

**STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS**

Grimes State Office Building – 400 E.14th St.
Third Floor – Conference Room 3SW
Des Moines, IA 50319-0147

2019-20 BoEE Goals

- Goal 1: The Board will develop rules for practitioner licensure that maintain high standards, are research based, and provide flexibility in attainment in all credential types, especially shortage areas.
- Goal 2: The Board will promote the Model Code of Ethics for Educators.
- Goal 3: The Board will promote pathways to licensure in response to teacher shortages.

**AGENDA
TIMES ARE APPROXIMATE
August 7, 2019**

Telephonic Board Meeting

4:00 p.m.

Call Meeting to Order

Approve the Agenda

Tab A

**Professional Practices - Licensee Discipline – Application
Stipulation and Agreement - Closed Session – Board Members Only
(roll call)**

Open Session

- a. Results of closed session announced
- b. Reinstatement(s)
 - 1. Case No. 18-122 Corry Valeika

Communication from the Public

Rules [Iowa Administrative Code – Chapter 282 (272)]

- a. **Adopt**
 - 1. IAC 282 Chapter 22 - Pre-Service Substitute License **Tab B**
(ARC 4501C)
 - 2. IAC 282 Chapter 13 - Temporary Initial (ARC 4502C) **Tab C**
 - 3. IAC 282 Chapters 9, 25 - Student Loan Default (ARC 4503C) **Tab D**
 - 4. IAC 282 Multiple Chapters - Mandatory Reporter Changes **Tab E**
(ARC 4504C)
- b. **ARRC Review Pending**
 - 1. IAC 292 Chapter 11 - Mandatory Filing - 30-day filing (4560C) **Tab F**
- c. **Notice**
 - 1. None
- d. **Items for Discussion**
 - 1. None

Waivers

- 1. PFW 19-06 Roderick Wade **Tab G**

4:30 p.m.

Adjournment

**UPCOMING MEETINGS:
Friday, September 13, 2019
Friday, October 25, 2019**

ADOPTION MEMO

Date: August 7, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapter 22

This amendment will create a new preservice substitute authorization to allow certain teacher preparation candidates to serve as substitute teachers.

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to preservice substitute authorization

The Educational Examiners Board hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The amendments create a new preservice substitute authorization to allow certain teacher preparation candidates to serve as substitute teachers.

Public Comment

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 9, 2019 as ARC 4501C. A public hearing was held on July 10, 2019. No persons attended the hearing and no comments were received.

Adoption of Rule Making

This rule making was adopted by the Board on August 7, 2019.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

The following rule-making action is adopted:

Adopt the following **new** subrule 22.2(4):

22.2(4) Preservice substitute authorization. A nonrenewable preservice substitute authorization may be issued to applicants who do not meet the requirements in subrule 22.2(1) but who are enrolled in a state-approved Iowa teacher preparation program.

a. Requirements. Eligible applicants for the preservice substitute authorization shall meet the following requirements:

(1) Recommendation from the designated recommending official at the Iowa institution where the applicant is enrolled as a teacher preparation candidate. The recommending official will verify the following for each applicant:

1. Full admission into a teacher preparation program, which must include passing scores on entry assessments.

2. Junior or senior standing.

3. Exemplary classroom readiness as identified by the teacher preparation program.

(2) Background check. Applicants must complete the background check requirements set forth in rule 282—13.1(272).

(3) Minimum age. Applicants must have attained a minimum age of 21 years.

b. Validity. The preservice substitute authorization is valid for a maximum of two years. Holders of this authorization may not use substituting experience to supplant required field experiences or student teaching. This authorization may not be renewed or extended.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to preservice substitute authorization and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The proposed amendments would create a new preservice substitute authorization to allow certain teacher preparation candidates to serve as substitute teachers.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 12, 2019. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0147
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

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

July 10, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, 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 rule making.

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Adopt the following **new** subrule 22.2(4):

22.2(4) Preservice substitute authorization. A nonrenewable preservice substitute authorization may be issued to applicants who do not meet the requirements in subrule 22.2(1) but who are enrolled in a state-approved Iowa teacher preparation program.

a. Requirements. Eligible applicants for the preservice substitute authorization shall meet the following requirements:

(1) Recommendation from the designated recommending official at the Iowa institution where the applicant is enrolled as a teacher preparation candidate. The recommending official will verify the following for each applicant:

1. Full admission into a teacher preparation program, which must include passing scores on entry assessments.

2. Junior or senior standing.

3. Exemplary classroom readiness as identified by the teacher preparation program.

(2) Background check. Applicants must complete the background check requirements set forth in rule 282—13.1(272).

