281—16.3(256C) Collaboration.

16.3(1) Teachers. The teacher complies with Iowa Code section 256C.3(2) “b.”

16.3(2) Programs. The program complies with Iowa Code section 256C.3(3) “e.” In doing so, the program makes available resources, including those described in subrule 16.2(14), necessary to meet the needs of the child. Preschool programs collaborate to ensure that children receiving care from other approved child care arrangements can participate in the voluntary preschool program with minimal disruptions to the child.

16.3(3) Districts. The school district complies with Iowa Code sections 256C.3(4) “a” and “b.”

281—16.4(256C) Applications for funding. All applications are submitted in a manner directed by the department; address the standards found in rules 281—16.2(256C), 281—16.3(256C), and 281—16.9(256C); and contain a plan describing how they will fully meet the program standards within one year of the funding award. Points are awarded based on the applicant’s provision of the following information:

1. Preschool program summary;

2. Research documentation;
3. Identification and documentation of local population;
4. Needs assessment of local programs providing services;
5. Evidence of collaboration with local agencies to provide comprehensive services; and
6. Letters of community support.

281—16.5(256C) Application process.

16.5(1) Request for applications.

a. The department announces the commencement of the application period through public notice on the department's website and the department's relevant regular electronic publications.

b. Applications for preschool program funding are available on the department's website and otherwise distributed by the department upon request.

c. All applications are to be submitted to the department in accordance with instructions accompanying the applications.

16.5(2) Application process.

a. Applications that do not contain the specified information or that are not received by the specified date will not be considered.

b. The department has the final discretion to award funds.

16.5(3) Notification of applicants. The department notifies all applicants within 45 days following the due date for receipt of applications whether their requests are funded. The department is to provide to each successful applicant a contract to be signed by an official with authority to bind the applicant and to be returned to the department prior to the distribution of any funds under this program.

281—16.6(256C) Removal of approval.

16.6(1) Removal by agreement. The contract may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The applicant does not incur new obligations for the terminated portion after the effective date and will cancel as many outstanding obligations as possible.

16.6(2) Department removal for cause. The department may remove approval in whole or in part at any time before the date of completion whenever it is determined by the department that the applicant has failed to comply substantially with the conditions of the contract. The applicant will be notified in writing by the department of the reasons for the removal of approval and the effective date. The applicant does not incur new obligations for the portion for which approval is removed after the effective date of removal and will cancel as many outstanding obligations as possible.

The department may remove approval in whole or in part by June 30 of the current fiscal year in the event that the applicant has not attained the program standards.

16.6(3) Responsibility of applicant after removal of approval. Within 45 days of the removal of approval, the applicant will supply the department with a financial statement detailing all costs incurred up to the effective date of the removal. If the applicant expends moneys for other than specified budget items approved by the department, the applicant will return moneys for unapproved expenditures.

281—16.7(256C) Appeal of application denial, termination, or removal of approval. Any applicant may appeal to the director of the department the denial of a properly submitted preschool program funding application or the unilateral termination or removal of an approval. The jurisdictional criteria and procedures found in 281—Chapter 7 apply to any appeal of denial.

281—16.8(256C) Finance.

16.8(1) General. The department implements Iowa Code sections 256C.4 and 256C.5.

16.8(2) Aid payments. Preschool foundation aid is paid as part of the state aid payments made to school districts in accordance with Iowa Code section 257.16, except that it is not necessary that an

eligible child be a resident of the district in which the child is enrolled voluntarily in the approved local program.

16.8(3) *Separate accounting.* All state funding received under this program is accounted for by the applicant district separately from other state aid payments.

16.8(4) *Restriction on supplanting.* State funding received under this program is used to supplement, not supplant, other public funding received by the applicant district as the result of the participation of any eligible children in other state or federal funded preschool programs. This restriction is applicable only for costs related to instructional time as described in subrule 16.2(4).

16.8(5) *Transportation.* Children participating in preschool in an approved local program under Iowa Code chapter 256C may be provided transportation services. However, transportation services provided to such children are not eligible for reimbursement under this chapter.

16.8(6) *Open enrollment not applicable.* Iowa's open enrollment statute (Iowa Code section 282.18) is not applicable for the parent or guardian of an eligible child who desires to access an approved program in a school district not of the child's residence. Approved programs are open to all eligible Iowa children, regardless of a child's district of residence. Accordingly, it is neither necessary for a parent or guardian to file an open enrollment application, nor will open enrollment applications for approved preschool programs be allowed. Participation in an approved program in a school district not of the child's residence does not create an entitlement to continuous open enrollment under Iowa Code section 282.18.

281—16.9(256C) *Accountability.* An approved local program meets the minimum program specifications in this chapter. The department encourages approved local programs to exceed the minimum standards as programs work toward ongoing improvement. The Department monitors each local program's compliance with this rule.

16.9(1) *Annual reports.* Each approved local program provides, on forms provided by the department, an annual report to the department regarding program specifications. Failure to submit an annual report by the date specified therein results in suspension of financial payments to the applicant until such time as the report is received by the department.

16.9(2) *Performance measures.* The approved local program collects data on all of the following:

- a. The number of eligible children participating in the preschool program.
- b. The number of eligible children participating in a program that meets the criteria of NAEYC, Head Start, or QPPS Standards and Criteria.
- c. The curriculum.
- d. The assessment as defined in rule 281—16.2(256C).
- e. The number of teachers.
- f. The kindergarten literacy assessment as defined in Iowa Code section 279.60.

16.9(3) *Noncompliance with program specifications.* If the department determines that a participating district does not meet one or more of the accountability specifications provided in rule 281—16.2(256C), the department informs the school district of appropriate actions to be taken by the school district. The school district submits an action plan that is approved by the department and contains reasonable timelines for coming into compliance. The department will facilitate technical assistance when requested. If the department determines that the school district is not taking the necessary actions in a timely manner, the director removes approval and terminates the school district's contract as provided in subrule 16.6(2). Until such time as the school district's contract is terminated, the school district may continue to participate in the statewide voluntary preschool program.

16.9(4) *Monitoring.* The department develops a monitoring system based on the annual reporting and performance measures described in this rule to be implemented no later than one year after funding is first provided under this chapter. The monitoring system ensures that programs meet the provisions herein requiring a properly licensed teacher and adoption of program standards and is designed to follow the academic progress of children who voluntarily participate in the statewide preschool program as the children progress through elementary and secondary grade levels. If feasible, it is the intent of the department to include postsecondary monitoring of such children.

These rules are intended to implement Iowa Code chapter 256C.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 18
“School Fees”

Iowa Code section authorizing rulemaking: 256.7(20)
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.7(20)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth the elements for school fees and waiver of school fees. The Department proposes removing duplicative statutory language and language that is merely aspirational in nature.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
School districts and the taxpayers who support them will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowans, in general, will benefit from the proposed rulemaking, especially Iowans with low incomes.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
There are costs to school districts to comply with these rules; however, those costs are required by statute.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.
 - Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative and obsolete language. Other than that, there are no differences in costs and benefits.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18 SCHOOL FEES

281—18.1(256) Overview. No Iowa student enrolled in a public school may be excluded from participation in or denied the benefits of course offerings and related activities due to the student's or the student's parent's or guardian's financial inability to pay a fee associated with the class, program, or activity.

