

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 661—91.1(724), 661—91.2(724), 91.4(1)“b,” 91.5(1), 91.7(1), 661—91.10(724) to 661—91.19(724), 661—121.2(80A), and 661—121.25(80A)
“Training Requirements for Educator Professional Permit to Carry Weapons”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 724.6 as amended by 2024 Iowa Acts, House File 2652
State or federal law(s) implemented by the rulemaking: Iowa Code section 724.6 as amended by 2024 Iowa Acts, House File 2652

Public Hearing

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

July 2, 2024
8 to 8:30 a.m.

First Floor Public Conference Room 125
Oran Pape State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

This proposed rulemaking establishes training and curriculum requirements for a school employee to obtain an educator professional permit to carry a weapon on school grounds in accordance with 2024 Iowa Acts, House File 2652. This rulemaking includes an outline of requirements for persons or organizations interested in providing training(s) to be approved by the Department. Additionally, this rulemaking sets forth the requirement for a private school security officer who is employed or retained by a school district to participate in annual and quarterly firearms training.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
School districts and permit holders who choose to apply for an educator professional permit will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
School districts and school employees interested in applying for an educator professional permit will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
School districts and permit holders who choose to seek an educator professional permit will bear the cost of approved training in order to qualify. Private school security officers and their employing school districts will also be responsible for the cost of required training.
 - Qualitative description of impact:

This rulemaking establishes the framework for training requirements school staff must meet in order to qualify for an educator professional permit. Persons or organizations interested in providing training(s) can also find information on the necessary training obligations.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department will utilize the additional full-time equivalent (FTE) position provided under 2024 Iowa Acts, House File 2693, to review and approve training plans and documentation.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The Iowa Code directs the Department to adopt rules to establish training requirements for a school employee to obtain an educator professional permit. Without rules in place, staff will be unable to apply for a permit.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None were identified.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definitions of “Annual,” “Approved educator professional permit training,” “Educator professional permit,” “Initial familiarization firearm and course of fire training,” “Qualification course of fire,” “Qualifying on a firing range for educator professional permits” and “Quarterly” in rule **661—91.1(724)**:

“*Annual*” means once per calendar year.

“*Approved educator professional permit training*” means any training that has satisfied the requirements to provide educational-setting training in Iowa for the purpose of obtaining an Iowa educator professional permit and has been approved by the commissioner.

“*Educator professional permit*” means a permit issued to a school employee pursuant to Iowa Code section 724.6(1) “a”(3) as enacted by 2024 Iowa Acts, House File 2652, to allow for the concealed carry of a firearm.

“Initial familiarization firearm and course of fire training” means a training course of fire with a handgun, which is intended to familiarize, exercise, and improve a person’s judgment, reaction, and firearms proficiency under stress when various conditions are present. A variety of scenarios and exercises may be utilized during familiarization course exercises.

“Qualification course of fire” means a specifically designated course of fire with the firearm the person will carry in the person’s capacity as an educator professional permit holder that measures and documents the firearms proficiency level of the person. A pre-established qualifying score determines the proficiency that impacts the educator professional permit holder’s authorization to carry the firearm in the course of the person’s duties as an educator professional permit holder. The qualification course of fire standards are the standards adopted by the Iowa law enforcement academy for certified law enforcement in-service handgun qualification.

“Qualifying on a firing range for educator professional permits” means successful completion of an approved initial familiarization firearm and course of fire training and subsequent quarterly requirements of live fire on a firing range.

“Quarterly” means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

ITEM 2. Amend rule **661—91.1(724)**, definitions of “Firearm training documentation,” “Firearm training program,” “New application,” “Professional permit to carry weapons” and “Qualifying on a firing range,” as follows:

“Firearm training documentation for professional permit” means a photocopy of a certificate of completion or any similar document indicating completion of any firearm training program course; an affidavit from the instructor, school, organization or group that conducted or taught a firearm training program; a copy of or the display of an honorable discharge or general discharge under honorable conditions or Form DD-214 for personnel released or retired from active duty with the armed forces of the United States; or possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification for active duty personnel in the armed forces of the United States.