(3) Minimum age. Applicants must have attained a minimum age of 21 years.

b. Validity. The preservice substitute authorization is valid for a maximum of two years. Holders of this authorization may not use substituting experience to supplant required field experiences or student teaching. This authorization may not be renewed or extended.

ADOPTION MEMO

Date: August 7, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapter 13

This amendment intended to implement 2019 Iowa Acts, Senate File 159, which directs the Iowa Board of Educational Examiners to adopt rules to create a nonrenewable initial one-year license for applicants who have met all licensure requirements with the exception of a passing score on the required assessments.

If adopted, the rule will be filed to become effective as of the date of this memorandum. In order to eliminate the standard publication period, the Board must make a finding that the rule confers a benefit or removes a restriction on the public or some segment thereof. Proposed motion language is set forth below:

“I move that the Board adopt the proposed amendment to 282 Iowa Administrative Code rule 13.6, make a finding that the rule confers a benefit on hiring school districts and potential license candidates by making the license available before the 2019-2020 school year, and deem the rule effective upon filing, per Iowa Code section 17A.5(2)(b).”

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to temporary initial licensure

The Educational Examiners Board hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and 2019 Iowa Acts, Senate File 159.

Purpose and Summary

The amendments implement 2019 Iowa Acts, Senate File 159, which directs the Iowa Board of Educational Examiners to adopt rules to create a nonrenewable initial one-year license for applicants who have met all licensure requirements with the exception of a passing score on the required assessments.

Public Comment

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 9, 2019 as ARC 4502C. A public hearing was held on July 10, 2019. No persons attended the hearing and no comments were received.

Adoption of Rule Making

This rule making was adopted by the Board on August 7, 2019.

Fiscal Impact

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

Jobs Impact

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

Waivers

The required assessment may not be waived except through the process outlined in 2019 Iowa Acts, Senate File 159, section 6.

Review by Administrative Rules Review Committee

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

The following rule-making action is adopted:

Amend rule 282—13.6(272) as follows:

282—13.6(272) Specific requirements for an initial license. An initial license valid for a minimum of two years with an expiration date of June 30 may be issued to an applicant who meets the general requirements set forth in rule 282—13.5(272).

13.6(1) For an applicant applying pursuant to subrule 13.5(1), a nonrenewable temporary initial license may be issued if the applicant presents an assessment waiver issued by the director of the Iowa department of education within 30 days of the waiver issuance. The applicant must meet the assessment requirement in order to apply for full Iowa licensure.

13.6(2) For an applicant applying pursuant to subrule 13.5(2), a nonrenewable temporary initial license may be issued to the applicant if all requirements have been met with the exception of the assessments pursuant to subparagraph 13.5(2)“b”(2). The applicant must meet the assessment requirement in order to apply for full Iowa licensure.

13.6(3) The temporary initial license shall be valid for one year from the date of issuance. This license is nonrenewable and may not be extended. This license may only be issued if the applicant provides an affidavit from the administrator of an Iowa school district or accredited nonpublic school verifying that an offer of a teaching contract has been made and that the employer made every reasonable and good-faith effort to employ a fully licensed teacher for the specified subject and was unable to employ such a teacher.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to temporary initial licensure and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and 2019 Iowa Acts, Senate File 159.

Purpose and Summary

The proposed amendment is intended to implement 2019 Iowa Acts, Senate File 159, which directs the Iowa Board of Educational Examiners to adopt rules to create a nonrenewable initial one-year license for applicants who have met all licensure requirements with the exception of a passing score on the required assessments.

Fiscal Impact

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

Jobs Impact

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

Waivers

The required assessment may not be waived except through the process outlined in 2019 Iowa Acts, Senate File 159, section 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 12, 2019. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0147
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

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

July 10, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, 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 rule making.

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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The following rule-making action is proposed:

Amend rule 282—13.6(272) as follows:

282—13.6(272) Specific requirements for an initial license. An initial license valid for a minimum of two years with an expiration date of June 30 may be issued to an applicant who meets the general requirements set forth in rule 282—13.5(272).

13.6(1) For an applicant applying pursuant to subrule 13.5(1), a nonrenewable temporary initial license may be issued if the applicant presents an assessment waiver issued by the director of the Iowa department of education within 30 days of the waiver issuance. The applicant must meet the assessment requirement in order to apply for full Iowa licensure.