281—18.2(256) Fee policy. The board of directors (board) of a public school district (district) shall adopt a policy regarding the charging and collecting of fees for course offerings and related activities and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1, apply its policy to any fees charged, and develop procedures to implement its policy.

281—18.3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees. The policy mandated by rule 281—18.2(256) is to include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

18.3(1) Waivers. At minimum, the policy is to include the following provisions relating to eligibility for the waivers:

a. Waiver. A student is granted a waiver of all fees covered by this chapter if the student or the student's family meets the financial eligibility criteria for free meals offered under the child nutrition program, or for the family investment program (FIP), or for transportation assistance under open enrollment provided under 281—Chapter 17, or if the student is in foster care under Iowa Code chapter 232.

b. Partial waiver. A student is granted either a waiver of all student fees or a partial waiver of student fees if the student or the student's family meets the financial eligibility criteria for reduced price meals offered under the child nutrition program, based on a sliding scale related to an ability to pay.

c. Temporary waiver. At the discretion of the district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student's immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver is one year.

d. Fees waived not collectable. When an application for any fee waiver is granted, the fee or fees waived under the application are not collectable.

e. Distribution of policy and applications. At the time of registration or enrollment, the district distributes procedures on charging fees, a written notice of fees charged to each student, the waiver and reduction policy and procedures including income guidelines, and the application for waiver. For students or families whose primary language is other than English, the district provides a copy of the materials in the student's native language or arranges for translation of the materials within a reasonable time.

f. Annual application. The request for a fee waiver is made on application forms provided by the department of education. An application can be received at any time but may only be renewed at the beginning of the school year.

18.3(2) Applications. The procedures are to include a description of the confidential application process for the waiver and provide that a written decision be issued to the applicant within a reasonable time. If the application is denied, the decision will include the reason for the denial.

18.3(3) Review and appeals. The procedures are to include a provision for a confidential review of any denial by a person or persons designated by the board upon request and the manner in which an appeal may be taken. If the decision on review is again to deny the application, the decision maker will notify the applicant in writing that the applicant may appeal the denial to the director of the department of education by filing a notarized statement within 30 days of the applicant's receipt of the district's final decision.

281—18.4(256) Fees covered. Fines assessed for damage or loss to school property are not fees and need not be waived. Nothing in this chapter authorizes the charging of a fee for which there is no authority in law.

These rules are intended to implement Iowa Code section 256.7(20).

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapters 19 and 68
“Charter Schools”

Iowa Code chapters authorizing rulemaking: 256E and 256F
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 256E and 256F

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth standards for charter schools. The Department proposes consolidating two chapters into one, eliminating redundant or obsolete language, and creating a streamlined process for amending a charter school contract.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans in general and charter school operators in particular will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Current and future charter school students, as well as their educators and parents, will benefit from the proposed rulemaking.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
There will be no costs to members of the public. There are costs to charter school founding groups; however, those costs are required by statute.
 - Qualitative description of impact:
The Department discerns no qualitative impact.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:

There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative and obsolete language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

While these rules are required by statute, the Department proposes a streamlined procedure for a charter school contract to be amended without going through the procedures associated with an initial charter school application.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 19 and adopt the following **new** chapter in lieu thereof:

CHAPTER 19 CHARTER SCHOOLS

281—19.1(256E) General. All charter schools in Iowa are a part of the state's program of public education. Charter schools established on or after July 1, 2021, are subject to Iowa Code chapter 256E and Division I of this chapter. Charter schools established prior to July 1, 2021, continue to operate under and are subject to the provisions of Iowa Code chapter 256F and Division II of this chapter. The department monitors the effectiveness of charter schools and implements the applicable provisions of this chapter.

DIVISION I
CHARTER SCHOOLS ESTABLISHED ON OR AFTER JULY 1, 2021

281—19.2(256E) Establishment of charter schools. A charter school may be established by either of the following methods: a school board-state board model, pursuant to Iowa Code section 256E.4, or a founding group-state board model, pursuant to Iowa Code section 256E.5. The state board of education is the only authorizer of charter schools under this division.

281—19.3(256E) Purpose of a charter school. A charter school established under this division must intend to accomplish one or more of the purposes set forth in Iowa Code section 256E.1(3).

281—19.4(256E) Definitions. The definitions set forth in Iowa Code section 256E.2 apply to this division. In addition, “parent” includes a child’s biological or adoptive parent, as well as anyone authorized by state or federal law or court order, judgment, or decree to make educational decisions for the child.

281—19.5(256E) General application provisions. The following general application provisions apply to both the school board-state board and founding group-state board charter establishment models.

19.5(1) Instructions. The instructions for completing an application includes or otherwise informs applicants of the content listed in Iowa Code sections 256E.4(3) and 256E.5(3).

19.5(2) Review. In reviewing and evaluating charter school applications, the state board employs procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review includes:

- a. A thorough evaluation of the written application.
- b. An in-person interview with the founding group.
- c. An opportunity in a public forum for local residents to learn about and provide input on each application.

19.5(3) State board actions following review. Following review of a charter school application and completion of the process under subrule 19.5(2), the state board does all of the following:

- a. Approves a charter school application only if the founding group has demonstrated competence in each element of the approval criteria and if the founding group is likely to open and operate a successful charter school.
- b. Makes application decisions on documented evidence collected through the application review process.
- c. Adheres to the policies and criteria that are transparent, are based on merit, and avoid conflicts of interest or any appearance thereof.

19.5(4) Application approval. The state board approves a charter school application if the application satisfies this division.

- a. The state board will approve or deny a charter school application no later than 75 calendar days after the application is received.
- b. If the state board denies an application, the state board will provide notice of denial to the founding group in writing within 30 days after the state board’s action, specifying the exact reasons for denial and provide documentation supporting those reasons.
- c. An approval decision may include, if appropriate, reasonable conditions that the founding group meet before a charter school contract may be executed pursuant to Iowa Code section 256E.6.
- d. An approved charter application does not serve as a charter school contract.
- e. A decision of the state board relating to an application under this rule is not appealable.
- f. An unsuccessful applicant under this rule may subsequently reapply to the state board.

19.5(5) Application deadlines and timelines. For school years on or after the school year beginning on July 1, 2023, applications submitted to the state board on or before November 1 of the preceding school year will be considered for approval for the establishment of the charter school for the next school year.

281—19.6(256E) School board-state board model. Iowa Code section 256E.4 governs charter schools founded under this model.

19.6(1) School board-state board model application. An application submitted under this rule includes all of the items related to the proposed charter school that are set forth in Iowa Code section 256E.4(4).

19.6(2) Conversion of existing attendance center. If the founding group proposes to establish a charter school by converting an existing attendance center of the school district, Iowa Code section 256E.4(5) governs such proposal.

281—19.7(256E) Founding group-state board model. Iowa Code section 256E.5 governs charter schools founded under this model. An application submitted under this rule includes all of the items related to the proposed charter school that are set forth in Iowa Code section 256E.5(4).

281—19.8(256E) Charter school contract. Iowa Code section 256E.6 governs contracts with approved charter schools. A contract may be amended by the founding group and the state board after the founding group complies with subrule 19.5(2) with reference to the proposed amendment.

281—19.9(256E) Performance framework. The performance provisions within each charter school's contract are governed by Iowa Code section 256E.9. This framework includes the items in Iowa Code section 256E.9(1), including student academic growth and proficiency in English language arts on statewide outcome assessments, student academic growth and proficiency in mathematics on statewide outcome assessments, and conditions for learning data (as mandated by Iowa's state plan under the Every Student Succeeds Act).

