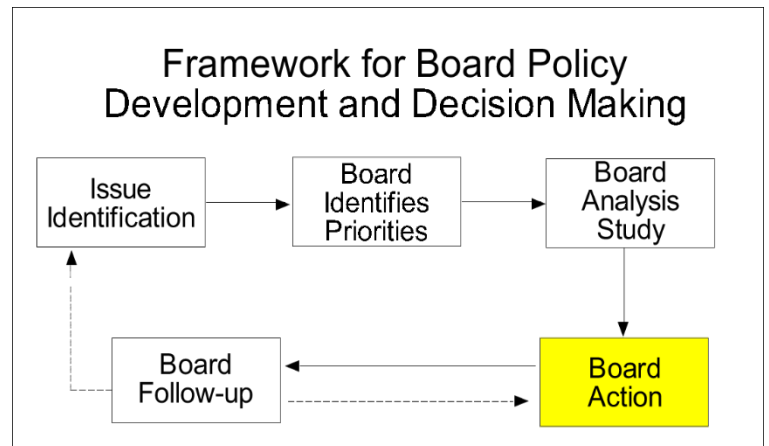


Iowa State Board of Education

Executive Summary

November 15, 2023



Agenda Item: Rules: 281 IAC Chapter 25 – “Pathways for Academic Career and Employment Program; Gap Tuition Assistance Program” (Notice of Intended Action)

State Board Priority: Preparing Learners for Tomorrow’s Workforce

State Board Role/Authority: This rule making is proposed under the authority provided in Iowa Code sections 260H.8 and 260I.11.

Presenter(s): Thomas A. Mayes, General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 25.

Background: This rulemaking is directed by Executive Order 10. After review and regulatory analysis, the Department identified many instances of overly restrictive language and language that duplicates statutory text verbatim. The proposed rulemaking eliminates that language.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to rescind and re-adopt Chapter 25, “Pathways for Academic Career and Employment Program; Gap Tuition Assistance Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 260H.8 and 260I.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 260H and 260I.

Purpose and Summary

This rulemaking is directed by Executive Order 10. After review and regulatory analysis, the Department identified many instances of overly restrictive language and language that duplicates statutory text verbatim. The proposed rulemaking eliminates that language.

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 Department for a waiver of the discretionary provisions, if any, pursuant to Chapter 281—4.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 4, 2024. Comments should be directed to:

Thomas A. Mayes
Iowa Department of Education
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319
thomas.mayes@iowa.gov
515-281-8661

Public Hearing

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

Hearing 1: January 3, 2024, from 1:00 to 1:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

Hearing 2: January 4, 2024, from 9:00 to 9:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

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 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 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 rulemaking action proposed:

ITEM 1. Rescind 281—Chapter 25 and adopt the following **new** chapter in lieu thereof:

CHAPTER 25

PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM; GAP

TUITION ASSISTANCE PROGRAM

DIVISION I GENERAL PROVISIONS

281—25.1(260H,260I) Definitions.

“Department” means the Iowa department of education.

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

“Dislocated worker” means an individual eligible for services and benefits under the federal Trade Adjustment Act of 2002, P.L. 107-210. To be eligible, an individual must meet both criteria 1 and 2, plus any one of criteria 3 through 8:

1. The individual is registered for the selective service, if applicable; and
2. The individual is a citizen or national of the United States, a lawfully admitted permanent resident alien, a lawfully admitted refugee or parolee or an individual authorized by the Attorney General to work in the United States.
3. The individual:
 - Has been laid off or terminated, and
 - Is eligible for or has exhausted entitlement to unemployment compensation, and
 - Is unlikely to return to the individual’s previous industry or occupation; or

4. The individual:

- Is in receipt of a notice of layoff or termination from employment, and
- Will be entitled to unemployment compensation at the time of layoff or termination, and
- Is unlikely to return to the individual's previous industry or occupation; or

5. The individual:

- Has been laid off or terminated, or has received a termination notice, and
- Has been employed for a duration of time to sufficiently demonstrate

attachment to the workforce, and

- Is not eligible for unemployment compensation due to insufficient earnings, or has performed services for an employer not covered under the unemployment compensation law, and

- Is unlikely to return to the individual's previous industry or occupation; or

6. The individual has been laid off or terminated, or has received notice of layoff or termination, as a result of a permanent closure of or any substantial layoff at a plant, facility or enterprise; or

7. The individual was formerly self-employed and is unemployed from the individual's business;

or

8. The individual:

- Is a displaced homemaker who has been providing unpaid services to family members in the

home, and

- Has been dependent on the income of another family member, and is no longer supported by that income, and

- Is unemployed or underemployed, and
- Is experiencing difficulty in obtaining or upgrading employment.

“Federal poverty level” means the most recently revised poverty income guidelines published by the federal Department of Health and Human Services.

“IWD” means the Iowa workforce development department.

“Low skilled” means an adult individual who is basic skills deficient, has lower level digital literacy skills, has an education below a high school diploma, or has a low level of educational attainment that inhibits the individual’s ability to compete for skilled occupations that provide opportunity for a self-sufficient wage.

“State board” means the Iowa state board of education.

“Underemployed” means an adult individual who is working less than 30 hours per week, or who is employed any number of hours per week in a job that is substantially below the individual’s skill level and that does not lead to self-sufficiency.