13.6(2) For an applicant applying pursuant to subrule 13.5(2), a nonrenewable temporary initial license may be issued to the applicant if all requirements have been met with the exception of the assessments pursuant to subparagraph 13.5(2)“b”(2). The applicant must meet the assessment requirement in order to apply for full Iowa licensure.

13.6(3) The temporary initial license shall be valid for one year from the date of issuance. This license is nonrenewable and may not be extended. This license may only be issued if the applicant provides an affidavit from the administrator of an Iowa school district or accredited nonpublic school verifying that an offer of a teaching contract has been made and that the employer made every reasonable and good-faith effort to employ a fully licensed teacher for the specified subject and was unable to employ such a teacher.

ADOPTION MEMO

Date: August 7, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapters 9 and 11

These amendments are intended to implement 2019 Iowa Acts, Senate File 304, which eliminates the suspension or revocation of a license issued to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to student loan default

The Educational Examiners Board hereby rescinds Chapter 9, "Student Loan Default/Noncompliance with Agreement for Payment of Obligation," and amends Chapter 11, "Complaints, Investigations, Contested Case Hearings," and Chapter 25, "Code of Professional Conduct and Ethics," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and 2019 Iowa Acts, Senate File 304.

Purpose and Summary

The amendments are intended to implement 2019 Iowa Acts, Senate File 304, which eliminates the suspension or revocation of a license issued to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

Public Comment

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 9, 2019 as ARC 4503C. A public hearing was held on July 10, 2019. No persons attended the hearing and no comments were received.

Adoption of Rule Making

This rule making was adopted by the Board on August 7, 2019.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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The following rule-making actions are adopted:

ITEM 1. Rescind and reserve **282—Chapter 9**.

ITEM 2. Amend subparagraph **11.4(1)“e”(1)** as follows:

(1) The executive director receives information that a practitioner:

1. to 7. No change.

8. Has failed to comply with a board order as prohibited by 282—paragraph ~~25.3(7)“d”~~25.3(7)“c”; and

ITEM 3. Amend subrule 25.3(7) as follows:

25.3(7) Standard VII—compliance with state law governing obligations to state or local governments, ~~student loan obligations~~, child support obligations, and board orders. Violation of this standard includes:

a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.

~~*b.* Failing to comply with 282—Chapter 9 concerning repayment of student loans.~~

~~*e- b.*~~ Failing to comply with 282—Chapter 10 concerning child support obligations.

~~*d- c.*~~ Failing to comply with a board order.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

**Proposing rule making related to student loan default
and providing an opportunity for public comment**

The Educational Examiners Board hereby proposes to rescind Chapter 9, “Student Loan Default/Noncompliance with Agreement for Payment of Obligation,” and to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” and Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and 2019 Iowa Acts, Senate File 304.

Purpose and Summary

The proposed amendments are intended to implement 2019 Iowa Acts, Senate File 304, which eliminates the suspension or revocation of a license issued to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 12, 2019. Comments should be directed to:

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Board of Educational Examiners
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400 East 14th Street
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Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

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

July 10, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, 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 rule making.

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve **282—Chapter 9**.

ITEM 2. Amend subparagraph **11.4(1)“e”(1)** as follows:

(1) The executive director receives information that a practitioner:

1. to 7. No change.

8. Has failed to comply with a board order as prohibited by 282—paragraph ~~25.3(7)“d”~~ 25.3(7)“c”; and

ITEM 3. Amend subrule 25.3(7) as follows:

25.3(7) Standard VII—compliance with state law governing obligations to state or local governments, ~~student loan obligations~~, child support obligations, and board orders. Violation of this standard includes:

a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.

~~*b.* Failing to comply with 282—Chapter 9 concerning repayment of student loans.~~

~~*c.*~~ *b.* Failing to comply with 282—Chapter 10 concerning child support obligations.

~~*c.*~~ *d.* Failing to comply with a board order.

ADOPTION MEMO

Date: August 7, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Multiple Chapters

These amendments are intended to implement 2019 Iowa Acts, House File 731, which amends Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse identification and reporting training requirements.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to abuse identification and reporting training and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 15, "Special Education Support Personnel Authorizations," Chapter 19, "Evaluator Endorsement and License," Chapter 20, "Renewals," Chapter 22, "Authorizations," Chapter 23, "Behind-the-Wheel Driving Instructor Authorization," and Chapter 24, "Paraeducator Certificates," Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and sections 232.69 and 235B.16 as amended by 2019 Iowa Acts, House File 731.