281—19.10(256E) General operating powers and duties. In order to fulfill the charter school's public purpose, a charter school established under this division is organized as a nonprofit education organization. It has the powers, duties, and exemptions specified in Iowa Code section 256E.7. For purposes of "applicable federal, state, and local health and safety requirements," that term includes mandatory reporting of child abuse under Iowa Code section 232.69, investigation of abuse by school employees under 281—Chapter 102, and seclusion and restraint under 281—Chapter 103.

281—19.11(256E) Funding.

19.11(1) General. Charter school funding is governed by Iowa Code section 256E.8.

19.11(2) Enrollment estimates. If necessary, and pursuant to paragraph 19.11(2)"a," funding amounts determined under this rule for the first school year of a new charter school are to be based on enrollment estimates for the charter school included in the charter school contract. The process set out in paragraph 19.11(2)"b" is to be used for determining estimated enrollments for charter school funding purposes in school years after the first year of a charter school. Amounts paid using estimated enrollments are to be reconciled during subsequent payments based on actual enrollment of the charter school during each school year pursuant to paragraph 19.11(2)"c."

a. Enrollment estimates for the first school year are to be based on the number of enrolled students reported to the department through the student information system by August 5 of the school year.

b. Enrollment estimates for school years following the first school year are to be based on the number of enrolled students reported to the department through the student information system by August 5 of the school year.

c. Estimated payments will be reconciled, at minimum, based on actual enrollment information reported by the charter school pursuant to Iowa Code sections 256.9(44) and 257.6.

19.11(3) Federal funds. If a charter school is eligible for federal funds, those federal funds will be calculated and distributed based on relevant federal statute and regulation.

19.11(4) Notification to districts of residence. For purposes of this rule, each charter school notifies the district of residence of each child in a time and manner that allow the district of residence to include the child in the district's certified enrollment and any other relevant enrollment data.

281—19.12(256E) Oversight—corrective action—contract renewal—revocation.

19.12(1) General. The state board’s monitoring, oversight, remedial actions, and enforcement actions (up to and including revocation) are governed by Iowa Code section 256E.10.

19.12(2) Renewal guidance. The state board’s renewal application guidance will, at a minimum, include the criteria that will be used when assessing charter school contract renewal decisions and provide an opportunity for the charter school to:

- a. Present additional evidence beyond the data contained in the performance report.
- b. Describe improvements undertaken or planned for the charter school.
- c. Describe the charter school’s plans, including any proposed modifications, for the next charter school contract term.

19.12(3) Revocation or nonrenewal.

a. A charter school contract may be revoked at any time or not renewed if the state board determines that the charter school did any of the following:

(1) Committed a material violation of any of the terms, conditions, standards, or procedures under the charter school contract or this division.

(2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter school contract.

(3) Failed to meet generally accepted standards of fiscal management.

(4) Violated a provision of law from which the charter school was not exempted.

b. A decision to revoke or to not renew a charter school contract may only be by resolution of the state board and is to clearly state the reasons for the revocation or nonrenewal.

19.12(4) Contract revocation and nonrenewal standards and procedures. The state board will develop charter school contract revocation and nonrenewal standards and procedures that do all of the following:

a. Provide the charter school with a timely notice of the possibility of revocation or nonrenewal and of the reasons therefor.

b. Allow the charter school a reasonable period of time in which to prepare a response to any notice received.

c. Provide the charter school an opportunity to submit documents and give testimony challenging the decision to revoke the charter school contract or the decision to not renew the contract.

d. Allow the charter school the opportunity to hire legal representation and to call witnesses.

e. Permit the audio or video recording of such proceedings described in paragraphs 19.12(4) “c” and “d.”

f. Require a final decision to be conveyed in writing to the charter school.

281—19.13(256E) Procedures for charter school closure—student enrollment. Charter school closures are governed by Iowa Code section 256E.11. Prior to any charter school closure decision, the state board develops a charter school closure protocol to ensure timely notice to parents and guardians, provide for the orderly transition of students and student records to new schools, and provide proper disposition of school funds, property, and assets in accordance with this division. The protocol specifies necessary actions and timelines and identifies responsible parties for each such action.

281—19.14(256E) Reports.

19.14(1) Annual report. Each charter school prepares and files an annual report with the department, on or before October 1 and including data from the prior school year, pursuant to Iowa Code section 256E.12(1) that includes:

a. The charter school’s mission statement, including a vision statement and goals, as well as data measuring goal attainment.

b. Student demographics, disaggregated by grade level and protected characteristics.

c. Attendance statistics and dropout rate (average daily attendance, dropout rate, student mobility).

d. Graduation data, including four-year and five-year graduation rates, credit accrual, and number of students on track for graduation.

e. Student achievement, including annual academic growth and proficiency, including Iowa statewide assessment of student progress (ISASP) data, other assessment data, and aggregate assessment test scores.

f. Financial performance, including projections of financial stability.

g. The number and qualifications of teachers and administrators.

h. Sustainability data, including enrollment trends, staff satisfaction, and parent and student satisfaction.

19.14(2) Annual financial report. Each charter school submits a Certified Annual Report consistent with 281—Chapter 99. The annual financial report is due to the department by September 15.

19.14(3) Report to general assembly. The state board will prepare and file a report with the general assembly annually by December 1 as required by Iowa Code 256E.12(2).

281—19.15(256E) Operation of existing charter schools. Charter schools established pursuant to Iowa Code chapter 256F continue to operate pursuant to that chapter and are not subject to the requirements of this division or Iowa Code chapter 256E.

These rules are intended to implement Iowa Code chapter 256E.

DIVISION II
CHARTER SCHOOLS ESTABLISHED BEFORE JULY 1, 2021

281—19.16(256F) Definitions. The definitions in Iowa Code section 256F.2 apply to this division. In addition, “advisory council” means a council appointed by the school board of a charter school. With respect to a charter school, no more than one member of the council may be a member of the school board; a district’s school improvement advisory committee may also serve as its advisory council. All advisory councils are subject to the provisions of Iowa Code chapters 21 and 22.

“Family unit” means a household in which resides one or more students enrolled at the existing public school that is the subject of a charter school application.

281—19.17(256F) Operating requirements. Charter schools are governed by Iowa Code sections 256F.4(2) through (8), 256F.6, and 256F.7.

281—19.18(256F) Ongoing review by the department. The department periodically reviews each charter school to ensure continuing compliance with the charter school’s contract. The department may schedule mandatory meetings with the administrators of all charter schools at the department’s sole discretion. Iowa Code section 256F.10 governs necessary reports under this division.

281—19.19(256F) Renewal of charter. The school board that established the charter school, in the absence of revoking the charter pursuant to rule 281—19.20(256F), takes affirmative action to renew a charter school contract after the initial four-year contract for a charter school and at the end of each renewal period. The school board shall hold a public hearing on the issue of renewal and submit to the department a copy of the minutes of the public hearing showing that a majority of the school board members voted in favor of renewal of the charter. Any action to renew a charter specifies the number of years, which may only be four years or less, for which the charter was renewed by the school board.

A school board will submit a new application to the department if the board modifies any of the terms of the original charter.

281—19.20(256F) Revocation or nonrenewal of charter. Iowa Code sections 256F.8 and 256F.9 govern revocation or nonrenewal of a charter under this division.

