

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

Department Name:	Board of Educational Examiners	Date:	07/08/2024	Total Rule Count:	0
IAC #:	282	Chapter/ SubChapter/ Rule(s):	Chapter 9	Iowa Code Section Authorizing Rule:	256.146
Contact Name:	Joanne Tubbs	Email:	joanne.tubbs@iowa.gov	Phone:	515.281.3611

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Background check and general license issuance rules

Is the benefit being achieved? Please provide evidence.

Background check and general license issuance rules are required for all applicants.

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

Background check fees set by other agencies.

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

Staff time to run background checks.

Do the costs justify the benefits achieved? Please explain.

Yes – background checks are imperative for the health and safety of students and are required by code.

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.

Background checks are imperative for the health and safety of students and are required by code.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

No

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

Repealing rules from chapters 13, 18, 22, and 27 and listing them in one chapter to eliminate redundancies

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

CHAPTER 9
BACKGROUND CHECKS AND ISSUANCE

282—9.1(256) Background checks. Licenses, authorizations, certificates, and statements of professional recognition are issued upon application filed with the board of educational examiners and upon completion of the following:

9.1(1) *National criminal history background check.* An initial applicant will be required to complete fingerprinting for a national criminal history background check.

9.1(2) *Iowa division of criminal investigation background check.* An Iowa division of criminal investigation (DCI) background check will be conducted on initial applicants.

9.1(3) *Registries and records check.* A check of the following registries and records will be conducted on initial applicants: the sex offender registry under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the information in the Iowa court information system available to the general public.

282—9.2(256) Renewals. Every applicant for renewal or conversion is required to submit a completed application with the applicant's signature to facilitate a check of the sex offender registry information under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the Iowa court information system.

282—9.3(256) Fees. Fees for all background check processes will be assessed to the applicant.

282—9.4(256) Temporary Permits. The executive director may issue a temporary permit to an applicant after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check and registries and records check set forth in paragraphs 9.1(2) and 9.1(3). The temporary permit will expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

282—9.5(256) Issue and expiration dates, corrections, and fraud.

9.5(1) *Issue and expiration dates on original license.* A license is valid only from and after the date of issuance. Licenses, authorizations, certificates, and statements of professional recognition will expire on the last day of the practitioner's birth month after the term of the license unless otherwise specified. If the expiration date is changed by rule, the change may be retroactive.

9.5(2) Correcting licenses. If a licensee notifies board staff of a typographical or clerical error on the license within 30 days of the date of the board’s issuance of a license, a corrected license will be issued without charge to the licensee.

9.5(3) Fraud in procurement or renewal of licenses. Fraud in procurement or renewal of a license or falsifying records for licensure purposes will constitute grounds for filing a complaint with the board of educational examiners.

282—9.6(256) Degrees and Coursework. Required degrees and college semester hour coursework will be earned through a college or university accredited by an institutional accrediting agency as recognized by the U.S. Department of Education. Licenses require the completion of a program that is approved for state licensure.

282—9.7(256) Reciprocity. Reciprocity will be granted pursuant to Iowa Code sections 256.152 and 272C.12. Endorsements will be granted based on comparable Iowa endorsements, and endorsement requirements may be waived in order to grant the most comparable endorsement.

These rules are intended to implement Iowa Code chapter 256.

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

METRICS

Total number of rules repealed:	5
Proposed word count reduction after repeal and/or re-promulgation	420
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	12

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

None