Purpose and Summary

The proposed amendments are intended to implement 2019 Iowa Acts, House File 731, which amends Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse identification and reporting training requirements.

Public Comment

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 9, 2019 as ARC 4501C. A public hearing was held on July 10, 2019. No persons attended the hearing and no comments were received.

Adoption of Rule Making

This rule making was adopted by the Board on August 7, 2019.

Fiscal Impact

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

Jobs Impact

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

Waivers

Training requirements for mandatory reporters are set forth in Iowa Code sections 232.69 and 235B.16 and therefore cannot be waived.

Review by Administrative Rules Review Committee

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

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **15.7(6)“d”(2)** as follows:

(2) Submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

- ~~1.—A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~2.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~3.—A person is practicing a licensed profession outside this state.~~
- ~~4.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 2. Amend subrule 19.8(1) as follows:

19.8(1) *Child and dependent adult abuse ~~training~~ trainings*. All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:~~

- ~~a.—A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~b.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~c.—A person is practicing a licensed profession outside this state.~~
- ~~d.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 3. Amend subrule 20.3(4), introductory paragraph, as follows:

20.3(4) *Child and dependent adult abuse ~~training~~ trainings*. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the ~~state abuse education review panel~~ department of human services. The completion documentation must be no more than three years old at the time of application. A waiver of this

requirement may apply under the following conditions with appropriate documentation of any of the following:

ITEM 4. Amend subparagraph **22.1(4)“a”(3)** as follows:

(3) Complete child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~This certification~~ These trainings combined may be used for a ~~maximum total~~ of one planned activity/course required in 22.1(4)“a”(1). A waiver of this requirement may apply if a person is engaged in active duty in the military service of this state or of the United States.

ITEM 5. Amend subparagraph **22.1(7)“b”(4)** as follows:

(4) Successful completion of an ~~approved~~ the child and dependent adult abuse ~~mandatory reporter training course~~ trainings pursuant to 282—subrule 20.3(4).

ITEM 6. Amend subparagraph **22.2(1)“c”(2)** as follows:

(2) Child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

1. A person is engaged in active duty in the military service of this state or of the United States.
2. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.
3. A person is practicing a licensed profession outside this state.
4. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.
5. The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.

ITEM 7. Amend paragraph **22.3(7)“b”** as follows:

b. Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

- (1) The person is engaged in active duty in the military service of this state or of the United States.
- (2) The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.
- (3) The person is practicing in a licensed profession outside this state.
- (4) The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse mandatory reporter training in this state.
- (5) The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.

ITEM 8. Amend subparagraph **22.7(7)“b”(2)** as follows:

(2) Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

~~1. The person is engaged in active duty in the military service of this state or of the United States.~~

~~2. The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 9. Amend subrule 23.5(3) as follows:

23.5(3) ~~Effective September 1, 2002, the child Child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

~~a. The person is engaged in active duty in the military service of this state or of the United States.~~

~~b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~c. The person is practicing a licensed profession outside this state.~~

~~d. The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

~~e. The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 10. Amend subrule 24.6(2) as follows:

24.6(2) ~~All applicants renewing a paraeducator certificate must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

~~a. A person is engaged in active duty in the military service of this state or of the United States.~~

~~b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~c. A person is practicing a licensed profession outside this state.~~

~~d. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to abuse identification and reporting training and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 15, “Special Education Support Personnel Authorizations,” Chapter 19, “Evaluator Endorsement and License,” Chapter 20, “Renewals,” Chapter 22, “Authorizations,” Chapter 23, “Behind-the-Wheel Driving Instructor Authorization,” and Chapter 24, “Paraeducator Certificates,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and sections 232.69 and 235B.16 as amended by 2019 Iowa Acts, House File 731.

Purpose and Summary

The proposed amendments are intended to implement 2019 Iowa Acts, House File 731, which amends Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse identification and reporting training requirements.

Fiscal Impact

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

Jobs Impact

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

Waivers

Training requirements for mandatory reporters are set forth in Iowa Code sections 232.69 and 235B.16 and therefore cannot be waived.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 12, 2019. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

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

July 10, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, 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 rule making.

