

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

Department Name:	Education	Date:	7/28/2023	Total Rule Count:	19
IAC #:	281	Chapter/ SubChapter/ Rule(s):	25	Iowa Code Section Authorizing Rule:	260H.8 260I.11
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Note: One rule in this chapter (current rule 281—25.18) has been transferred to Iowa Workforce Development under Senate File 514. The Department of Education has completed this Red Tape Review, as required by Executive Order 10. Iowa Workforce Development may have a different approach or make different proposals as it administers this rule chapter. The Department of Education will provide any necessary technical assistance during this transition.

What is the intended benefit of the rule?

This rule is intended to benefit lowans by providing services and supports to increase employability, especially for in-demand occupations.

Is the benefit being achieved? Please provide evidence.

Yes. In most recent monitoring year, 1,612 lowans completed a credential under this chapter, with the five most common credentials being Nursing Assistant/Aide and Patient Care Assistant/Aide; Truck and Bus Driver/Commercial Vehicle Operator and Instructor; Occupational Safety and Health Technology; Electrician 115; and Dog/Pet/Animal Grooming.

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

There are data reporting, assessment, and recordkeeping costs associated with this rule. The appropriation for PACE was \$5 million and for Gap Tuition Assistance was \$2 million.

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

The Department defrayed the costs of administering this rule with its state appropriation.

Do the costs justify the benefits achieved? Please explain.

Yes. This rule implements requirements and helps ensure state funds are wisely spent to support eligible lowans.

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.

Iowa Code requires rules. The Department of Education proposes removing language that duplicates state and federal statutes and regulations, that is obsolete, and that is unnecessarily restrictive.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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

Yes. This language has been removed throughout the chapter.

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

25.1 (not necessary)
 25.12, 25.13 (consolidated with another rule)
 25.21, 25.22, 25.23 (consolidated with another rule)
 25.28 (consolidated with another rule)

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

See attached.
 Current rule 25.18 (below as 25.XXX) has been transferred to Iowa Workforce Development. The text in proposed rule 25.XXX is offered for IWD’s consideration.

METRICS

Total number of rules repealed:	7
Proposed word count reduction after repeal and/or re-promulgation	1,809
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	41

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

None noted.

Proposed new Chapter 281—25

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. 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:

1. Are deemed by definition to be low skilled.
2. Earn incomes at or below 250 percent of the federal poverty level.
3. Are unemployed.
4. Are underemployed.
5. 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 regional 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 regional 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 are to meet the terms of Iowa Code section 260H.5.

281—25.4(260H) Pipeline program. Each community college receiving funding for PACE are 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 are 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.

281—25.XXX(260H) Regional industry sector partnerships. A community college may use moneys under this chapter to provide staff and support for the development and implementation of regional industry sector partnerships pursuant to Iowa Code section 260I.4.

DIVISION III
GAP TUITION ASSISTANCE PROGRAM

281—25.7(260I) General. 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 shall be based on financial need. Eligibility criteria are set forth in Iowa Code sections 256I.3 and 256I.4.

25.7(2) Eligible costs. Costs of a certificate program eligible 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 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 shall 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 shall 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, subsection 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.