281—19.21(256F) Transition—operation of existing charter schools. Charter schools established pursuant to this division and Iowa Code chapter 256F prior to July 1, 2021, may continue to operate

pursuant to those terms and are not subject to Iowa Code chapter 256E or Division I of these rules. No new charter or innovation zone school may be created under this division.

These rules are intended to implement Iowa Code chapter 256F.

ITEM 2. Rescind and reserve **281—Chapter 68**.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapters 51 and 52
“Veterans’ Education and Training”

Iowa Code section authorizing rulemaking: 256.7(5)
State or federal law(s) implemented by the rulemaking: 38 CFR Part 21

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth standards for veterans’ education. The Department proposes consolidating two chapters into one, and eliminating redundant or obsolete language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans in general, and charter school operators in particular, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Current and future participants in veterans’ education and training will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
There are no costs to members of the public. There are costs to providers of veterans’ education; however, those costs are required by federal regulations. The Department intends to impose no requirement beyond federal law.
 - Qualitative description of impact:
The Department discerns no qualitative impact.

3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:

There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative and obsolete language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department did not find any other methods.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by federal regulation.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51 VETERANS' EDUCATION AND TRAINING

281—51.1(256) Apprenticeships and on-the-job training programs for veterans. For approval of apprenticeships and on-the-job training programs, the following provisions of the Code of Federal Regulations, as of [the publication date of the Notice], are incorporated by reference: 38 CFR Sections 21.4001 through 21.4009, 21.4150 through 21.4155, 21.4200 through 21.4206, 21.4209 through 21.4216, 21.4234, 21.4261, and 21.4262.

281—51.2(256) Educational institutions. For approval of educational institutions, the following provisions of the Code of Federal Regulations, as of [the publication date of the Notice], are incorporated by reference: 38 CFR Sections 21.4001 through 21.4009, 21.4150 through 21.4155, 21.4200 through 21.4206, 21.4209 through 21.4216, 21.4232 through 21.4236, 21.4250 through 21.4259, and 21.4263 through 21.4268.

These rules are intended to implement 38 CFR Part 21.

ITEM 2. Rescind and reserve **281—Chapter 52.**

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 84
“Financial Incentives for National Board Certification”

Iowa Code section authorizing rulemaking: 256.7(20)
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.7(20)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth standards for subsidies for National Board Certification. The Department proposes removing duplicative statutory language or language that is merely aspirational in nature.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Teachers who have attained national board certification, as well as their students and employers, will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
There are costs to school districts to comply with these rules; however, these rules are required by statute.
 - Qualitative description of impact:
The Department discerns no qualitative impact.

3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues. The costs of this program are set by statute.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is streamlined and reduces duplicative and obsolete language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department proposes removing current subrule 84.3(4), which is adequately addressed through the application process. No such subrule is necessary.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 84 and adopt the following **new** chapter in lieu thereof:

CHAPTER 84 FINANCIAL INCENTIVES FOR NATIONAL BOARD CERTIFICATION

281—84.1(256) Definitions. For the purpose of these rules, the following definitions apply:

“*Department*” means the Iowa department of education.

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

“*Employed by a school district in Iowa*” means a teacher employed in a nonadministrative position in an Iowa school district pursuant to a contract issued by a board of directors of a school district under Iowa Code section 279.13 and any full-time permanent substitute teacher employed under individual contracts not included under Iowa Code section 279.13 but who is receiving retirement and health benefits as part of the substitute teacher's contract.

“*National Board Certification*” or “*NBC*” is a nationwide certification program administered by the National Board for Professional Teaching Standards.

“*National Board for Professional Teaching Standards*” or “*NBPTS*” is a private nonprofit organization whose goal is to develop professional standards for early childhood, elementary and secondary school teaching. NBPTS administers the NBC program.

“*Receives a salary as a classroom teacher*” means a teacher employed by a school district in Iowa who receives any salary compensation from the school district for providing classroom instruction to students in the district.

“*School district*” means a public school district under Iowa Code chapter 274.

“*Teacher*” means an Iowa-licensed teacher as defined in Iowa Code section 272.1.

281—84.2(256) Registration fee reimbursement program. The department will administer a registration fee reimbursement program in each year for which the legislature appropriates funds.

84.2(1) Eligibility. Teachers seeking reimbursement under this rule will apply to the department within one year of registration with NBPTS and meet all of the following qualifications:

- a. The individual has all qualifications required by NBPTS for application for certification.
- b. The individual is a teacher employed by a school district in Iowa and receives a salary as a classroom teacher.
- c. The individual completes the department’s application process, which includes verifying NBC registration.
- d. The individual has not received reimbursement from this program at any previous time.

84.2(2) Reimbursement. Teachers determined eligible will receive reimbursement in the following manner:

- a. *Initial registration fee reimbursement.* Each eligible teacher will receive an initial reimbursement of one-half of the reimbursement fee charged by NBPTS or, if necessary, a prorated amount upon submission to the department of the NBC registration confirmation form provided to each teacher by NBPTS.
- b. *Final registration fee reimbursement.* The final registration fee reimbursement of one-half of the reimbursement fee charged by NBPTS will be awarded when the eligible teacher notifies the department of the teacher’s certification achievement and submits verification of certification. If an eligible teacher fails to receive certification, the teacher can receive the remaining reimbursement if the teacher achieves certification within three years of the initial NBC score notification.
- c. *Amount of reimbursement.* If funds are appropriated by the legislature, each eligible teacher who applies under this rule will receive registration fee reimbursement. If in any fiscal year the number of eligible teachers who apply for the reimbursement exceeds the funds available, the department will prorate the amount of the registration fee reimbursement among all eligible teachers.

281—84.3(256) NBC annual award. If funds are appropriated by the legislature, each eligible NBC teacher will qualify for an NBC annual award. If in any fiscal year the funds appropriated are insufficient to pay the maximum amount of the annual awards to each eligible teacher or the number of teachers eligible to receive annual awards exceeds 1,100 individuals, the department will prorate funds among all eligible teachers. An eligible teacher who receives NBC certification after May 1, 2000, will receive an annual award of up to \$2,500 per year or a prorated amount for a maximum period of ten years. An otherwise-eligible teacher who possesses a teaching contract that is less than full-time will receive an award prorated to reflect the type of contract (half-time, quarter-time, etc.).

84.3(1) Eligibility. In addition to having registered with NBPTS and achieving certification within NBPTS-established timelines and policies, individuals eligible for the NBC annual award will meet all of the following qualifications:

- a. The individual is a teacher who has attained NBC certification.
- b. The individual is employed by a school district in Iowa and receives a salary as a classroom teacher.

c. The individual completes the department's annual application process, in a manner prescribed by the department.

d. The individual has received no more than ten annual awards, including the annual award currently sought.

e. The individual is applying for the award within one year of being eligible for the award.

84.3(2) Application. To receive an award under this rule, an NBC teacher will submit an application verifying eligibility for an NBC award to the department by May 1. The department will issue NBC awards to eligible NBC teachers no later than June 1.

281—84.4(256) Appeal of denial of a registration fee reimbursement award or an NBC annual award. Any applicant may appeal the denial of a registration fee reimbursement award or an NBC annual award to the director of the department. Appeals will be in writing, signed, and notarized; will contain a short and plain statement of the reasons for appeal; will be based on a contention that the process was conducted outside statutory authority or violated state or federal law, regulation or rule; and will be received within ten working days of the date of the notice of denial. The hearing and appeal procedures found in 281—Chapter 6 that govern director's decisions will apply to proceedings under this rule. The director's decision is due within a reasonable time, not to exceed 30 days from the date of the hearing.