“Firearm training program” means any National Rifle Association handgun safety training course; any handgun safety training course available to the general public utilizing instructors certified by the National Rifle Association, an organization approved by the Iowa department of public safety pursuant to Iowa Code section 724.9A ~~as enacted by 2021 Iowa Acts, House File 756, section 20,~~ or the Iowa law enforcement academy or another state’s department of public safety, state police department, or similar certifying body; any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the Iowa department of public safety; or completion of small arms training while serving with the armed forces of the United States. Any person or entity seeking approval by the Iowa department of public safety for a handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency, other than those certified by the National Rifle Association, the Iowa department of public safety, or the Iowa law enforcement academy or courses conducted by instructors certified by the National Rifle Association or the Iowa law enforcement academy, shall submit a detailed description of the course content to the commissioner for review. Any handgun safety training course submitted for review shall be reviewed by the commissioner.

“New application” means an application for an Iowa professional permit to carry weapons or an educator professional permit that is filed when the applicant does not currently hold an Iowa permit to carry weapons or an educator professional permit or when the applicant does not file the application at least 30 days prior to the expiration of a currently held Iowa permit to carry weapons.

“Professional permit to carry weapons” means a permit to carry weapons issued to a person whose employment in a private investigation business or private security business licensed under Iowa Code chapter 80A, or whose employment as a peace officer, correctional officer with the Iowa department of corrections, private security officer, bank messenger or other person transporting property of a value requiring security, or whose employment in police work reasonably justifies that person’s going armed. Property of value includes large quantities of cash transported in an armored car, negotiable instruments, gems, other high-value items transported by couriers, and other high-value property that may be vulnerable. Such a permit is valid only while the permitted person is engaged in the employment stated on the permit and while the person is traveling to and from that employment. A professional permit to carry weapons does not include an educator professional permit.

“Qualifying on a firing range for professional permits to carry weapons” means successful completion of a course of live fire on a firing range under the supervision of an instructor certified by the National Rifle Association, the Iowa law enforcement academy, or another state’s department of public safety, state police department, or similar certifying body.

ITEM 3. Amend rule 661—91.2(724) as follows:

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner to Iowa sheriffs:

1. Form WP1. Professional Permit to Carry Weapons.
2. Form WP2. Nonprofessional Permit to Carry Weapons.
3. Form WP3. Application for Annual Permit to Acquire Pistols or Revolvers.
4. Form WP4. Annual Permit to Acquire Pistols or Revolvers.
5. Form WP5. Application for Permit to Carry Weapons.
6. Form WP6. Revocation/Cancellation of Permit to Carry/Permit to Acquire Weapons.
7. Form WP7. Certified Peace Officer Permit to Carry Weapons.
8. Form WP8. Reserve Peace Officer Permit to Carry Weapons.
9. to 11. No change.
12. Form WP12. Educator Professional Permit.
13. Form WP13. Application for Educator Professional Permit.
14. Form WP14. Notification of Completion of Required Quarterly Training Recruitments for Educator Professional Permit.
15. Form WP15. Application for Approval of Educator Professional Permit Curriculum.
16. Form WP16. Handgun Marksmanship Training Drills.

ITEM 4. Amend paragraph **91.4(1)“b”** as follows:

b. Submit firearm training documentation for a professional permit. For a new application, training may have occurred at any time prior to the submission of the application. For a renewal application, training must have occurred within the 12-month period prior to the expiration date displayed on the applicant’s current permit.

ITEM 5. Amend subrule 91.5(1) as follows:

91.5(1) Upon receipt of a completed application for a permit to carry weapons, a professional permit to carry weapons, or an educator professional permit, the commissioner shall conduct a background check to determine that issuance of a permit to the applicant is not prohibited pursuant to rule 661—91.3(724).

ITEM 6. Amend subrule 91.7(1) as follows:

91.7(1) If the commissioner denies, suspends or revokes a professional permit to carry weapons or an educator professional permit for any reason other than the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3)“e” or “f,” the applicant or permit holder may file an appeal with an administrative law judge by filing a copy of the denial, suspension, or revocation notice with a written statement that clearly states the applicant’s reasons rebutting the denial, suspension, or revocation.

ITEM 7. Amend rule 661—91.10(724), catchwords, as follows:

661—91.10(724) Application for approved training organization for permits to carry weapons.

ITEM 8. Adopt the following new rule 661—91.11(724):

661—91.11(724) Application procedures for an Iowa educator professional permit.

