

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	May 30, 2023	Total Rule Count:	5
IAC #:	281	Chapter/ SubChapter/ Rule(s):	84	Iowa Code Section Authorizing Rule:	256.44
Contact Name:	Thomas Mayes	Email:	thomas.mayes@iowa.gov	Phone:	515-281-8661

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This rule chapter is intended to provide support to classroom teachers participating in the National Board Certification process.

Is the benefit being achieved? Please provide evidence.

Yes. During the most recent year, the State was able to provide support to approximately 350 Iowa teachers who are dedicating to improving their practice.

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

No costs to members of the public. There are administrative costs to teachers and the Department to comply with the rules; however, the costs are, for the most part, required by the underlying statute.

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

There is no enforcement cost to the rules, other than what would be required by statute.

Do the costs justify the benefits achieved? Please explain.

Yes. These rules and the underlying statute provide support to teachers interested in becoming more effective.

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 rule is required by statute. The Department has sought to simplify the rules text, as noted below, including deleting matter that adequately addressed through the application process.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Several of the rules recite statutory text or are obsolete.

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

Current rule 84.1 is surplus. Current subrule 84.3(4) is obsolete because the issue is adequately addressed through the application process.

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

The chapter contains four proposed rules (see attached).

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

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	466
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	24

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

None noted.

Proposed Chapter 84

CHAPTER 84 FINANCIAL INCENTIVES FOR NATIONAL BOARD CERTIFICATION

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

“A person who 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.

“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 (NBC)” is a nationwide certification program administered by the National Board for Professional Teaching Standards.

“National Board for Professional Teaching Standards (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.

“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 administers a registration fee reimbursement program in each year for which the legislature appropriates funds.

84.2(1) Eligibility. Teachers seeking reimbursement under this rule apply to the department within one year of registration with NBPTS and meet all of the following qualifications. The individual has all qualifications required by NBPTS for application for certification; is a teacher employed by a school district in Iowa and receives a salary as a classroom teacher; completes the department’s application process, which includes verifying NBC registration; and has not received reimbursement from this program at any previous time.

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

a. Initial registration fee reimbursement. Each eligible teacher receives 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 is 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, all eligible teachers who apply under this rule receive registration fee reimbursement. However, in any fiscal year the number of eligible teachers that apply for the reimbursement exceeds the funds available, the department prorates 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 qualifies 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 exceed 1,100 individuals, the department prorates 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 receive an award prorated to reflect the type of contract (i.e., 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 meet all of the following qualifications. The individual is a teacher who has attained NBC certification; is employed by a school district in Iowa and receives a salary as a classroom teacher; completes the department’s annual application process, in a manner prescribed by the department; has received no more than ten annual awards, including the annual award currently sought; and 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 submits an application verifying eligibility for an

NBC award to the department by May 1. The department issues 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 must be in writing, signed and notarized; contain a short and plain statement of the reasons for appeal; based on a contention that the process was conducted outside statutory authority or violated state or federal law, regulation or rule; and 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 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.