These rules are intended to implement Iowa Code section 256.44.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 95
“Equal Employment Opportunity and Affirmative Action in Educational Agencies”

Iowa Code section authorizing rulemaking: 19B.11
State or federal law(s) implemented by the rulemaking: Iowa Code section 19B.11

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 1, 2023
9 to 10 a.m.

ICN Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This chapter sets forth standards for equal employment opportunity for community colleges, school districts, and area education agencies.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowans, in general, and public education employers in particular, will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Current and future employees, as well as their employers, will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
There are costs to school districts to comply with the rules; however, the cost is unclear at this time, especially given that many of the rules’ provisions may overlap with federal law. The Department will specifically seek this feedback through the Regulatory Analysis process.
 - Qualitative description of impact:
The Department discerns no qualitative impact.

3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no known costs.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed chapter is streamlined and reduces duplicative and obsolete language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Current paragraph 95.5(9)“h,” which provides, in part, that race or ethnic origin may be considered when “selecting applicants for interview, employment and promotion,” raises constitutional concerns and concerns under Title VI. For that reason, this provision will not be readopted. If an employer wishes to consider race or national origin making employment decisions, the employer is advised to consult with counsel.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered removing the chapter entirely.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The chapter is required by statute.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no discernable effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 95 and adopt the following **new** chapter in lieu thereof:

CHAPTER 95 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION IN EDUCATIONAL AGENCIES

281—95.1(256) Definitions. The following definitions will be applied to the rules in this chapter:

“*Affirmative action*” means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

“*Agency*” means a local school district, an area education agency or a community college.

“*Availability*” means the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.

“*Department*” means the Iowa department of education.

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

“*Equal employment opportunity*” means equal access to employment, training and advancement, or employment benefits regardless of race, creed, color, religion, sex, age, national origin and disability.

“*Metropolitan statistical area*” means a large population nucleus (over 50,000 people) and nearby communities which have a high degree of economic and social integration with that nucleus. Each area consists of one or more entire counties.

“*Person with a disability*” means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment, as defined by Iowa Code section 216.2.

“*Racial/ethnic minority person*” means any person who is African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.

“*Relevant labor market*” means the geographic area in which an agency can reasonably be expected to recruit for a particular job category.

“*Underrepresentation*” means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.

“*Work force*” means an agency’s full-time and part-time employees.

281—95.2(256) Equal employment opportunity standards. An agency’s employment policies and practices shall provide equal employment opportunity to all persons. No person may be denied equal access to agency employment opportunities because of race, creed, color, religion, national origin, gender, age or disability.

281—95.3(256) Duties of boards of directors. Each agency’s board of directors will adopt policy statements and develop plans for implementation of equal employment opportunity standards and affirmative action programs, which contain the following elements.

1. A policy statement outlining its commitment to the principles of equal employment opportunity and affirmative action, which contain procedures for employees and applicants for employment to redress complaints of discrimination.

2. A written equal employment opportunity and affirmative action plan, to be evaluated and updated on a biennial basis.

3. Assignment of responsibility to an employee for coordinating the development and ongoing implementation of the plans. This employee may be the same employee who has been assigned to coordinate the agency’s efforts to comply with federal laws requiring nondiscrimination in educational programs and employment.

4. Systematic input from diverse racial/ethnic groups, women, men and persons with disabilities into the development and implementation of the plans, which may include using existing advisory committees or public hearing procedures.

5. Periodic training for all staff who hire or supervise personnel on the principles of equal employment opportunity and the implementation of its affirmative action plan.

6. Maintenance of necessary records to document its affirmative action progress. An agency will report employment data to the department by racial/ethnic category, gender and disability.

281—95.4(256) Plan components. In addition to the board policy statement, each agency’s equal employment opportunity and affirmative action plan will include, at a minimum, the following components:

95.4(1) General.

a. The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity and affirmative action plans.

b. An administrative statement on how the agency's equal employment opportunity and affirmative action policies and plans are to be implemented, including the internal system for auditing and reporting progress, to be signed and dated by the chief executive officer of the agency.

c. A work force analysis showing the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category (consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission) by racial/ethnic group, gender, and disability. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

d. A quantitative analysis comparing work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.

e. When underrepresentation is identified in one or more major job category, the agency will conduct a qualitative analysis to be included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:

- (1) Recruitment practices and policies;
- (2) A demographic study of the applicant pool and flow;
- (3) The rate and composition of turnover in major job categories;
- (4) Trends in enrollment that will affect the size of the work force;
- (5) Application and application screening policies and practices;
- (6) Interview, selection, and placement policies and practices;
- (7) Transfer and promotion policies and practices;
- (8) Discipline, demotion, termination, and reduction in force policies and practices;
- (9) Employee assistance, training selection, and mentoring policies and practices;
- (10) The impact of any collective bargaining agreement on equal employment opportunity and the affirmative action process;
- (11) Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.

95.4(2) *Quantitative goals.* The agency will develop numerical goals and timetables for reduction of underrepresentation in each major job category where it has been identified. These goals are not rigid and inflexible quotas, but reasonable aspirations toward correcting imbalance in the agency's work force. A goal shall not cause any group of applicants to be excluded from the hiring process. When setting numerical goals, agencies will take into consideration the following:

- a.* The numbers and percentages from the work force analysis conducted pursuant to subrule 95.4(1);
- b.* The number of short- and long-term projected vacancies in the job category, considering turnover, layoffs, lateral transfers, new job openings, and retirements;
- c.* The availability of qualified or qualifiable persons from underrepresented racial/ethnic, gender and disability categories within the relevant labor market;
- d.* The makeup of the student population served by racial/ethnic origin, gender and disability;
- e.* The makeup of the population served by racial/ethnic origin, gender and disability;
- f.* The makeup of the population of the metropolitan statistical area, when applicable, by racial/ethnic origin, gender, and disability.

95.4(3) *Qualitative goals.* The agency will develop qualitative goals, activities and timetables which specify the appropriate actions and time frames in which problem areas identified during the qualitative analysis are targeted and remedied. In setting qualitative goals and planning actions, the agency may consider, but need not be limited to, the following:

- a.* Broadening or targeting recruitment efforts;
- b.* Evaluating and validating criteria and instruments used in selecting applicants for interviews, employment, and promotion;

- c. Providing equal employment opportunity, affirmative action, and intergroup relations training for employees of the agency;
- d. Developing a system of accountability for implementing the agency's plan;
- e. Developing and implementing an employee assistance and mentoring program;
- f. Establishing a work climate that is sensitive to diverse racial/ethnic groups, both women and men and persons with disabilities;
- g. Negotiating the revision of collective bargaining agreements to facilitate equal employment opportunity and affirmative action.

95.4(4) *Absence of minority base.* Agencies with no minority students enrolled or no minority employees shall develop goals and timetables for recruiting and hiring persons of minority racial/ethnic origin when those persons are available within the relevant labor market.

95.4(5) *Consolidation.* An agency may consolidate racial/ethnic minorities and job categories into broader groupings in conducting analyses under this chapter when its size or number of employees makes more specific categories impractical.

281—95.5(256) Dissemination. Each agency will adopt an internal and external system for disseminating its equal employment opportunity and affirmative action policies and plans.

