

Red Tape Review Rule Report (Due: September 1, 2024)

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|-------------------------|--------------------------------|--------------------------------------|--|--|--------------|
| Department Name: | Board of Educational Examiners | Date: | 07/08/2024 | Total Rule Count: | 3 |
| IAC #: | 282 | Chapter/ SubChapter/ Rule(s): | Chapter 7 | Iowa Code Section Authorizing Rule: | 256.146 |
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This chapter outlines a uniform process for applicants and licensees of the board of educational examiners to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

Is the benefit being achieved? Please provide evidence.

Yes – we ask for proof of legal presence.

What are the costs incurred by the public to comply with the rule?

No costs.

What are the costs to the agency or any other agency to implement/enforce the rule?

No costs.

Do the costs justify the benefits achieved? Please explain.

No costs.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

This chapter outlines a uniform process for applicants and licensees of the board of educational examiners to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes – most language has been eliminated and replaced by references

RULES PROPOSED FOR REPEAL (list rule number[s]):

7.1 to 7.3

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 7
PROOF OF LEGAL PRESENCE

282—7.1(256) Purpose. This chapter outlines a uniform process for applicants and licensees of the board of educational examiners to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

282—7.2(256) Applicability.

7.2(1) Applicants and licensees who are U.S. citizens or permanent resident aliens may be requested to produce evidence of their lawful presence in the United States as a condition of initial licensure or license renewal.

7.2(2) Applicants and licensees residing in the United States, other than those described in subrule 7.2(1) above, may be requested to provide evidence of lawful presence in the United States at the time of initial licensure and with every subsequent renewal.

7.2(3) Evidence will not be required by foreign national applicants or licensees who are not physically present in the United States.

282—7.3(256) Acceptable evidence. The board will accept as proof of lawful presence in the United States any acceptable document which establishes a U.S. place of birth or indicates U.S. citizenship or naturalization, or any documentation acceptable under the INA to establish alien status. Legible copies of documents will be accepted. Original documents will not be required unless a question arises concerning the documentation submitted.

These rules are intended to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

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| Total number of rules repealed: | 0 |
| Proposed word count reduction after repeal and/or re-promulgation | 723 |
| Proposed number of restrictive terms eliminated after repeal and/or re-promulgation | 2 |

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None