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. Amend subparagraph **15.7(6)“d”(2)** as follows:

(2) ~~Submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

1. ~~A person is engaged in active duty in the military service of this state or of the United States.~~
2. ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
3. ~~A person is practicing a licensed profession outside this state.~~
4. ~~A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 2. Amend subrule 19.8(1) as follows:

19.8(1) ~~*Child and dependent adult abuse training trainings.*~~ All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:~~

- a. ~~A person is engaged in active duty in the military service of this state or of the United States.~~
- b. ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- c. ~~A person is practicing a licensed profession outside this state.~~
- d. ~~A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 3. Amend subrule 20.3(4), introductory paragraph, as follows:

20.3(4) ~~*Child and dependent adult abuse training trainings.*~~ Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the ~~state abuse education review panel~~ department of human services. ~~The completion documentation must be no more than three years old at the time of application.~~ A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

ITEM 4. Amend subparagraph **22.1(4)“a”(3)** as follows:

(3) Complete child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~This certification~~

These trainings combined may be used for a maximum total of one planned activity/course required in 22.1(4)“a”(1). A waiver of this requirement may apply if a person is engaged in active duty in the military service of this state or of the United States.

ITEM 5. Amend subparagraph **22.1(7)“b”(4)** as follows:

~~(4) Successful completion of an approved the child and dependent adult abuse mandatory reporter training course trainings pursuant to 282—subrule 20.3(4).~~

ITEM 6. Amend subparagraph **22.2(1)“c”(2)** as follows:

~~(2) Child and dependent adult abuse training trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

- ~~1.—A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~2.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~3.—A person is practicing a licensed profession outside this state.~~
- ~~4.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~
- ~~5.—The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 7. Amend paragraph **22.3(7)“b”** as follows:

~~b. Child and dependent adult abuse mandatory reporter training trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:~~

- ~~(1) The person is engaged in active duty in the military service of this state or of the United States.~~
- ~~(2) The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~(3) The person is practicing in a licensed profession outside this state.~~
- ~~(4) The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse mandatory reporter training in this state.~~
- ~~(5) The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 8. Amend subparagraph **22.7(7)“b”(2)** as follows:

~~(2) Child and dependent adult abuse mandatory reporter training trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:~~

- ~~1.—The person is engaged in active duty in the military service of this state or of the United States.~~
- ~~2.—The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 9. Amend subrule 23.5(3) as follows:

~~**23.5(3)** Effective September 1, 2002, the child Child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

- ~~a.—The person is engaged in active duty in the military service of this state or of the United States.~~

~~*b.*—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~*c.*—The person is practicing a licensed profession outside this state.~~

~~*d.*—The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

~~*e.*—The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 10. Amend subrule 24.6(2) as follows:

24.6(2) All applicants renewing a paraeducator certificate must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

~~*a.*—A person is engaged in active duty in the military service of this state or of the United States.~~

~~*b.*—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~*c.*—A person is practicing a licensed profession outside this state.~~

~~*d.*—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to required reports of misconduct and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in 2019 Iowa Acts, House File 637.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 637.

Purpose and Summary

The proposed amendment is intended to implement 2019 Iowa Acts, House File 637, which states that required reports of misconduct under Iowa Code section 272.15 shall be submitted within 30 days of the disciplinary action or awareness of misconduct that necessitated the report. The Board’s administrative rules currently have a 60-day timeline for the reporting of disqualifying criminal convictions and no required timeline for reporting of disciplinary actions based on the four behavior areas enumerated in Iowa Code section 272.15(1)“a”(1). The proposed amendment provides a clear 30-day timeline for all required reports of misconduct to the Board.

Fiscal Impact

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

Jobs Impact

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

Waivers

No waivers of the 30-day timeline are allowed because the timeline is required by statute pursuant to 2019 Iowa Acts, House File 637.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 23, 2019. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0147
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

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

August 21, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, 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 rule making.

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend rule 282—11.37(272) as follows:

282—11.37(272) Mandatory reporting of contract nonrenewal or termination or resignation based on allegations of misconduct. The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board any instance of disciplinary action taken against a person who holds a license, certificate, or authorization issued by the board for conduct that would constitute a violation of 282—subparagraph 25.3(1)“e”(4), subrule 25.3(2), paragraph 25.3(3)“e,” or paragraph 25.3(4)“b.” In addition, the board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under Iowa Code sections 279.12, 279.13, 279.15 ~~through 279.21~~, 279.16, 279.18 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of 282—subparagraph 25.3(1)“b”(1), subparagraph 25.3(1)“e”(4), subrule 25.3(2), paragraph 25.3(3)“e,” or paragraph 25.3(4)“b,” when the board or reporting official has a good-faith belief that the incident occurred or the allegation is true.