95.5(1) *Plan distribution.* An agency will annually distribute its policies and plans to agency employees involved in the hiring or management of personnel, and the agency will make the policies and plans available to other agency employees, the public and the director of education upon request.

95.5(2) *Policy statement distribution.* An agency will distribute its policy statement to all applicants for employment, and the agency will distribute the policy statement annually to employees, students, parents, and recruitment sources.

281—95.6(256) Reports. Each agency will submit an annual progress report on equal employment opportunity and affirmative action to its local board of directors. Each agency will submit its annual progress report under this chapter to the department by December 31 of each year. The report is a part of the basic educational data collection system administered by the department.

These rules are intended to implement Iowa Code section 19B.11.

ARC 7045C**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]****Notice of Intended Action****Proposing rulemaking related to Iowa hazard mitigation plan
and providing an opportunity for public comment**

The Homeland Security and Emergency Management Department hereby proposes to amend Chapter 9, “Iowa Comprehensive Plan,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 29C.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 29C.8.

Purpose and Summary

This proposed rulemaking will formally adopt the Iowa Hazard Mitigation Plan.

Iowa currently has an “Enhanced” State Hazard Mitigation Plan (Enhanced Plan). This Enhanced Plan must be updated and formally adopted every five years pursuant to Federal Emergency Management Agency (FEMA) regulations. Historically, the Department has used the rulemaking process to formally adopt the Enhanced Plan. The current Enhanced Plan cited in 605—Chapter 9 was adopted on September 17, 2018, and expires September 18, 2023.

Through this Enhanced Plan, Iowa is eligible for additional federal disaster recovery grant funds. For example, because of the Enhanced Plan, Iowa becomes eligible for 33 percent extra funding from the Hazard Mitigation Grant Program (HMGP). This grant program helps fund long-term projects to mitigate impacts from future disasters. An Enhanced Plan is also needed for funding through the Public Assistance Grant Program, which helps repair infrastructure like roads, bridges, and water control facilities following a disaster. Because of Iowa’s Enhanced Plan, these programs have brought in nearly \$2 billion over the last 15 years.

There is no process to request a federal waiver should the approved Enhanced Plan lapse.

Fiscal Impact

There are no costs to implement this change; however, should the approved Enhanced Plan fall out of compliance with federal standards, Iowa would no longer be eligible for federal disaster recovery grant funds at the current levels.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on August 2, 2023. Comments should be directed to:

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

Blake DeRouchey
 Department of Homeland Security and Emergency Management
 7900 Hickman Road, Suite 500
 Windsor Heights, Iowa 50324
 Phone: 515.323.4232
 Email: blake.derouchey@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 2, 2023
 10:30 to 11:30 a.m.

Goldfinch Room
 7900 Hickman Road
 Windsor Heights, Iowa
 Via video/conference call using meeting link:
meet.google.com/fqq-wozf-fex

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 605—9.3(29C), introductory paragraph, as follows:

605—9.3(29C) Iowa Hazard Mitigation Plan. The Iowa Hazard Mitigation Plan is developed in accordance with Iowa Code section 29C.8 and has been adopted on ~~September 17, 2018~~ September 18, 2023, published, and maintained by the department. This plan details the state government goals, objectives, and strategies to mitigate a wide range of natural, technological, or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165.

ARC 7046C

TRANSPORTATION DEPARTMENT[761]**Notice of Intended Action****Proposing rulemaking related to special permits for operation and movement of vehicles and loads of excess size and weight and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 511, "Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12, 312.2(18), 321E.8(4), 321E.15 and 321E.24.

TRANSPORTATION DEPARTMENT[761](cont'd)

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 312.2 and chapter 321E.

Purpose and Summary

This proposed rulemaking amends Chapter 511 to conform the rules with 2022 Iowa Acts, House File 2518 and Senate File 2376, which were effective on January 1, 2023, and codified in Iowa Code chapters 312 and 321E.

The proposed amendments:

- Add two new annual permit types that are now issued by the Department in accordance with the enacted bills: the “annual all-systems overweight permit” and the “annual small crane permit.” The rules provide that the two new permits may be transferred if the originally permitted vehicle has been damaged in an accident, junked or sold.
- Establish the fees, maximum axle weights, maximum gross weights, maximum dimensions, and distance requirements for the new permit types.
- Establish procedures for distribution of funds collected for the annual all-systems permit to counties who participate in the all-systems permit.
- Eliminate the requirement that overweight vehicles operating under a permit must display flashing amber lights. The Department has determined it is not required by law nor is it necessary for these vehicles to display lights to preserve highway safety, and the requirement unnecessarily creates a burden to individuals operating under the new permit who, under other options for operating such vehicles (such as a Governor’s proclamation of disaster emergency), do not need to display lights.
- Delete old Iowa Acts references, remove outdated language, and update missing terminology for annual permits throughout the chapter.

A Regulatory Analysis, including the proposed rule amendments, was published in the May 17, 2023, Iowa Administrative Bulletin. A public hearing was held on June 6, 2023. No public comments on the Regulatory Analysis were received at the hearing or in writing. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on June 16, 2023.

Changes were made from the proposed amendments published in the Regulatory Analysis. In Item 5, the word “annual” was added to the all-systems oversize and all-systems overweight permits.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond any impact calculated by the Legislative Services Agency for the underlying legislation.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on August 1, 2023. Comments should be directed to:

TRANSPORTATION DEPARTMENT[761](cont'd)

Tracy George
 Department of Transportation
 DOT Rules Administrator, Government and Community Relations
 800 Lincoln Way
 Ames, Iowa 50010
 Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held as follows

August 3, 2023
 9 to 10 a.m.

Department of Transportation
 Motor Vehicle Division
 6320 SE Convenience Boulevard
 Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **761—511.1(321E)**, definition of “Emergency interstate permit,” as follows:
 “*Emergency interstate permit*” means a permit issued under Iowa Code section 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 2. Amend rule **761—511.1(321E)**, implementation sentence, as follows:
 This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382,~~ 321E.30 and 321E.34.

ITEM 3. Amend subrule 511.2(4), introductory paragraph, as follows:
511.2(4) Except as provided in rule ~~761—511.17(321,321E)~~ 761—511.10(321,321E) or 761—511.18(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 4. Amend subrule 511.3(2) as follows:
511.3(2) Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile. Snow removal equipment operating under permit is exempt from this restriction while snow removal operations are conducted. EXCEPTION: Nothing in this subrule shall be construed to mean that the movement of a compacted rubbish vehicle permitted under rule ~~761—511.11(321E)~~ 761—511.12(321E) shall be subject to this restriction.

ITEM 5. Amend rule 761—511.4(321E) as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual oversize, annual oversize/overweight, annual raw forest products, annual

TRANSPORTATION DEPARTMENT[761](cont'd)

small crane, compacted rubbish, emergency interstate, annual fluid milk products, or annual all-systems oversize, or annual all-systems overweight permits.

511.4(1) and 511.4(2) No change.

511.4(3) *Validity.*

a. Annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, annual fluid milk products, and annual all-systems oversize, and annual all-systems overweight permits shall expire one year from the date of issuance.

b. and c. No change.

d. Emergency interstate permits issued under Iowa Code section 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382,~~ shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

511.4(4) No change.