“Unemployed” means an adult individual who is involuntarily unemployed and is actively engaged in seeking employment.

DIVISION II

PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT (PACE) PROGRAM

281—25.2(260) PACE program. The pathways for academic career and employment program (hereinafter referred to as PACE) is established to provide funding to community colleges for the development of projects that will lead to gainful, quality, in-state employment for members of target populations by providing them with both effective

academic and employment training to ensure gainful employment and customized support services.

25.2(1) *Target populations.* Individuals included in target populations are those individuals who meet one or more of the following:

- a. Are deemed by definition to be low skilled.
- b. Earn incomes at or below 250 percent of the federal poverty level.
- c. Are unemployed.
- d. Are underemployed.
- e. Are dislocated workers.

25.2(2) *Eligibility criteria for projects.* Projects eligible for funding for PACE are to be projects that further the ability of members of target populations to secure gainful, quality employment; that further partnerships linking community colleges to industry and nonprofit organizations; and that further the following program outcomes:

- a. Enabling members of the target populations to:
 - (1) Acquire and demonstrate competency in basic skills.
 - (2) Acquire and demonstrate competency in a specified technical field.
 - (3) Complete a specified level of postsecondary education.
 - (4) Earn a national career readiness certificate.
 - (5) Obtain employer-validated credentials.
 - (6) Secure gainful employment in high-quality, local jobs.
- b. Meeting economic and employment goals, including:
 - (1) Economic and workforce development requirements in each region served by the

community colleges as defined by local advisory boards established pursuant to Iowa Code

section 84A.4.

(2) Needs of industry partners in areas including but not limited to the fields of information technology, health care, advanced manufacturing, transportation and logistics, and any other industry designated as in-demand by a local advisory board established pursuant to Iowa Code section 84A.4.

281—25.3(260H) Program component requirements. Program components for a PACE project implemented at a community college are to meet the terms of Iowa Code section 260H.5.

281—25.4(260H) Pipeline program. Each community college receiving funding for PACE is to meet the terms of Iowa Code section 260H.6.

281—25.5(260H) Career pathways and bridge curriculum development program. Each community college receiving funding for PACE is to meet the terms of Iowa Code section 260H.7.

281—25.6(260H) Pathway navigators. A community college may use moneys for the PACE program to employ pathway navigators to assist students as specified in Iowa Code section 260H.7A.

DIVISION III

GAP TUITION ASSISTANCE PROGRAM

281—25.7(260I) Gap Tuition Assistance program. A gap tuition assistance program is established to provide funding to community colleges for need-based tuition assistance to enable applicants to complete continuing education certificate training programs for in-demand occupations.

25.7(1) Applicants for tuition assistance. Eligibility for tuition assistance will be based on financial need. Eligibility criteria are set forth in Iowa Code sections 260I.3 and 260I.4.

25.7(2) Eligible costs. Costs of an eligible certificate program are set forth in Iowa Code section 260I.5.

25.7(3) Eligible certificate programs. For the purposes of this division, “eligible certificate program” means a program satisfying the criteria in Iowa Code section 260I.6.

281—25.8(260I) Initial assessment. An eligible applicant for tuition assistance under this division is subject to an initial assessment administered by the community college pursuant to Iowa Code section 260I.7. In assessing an applicant under this division, a community college will use the national career readiness certificate; an assessment eligible under the Adult Education and Family Literacy Act, 20

U.S.C. Ch. 73, and approved by the department for use in an adult education and literacy program; or an established process utilizing valid measures for determining preparedness for the eligible certificate program, which may include processes for measuring academic preparedness used by the community college for placement of students into credit coursework.

281—25.9(260I) Program interview. An eligible applicant for tuition assistance under this division is subject to an initial interview with the gap tuition assistance coordinator for the community college receiving the application. This interview is subject to the provision of Iowa Code section 260I.8.

281—25.10(260I) Participation requirements. Participating individuals are subject to the provisions of Iowa Code section 260I.9.

281—25.11(260I) Oversight. Statewide oversight, evaluation, and reporting efforts for the

gap tuition assistance program are coordinated by the department pursuant to the terms of Iowa Code section 260I.10.

25.11(1) A steering committee consisting of the Iowa department of education, the Iowa workforce development department, and community college continuing education deans and directors is established to determine if the performance measures of the gap tuition assistance program are being met and to correct any deficiencies. The steering committee will meet at least quarterly to evaluate and monitor the performance of the gap tuition assistance program.

25.11(2) A common intake tracking system is established pursuant to Iowa Code section 260I.10(2). **25.11(3)** The steering committee will develop the required program criteria for PACE and gap tuition assistance-certified programs to be eligible for tuition assistance and program funding. These criteria will be developed based on best practices in the development and delivery of career pathway programs that provide a clear sequence of education coursework and credentials aligned with regional workforce skill needs; clearly articulate from one level of instruction to the next; combine occupational skills and remedial adult education; lead to the attainment of a credential or degree; assist with job placement; and provide wraparound social and socioeconomic support services with the goal of increasing the individual's skills attainment and employment potential.

25.11(4) To ensure efficient delivery of services, the department, in consultation with the community colleges, may redistribute funds available to the community colleges for purposes of this division.

These rules are intended to implement Iowa Code chapters 260H and 260I.