11.37(1) Method of reporting. The report required by this rule may be made by completion and filing of the complaint form described in subrule 11.4(2) or by the submission of a letter to the executive director of the board which includes:

- a. ~~the~~ The full name, address, telephone number, title and signature of the reporter;
- b. ~~the~~ The full name, address, and telephone number of the person who holds a license, certificate or authorization issued by the board;
- c. ~~a~~ A concise statement of the circumstances under which the termination, nonrenewal, or resignation occurred;
- d. The date action was taken which necessitated the report, including the date of disciplinary action taken, nonrenewal or termination of a contract for reasons of alleged or actual misconduct, or resignation of a person following an incident or allegation of misconduct as required under Iowa Code section 272.15(1), or awareness of alleged misconduct as required under Iowa Code section 272.15(2); and

e. ~~any~~ Any additional information or documentation which the reporter believes will be relevant to assessment of the report pursuant to subrule 11.37(4).

11.37(2) *Timely reporting required.* The report required by this rule shall be filed within ~~60~~ 30 days ~~of the date of local board action on the termination or resignation~~ of the date action was taken which necessitated the report or within 30 days of an employee becoming aware of the alleged misconduct under Iowa Code section 272.15(2).

11.37(3) *Confidentiality of report.* Information reported to the board in accordance with this rule is privileged and confidential, and, except as provided in Iowa Code section 272.13, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline.

11.37(4) *Action upon receipt of report.*

a. Upon receipt of a report under this rule, the executive director of the board shall review the information reported to determine whether a complaint investigation should be initiated.

b. In making this determination, the executive director shall consider the nature and seriousness of the reported misconduct in relation to the position sought or held, the time elapsed since the misconduct, the degree of rehabilitation, the likelihood that the individual will commit the same misconduct again, and the number of reported incidents of misconduct.

c. If the executive director determines a complaint should not be initiated, no further formal action will be taken and the matter will be closed.

d. If the executive director determines a complaint investigation should be initiated, the executive director shall assign the matter for investigation pursuant to rule 282—11.5(272).

11.37(5) *Proceedings upon investigation.* From the time of initiation of an investigation, the matter will be processed in the same manner as a complaint filed under rule 282—11.4(17A,272).

Date: August 7, 2019

To: Board Members

From: Darcy Hathaway

Re: Reminders regarding petitions for waiver

The administrative rule that sets forth the criteria you must consider in deciding whether to grant a petition for waiver is as follows:

282—6.4(17A) Criteria for waiver or variance. In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

The Board must find **all four factors** exist in a given case in order to grant the petition for waiver. Therefore, discussion of the petition should focus on the four factors listed in the rule, address them individually, and conclude with a finding on each one.

The attached summary has been prepared by Board staff to aid in your discussion, and any recommendations it may contain are not binding.

Petition for Waiver

Name: Roderick Wade

License: Folder # 1049695

Wade's application for an administrator exchange license was denied on July 24, 2019.

Reason for Waiver: Wade has accepted an Executive Director position with the College Community School District in Cedar Rapids. His application for an administrator exchange license was denied because he has not completed a teacher preparation program or a professional service program, and because he had not verified three years of teaching or school counseling experience while holding a valid license in the relevant state.

Rule Citation:

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

18.4(1) Eligibility for applicants who have completed a teacher preparation program.

Applicants for the administrator license must first comply with the requirements for all Iowa practitioners set out in 282—Chapter 13.

[Chapter 13 requires completion of a teacher preparation program—see rule 13.5(1)(b).]

282—18.9(1)(c) Other.

(1) The applicant must have had three years of teaching experience at the early childhood through grade twelve level while holding a valid license or have had six years of teaching and administrative experience while holding a valid license, provided that at least two years are teaching experience.

Staff recommendation: Deny

Rationale: In PFW 16-13, the Board denied a similar waiver request from a petitioner who *had* completed a teacher preparation program, but the program was not regionally accredited. The Board found that enforcement of the rule did not pose an undue hardship under the circumstances presented in the petition, and that granting the waiver could substantially prejudice the rights of in-state applicants, because the requirement for completion of an accredited teacher preparation program for in-state applicants is in statute and cannot be waived.