This rule is intended to implement Iowa Code sections 321E.2, ~~and 321E.3, 321E.8 and section 321E.29B as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 6. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) *Annual oversize permit.* A fee of \$50 shall be charged for each annual oversize permit issued pursuant to Iowa Code section 321E.8, payable prior to the issuance of the permit. Carriers purchasing annual oversize permits in advance of use cannot return unused permits for refunds.

511.5(2) No change.

511.5(3) *Annual raw forest products permit.* A fee of \$175 shall be charged for each annual raw forest products permit issued pursuant to Iowa Code section 321E.26 for divisible loads of raw forest products, payable prior to the issuance of the permit.

511.5(4) No change.

511.5(5) ~~*All-systems Annual all-systems oversize permit.*~~ A fee of \$160 shall be charged for each annual all-systems oversize permit issued pursuant to Iowa Code section 321E.8(1), payable prior to the issuance of the permit.

511.5(6) *Annual all-systems overweight permit.* A fee of \$500 shall be charged for each annual all-systems overweight permit issued pursuant to Iowa Code section 321E.8(2), payable prior to the issuance of the permit. Transfer of current annual all-systems overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~**511.5(6)**~~ **511.5(7)** *Bridge-exempt permit.* A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

~~**511.5(7)**~~ **511.5(8)** *Multitrip permit.* A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit.

~~**511.5(8)**~~ **511.5(9)** *Raw milk permit.* A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

~~**511.5(9)**~~ **511.5(10)** *Single-trip permit.* A fee of \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

~~**511.5(10)**~~ **511.5(11)** *Special alternative energy multitrip permit.* A fee of \$600 shall be charged for each special alternative energy multitrip permit issued pursuant to Iowa Code section 321E.9B, payable prior to the issuance of the permit.

~~**511.5(11)**~~ **511.5(12)** *Compacted rubbish permit.* A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~**511.5(12)**~~ **511.5(13)** *Annual fluid milk products permit.* A fee of \$400 shall be charged for each annual fluid milk products permit issued pursuant to Iowa Code section 321E.29B, payable prior to issuance of the permit.

511.5(14) *Annual small crane permit.* A fee of \$400 shall be charged for each annual small crane permit issued pursuant to Iowa Code section 321E.8(4), payable prior to issuance of the permit. Transfer

TRANSPORTATION DEPARTMENT[761](cont'd)

of current annual small crane permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

~~511.5(13)~~ **511.5(15)** *Duplicate permit.* A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(14)~~ **511.5(16)** *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(15)~~ **511.5(17)** *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. and b. No change.

~~511.5(16)~~ **511.5(18)** *Methods of payment.* Fees and costs required under this chapter shall be paid in the form and manner prescribed by the department.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.8, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 7. Amend rule 761—511.6(321E) as follows:

761—511.6(321E) Insurance and bonds.

511.6(1) *Insurance.*

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, annual all-systems oversize, annual all-systems overweight, multitrip, emergency interstate, annual fluid milk products or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

b. No change.

511.6(2) No change.

This rule is intended to implement Iowa Code ~~section~~ sections 321E.8, 321E.13 and ~~section~~ 321E.29B as enacted by 2021 Iowa Acts, House File 382.

ITEM 8. Amend rule 761—511.7(321,321E) as follows:

761—511.7(321,321E) Annual oversize permits. Annual oversize permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at www.511ia.org or the department's website for the embargo bridge maps. Annual oversize permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.7(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. *Weight.* See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

TRANSPORTATION DEPARTMENT[761](cont'd)

511.7(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

~~**511.7(4)** Rescinded IAB 1/23/02, effective 2/27/02.~~

~~**511.7(5)**~~ **511.7(4)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

~~*e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.~~

~~*f. e. Roadway width.*~~ At least 24 feet 0 inches.

~~*g. f. Limited movement.*~~ Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

ITEM 9. Amend rule 761—511.8(321,321E), introductory paragraph, as follows:

761—511.8(321,321E) Annual oversize/overweight permits. Annual oversize/overweight permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. Travel is not allowed on the interstate. However, a carrier moving under this annual oversize/overweight permit may operate under the same restrictions as an annual oversize permit under rule 761—511.7(321,321E) when the vehicle meets the dimensions required by that rule. Routing is subject to embargoed bridges and roads and posted speed limits. Annual oversize/overweight permits are issued for the following:

ITEM 10. Amend paragraph **511.8(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 11. Amend rule 761—511.9(321,321E) as follows:

761—511.9(321,321E) All-systems Annual all-systems oversize permits. ~~All-systems Annual all-systems oversize~~ permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. ~~The motor vehicle division department~~ will provide a list map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.9(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

511.9(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

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d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

e. No change.

~~511.9(4) Rescinded IAB 1/23/02, effective 2/27/02.~~

~~511.9(5)~~ 511.9(4) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

~~*e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.~~

~~*f. e. Roadway width.* At least 24 feet 0 inches.~~

~~*g. f. Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.~~

~~511.9(6) Rescinded IAB 2/10/21, effective 3/17/21.~~

~~511.9(7)~~ 511.9(5) Necessary trip routes must be obtained from the appropriate city and county jurisdictions.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 12. Renumber rules ~~761—511.10(321,321E)~~ to ~~761—511.21(321)~~ as ~~761—511.11(321,321E)~~ to ~~761—511.22(321)~~.

ITEM 13. Adopt the following new rule 761—511.10(321,321E):

761—511.10(321,321E) Annual all-systems overweight permits.

511.10(1) Issuance. Annual all-systems overweight permits are issued by the department for indivisible vehicles or indivisible or divisible loads for travel on the primary road system and specified city streets and county roads when the weight of the vehicle or load exceeds statutory limits but the dimensions are within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for vehicles with divisible or indivisible loads provided the following are not exceeded:

a. Width. Statutory: 8 feet 6 inches including appurtenances.

b. Length. Statutory: 75 feet 0 inches overall.

c. Height. Statutory: 13 feet 6 inches.

d. Weight. See rule 761—511.17(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

511.10(2) Distribution of monthly credit. In accordance with Iowa Code section 312.2(18), the department shall allocate the monthly credit as follows:

a. The department shall maintain a list of participating counties. The list shall be updated on a monthly basis as determined by the department after consultation with county officials through their representative organizations.

b. The monthly credit shall be divided among the participating counties as determined by the department after consultation with county officials through their representative organizations.

c. The funds from the monthly credit shall be distributed to each participating county based on the list of participating counties for the applicable month.

This rule is intended to implement Iowa Code sections 312.2, 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

ITEM 14. Amend renumbered subrule 511.11(2) as follows:

511.11(2) Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule ~~761—511.12(321,321E)~~ 761—511.13(321,321E) provided the movement is within the size and weight limitations of subrule ~~511.10(4)~~ 511.11(1).

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 15. Amend renumbered paragraph **511.13(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 16. Amend renumbered paragraph **511.14(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 17. Amend renumbered paragraph **511.15(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 18. Amend renumbered rule **761—511.15(29C,321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 29C.6, 321.457, and 321.463 and section 321E.29B ~~as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 19. Amend renumbered rule ~~761—511.16(321,321E)~~, introductory paragraph, as follows:

761—511.16(321,321E) Annual fluid milk products permits. Annual fluid milk products permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, road embargo and bridge embargo for fluid milk products information may be found online at www.511ia.org and the department’s website.

ITEM 20. Amend renumbered paragraph **511.16(1)“d”** as follows:

d. Weight. See rule ~~761—511.16(321,321E)~~ 761—511.17(321,321E).

ITEM 21. Amend renumbered rule ~~761—511.17(321,321E)~~ as follows:

761—511.17(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.17(1) Annual oversize, annual all-systems oversize, and annual all-systems overweight permits.

a. For movement under an annual oversize or annual or all-systems oversize permit, the axle weight and combined gross weight shall not exceed the limits found in Iowa Code section 321.463(3).

b. For movement under an all-systems overweight permit, the axle weight shall not exceed the limits found in Iowa Code sections 321.463(3) and 321E.8. The combined gross weight shall not exceed the gross weight authorized under Iowa Code section 321E.8(2).

~~*b. c.*~~ See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(2) Annual oversize/overweight permits or annual raw forest products permits.

a. No change.

b. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(3) Multitrip permits.

a. No change.

b. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(4) Single-trip permits.

a. to c. No change.

d. See subrule ~~511.16(7)~~ 511.17(8) for exceptions for special mobile equipment.

511.17(5) and 511.17(6) No change.

511.17(7) Annual small crane permit. For movement under an annual small crane permit, the gross weight on any axle shall not exceed 24,000 pounds with a maximum of 80,000 pounds total gross weight.

~~511.17(7)~~ **511.17(8) Special mobile equipment.** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual oversize or all-systems oversize permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

TRANSPORTATION DEPARTMENT[761](cont'd)

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

~~511.17(8)~~ **511.17(9)** *Permitted tandem axle weights.*

a. to c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B and 321E.32.

ITEM 22. Amend renumbered subrule 511.18(2) as follows:

511.18(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.16(321,321E)~~ ~~761—511.17(321,321E)~~.

ITEM 23. Amend renumbered subrule 511.20(3) as follows:

511.20(3) *Requirements for escorts, flags, signs and lights.* The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

Minimum Warning Devices and Escort Requirements
For Vehicles Operating Under Permit

	Flags/Signs	Lights	Escorts	
			4-Lane	2-Lane
Length				
75'1" up to and including 85'	yes	not required	not required	not required
Over 85' up to and including 120'	yes	yes	not required	not required
Over 120'	yes	not required	rear	rear
Projections				
Front: over 25'	not required	yes	not required	not required
Rear: over 4' up to and including 10'	flags only	not required	not required	not required
Rear: over 10'	flags only	yes	not required	not required
Height				
Over 14'6" up to and including 20'	yes	not required	front with a height pole	front with a height pole
Weight				
Over 80,000 lbs.	not required	<u>yes not required</u>	not required	not required
Width				
Over 8'6" up to 12'0"	yes	not required	not required	not required
Over 12'0" up to and including 14'6"	yes	not required	rear *	front *
Over 14'6" up to and including 16'6"	yes	not required	rear *	front
Over 16'6" up to and including 18'	yes	not required	rear	front

*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit and on the rear extremity of the vehicle or load.

yes = required

Definitions:

TRANSPORTATION DEPARTMENT[761](cont'd)

Flags - Red or orange fluorescent flags at least 18" square must be mounted as follows: one flag at each front corner of the towing unit and one flag at each rear corner of the load. In addition, there must be a flag at any additional protrusion in the width of the load.

Signs - A sign reading "Oversize Load" must be used. The sign must be at least 18" high by 7' long with a minimum of 10" black letters, with a 1½" stroke, on a yellow background, and mounted on the front bumper and on the rear of the load. The rear sign for mobile homes and factory-built structures must be mounted at least 7' above the highway surface, measuring from the bottom of the sign.

Lights - A flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning must be mounted on the towing unit and be visible from front and rear. More than one light may be necessary.

The permit-issuing authority may require additional escorts when deemed necessary. The signs or warning devices must be removed or covered when the vehicle is within legal dimensions.

ITEM 24. Amend renumbered rule **761—511.20(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.8, 321E.14, 321E.24 and 321E.34.

ITEM 25. Amend renumbered rule **761—511.21(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.492, 321E.16, and 321E.20 and ~~section 321E.29B as enacted by 2021 Iowa Acts, House File 382.~~

ITEM 26. Amend renumbered paragraph **511.22(1)"c"** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.21(2)~~ 511.22(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 27. Amend renumbered paragraph **511.22(2)"a,"** introductory paragraph, as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.21(4)~~ 511.22(1) if the combinations of vehicles meet the requirements in paragraph ~~511.21(2)"b"~~ 511.22(2)"b":

ARC 7047C

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Proposing rulemaking related to veterans trust fund and providing an opportunity for public comment

The Iowa Department of Veterans Affairs hereby proposes to amend Chapter 14, "Veterans Trust Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 35A.13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 35A.13.

Purpose and Summary

This proposed rulemaking amends subrule 14.3(1) by updating income guidelines for the Veterans Trust Fund.

Fiscal Impact

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

This rulemaking has a fiscal impact on the State of Iowa in the form of cost reductions.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on August 1, 2023. Comments should be directed to:

Missy Miller
Iowa Department of Veterans Affairs
Camp Dodge, Bldg. #3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: melissa.miller2@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend subrule 14.3(1) as follows:

14.3(1) Income. The department may not pay benefits under this chapter if the available liquid assets of a veteran are in excess of ~~\$20,000~~ \$15,000. For the purposes of this chapter, an applicant’s household income, including VA pension benefits, service-connected disability income, and social security income, shall not exceed ~~300~~ 200 percent of the federal poverty guidelines for the number of members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran’s family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

ARC 7044C**NURSING BOARD[655]****Adopted and Filed****Rulemaking related to licensing regulation, veterans and military spouses**

The Board of Nursing hereby amends Chapter 18, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

These amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383. Specifically, this rulemaking updates the Board’s requirements for licensure of veterans and spouses of active duty members of the military forces of the United States.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6945C**. A public hearing was held on March 28, 2023. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on June 14, 2023.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 16, 2023.

The following rulemaking action is adopted:

NURSING BOARD[655](cont'd)

ITEM 1. Adopt the following new definition of “Spouse” in rule **655—18.1(272C)**:
“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

ITEM 2. Amend rule 655—18.3(272C) as follows:

655—18.3(272C) Veteran and spouse reciprocity.

18.3(1) A veteran or spouse with a nursing license in another jurisdiction may apply for licensure in Iowa through reciprocity (endorsement) pursuant to 655—Chapter 3. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

18.3(2) ~~Such an application~~ Any application for licensure by reciprocity shall contain all of the information required of all applicants for licensure who hold licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary histories, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) or as a spouse under rule 655—18.1(272C).

18.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of scope of practice in~~ the jurisdiction where the applicant is licensed are is substantially equivalent to the ~~licensing requirements scope of practice~~ in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

18.3(4) The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required the scope of practice~~ in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

18.3(5) If the board determines that the ~~licensing requirements scope of practice~~ in the jurisdiction in which the applicant is licensed are is not substantially equivalent to ~~those required the scope of practice~~ in Iowa, the board shall promptly inform the applicant of the additional ~~experience, education, or examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional~~ temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or education or training~~ is required ~~in order for the applicant’s qualifications to be considered substantially equivalent~~, the applicant may request that the board issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or education or training~~. The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or education or training~~ has been successfully completed

NURSING BOARD[655](cont'd)

or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

18.3(6) ~~A veteran~~ An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. ~~No~~ The procedures of 655—Chapter 20 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/12/23.