91.11(1) A person who is an employee of a school district, a private school, or an institution of higher education as defined in Iowa Code section 722.11 may apply to the commissioner for an educator professional permit. The applicant shall comply with all of the following:

- a.* Submit a fully and accurately completed and signed application for a permit to carry weapons or proof of a current permit to carry weapons, including documentation of the firearm safety training course offered pursuant to Iowa Code section 724.9(1).
- b.* Submit firearm training documentation from the initial live familiarization firearm and course of fire training. For a new application, training must have occurred within the 12-month period prior to the application.
- c.* Submit documentation of the training required by Iowa Code section 724.6(1)“a”(3) as enacted by 2024 Iowa Acts, House File 2652.
- d.* Submit the required fee of \$50 per application.
- e.* Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

91.11(2) The commissioner will return an incomplete application to the applicant.

ITEM 9. Adopt the following **new** rule 661—91.12(724):

661—91.12(724) Suspension or revocation of an educator professional permit.

91.12(1) When the commissioner finds that a person who has been issued an educator professional permit has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit, the commissioner may immediately suspend the permit.

a. If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the educator professional permit upon proof of the matter's final disposition and shall return the permit to the permit holder.

b. If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

91.12(2) When the commissioner discovers that a person has failed to provide the required annual and quarterly training records in a timely manner, the commissioner will suspend the educator professional permit and may, at the commissioner's discretion, provide the person seven days to provide the required training documentation. If training documentation is not received after the seventh day, the commissioner shall revoke the educator professional permit.

a. If the suspension was for failing to provide training records, and training records indicating training was completed in accordance with Iowa Code section 724.6 as amended by 2024 Iowa Acts, House File 2652, are subsequently provided to the Iowa department of public safety within seven days after the educator professional permit holder was notified of the suspension, the commissioner will immediately reinstate the educator professional permit and return the permit to the permit holder.

b. If the educator professional permit holder fails to complete the training required under these rules or fails to provide training documentation to the Iowa department of public safety, the commissioner will revoke the permit.

91.12(3) An educator professional permit holder will be notified immediately of such suspension by personal service or certified mail. The suspension becomes effective upon the educator permit holder's receipt of such notice. If notified by personal service, the educator professional permit will be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the educator professional permit holder will be instructed to return the permit to the commissioner.

91.12(4) Notification of an educator professional permit suspension or revocation will be provided to the superintendent of the school in which the educator professional permit holder is employed.

ITEM 10. Adopt the following **new** rule 661—91.13(724):

661—91.13(724) Approval of required training for educator professional permit. Persons or organizations may provide one or more of the trainings required for an educator professional permit. Persons or organizations seeking approval by the Iowa department of public safety to provide training required by Iowa Code section 279.84(2), 279.84(3), or 724.6(1) "a"(3) as enacted by 2024 Iowa Acts, House File 2652, will submit the following on department of public safety Form WP15:

91.13(1) The course syllabi or lesson plans and the goals or objectives for student courses as outlined, which demonstrate that students will receive the basic requirements for the required course.

91.13(2) Identification of the person providing the training and sufficient information to determine that the person is competent to provide the training.

ITEM 11. Adopt the following **new** rule 661—91.14(724):

661—91.14(724) Educator professional permit training requirements.

91.14(1) To receive an educator professional permit, the applicant must submit proof of successful completion of the following training courses:

- a.* One-time in-person legal training as described in rule 661—91.15(724).
- b.* In-person emergency medical training as described in rule 661—91.16(724).
- c.* In-person communication training as described in rule 661—91.17(724).
- d.* In-person live scenario training as described in rule 661—91.18(724).
- e.* Initial live familiarization firearm and course of fire training as described in rule 661—91.19(724).

91.14(2) To maintain an educator professional permit, the permit holder must submit proof of successful completion of the following annual training:

- a. Annual in-person emergency medical training as described in rule 661—91.16(724).
- b. Annual in-person communication training as described in rule 661—91.17(724).
- c. Annual in-person live scenario training as described in rule 661—91.18(724).

91.14(3) To maintain an educator professional permit, in addition to the above requirements, the permit holder must submit proof of successful completion of quarterly live firearm training, including successful completion of the prescribed qualification course.

91.14(4) All trainings shall be submitted to the Iowa department of public safety program services bureau via email at wpinfo@dps.state.ia.us.

ITEM 12. Adopt the following **new** rule 661—91.15(724):

661—91.15(724) Curriculum for one-time legal training for an educator professional permit. The one-time, in-person legal training for an educator professional permit shall be at minimum three hours and shall include all of the following information:

1. Parameters and limitations of the educator professional permit, including areas of potential liability, and requirements to maintain the permit.
2. State and federal law regarding legal principles of use of force and use of force generally, including modern principles of continuum of force.
3. State and federal laws regarding qualified immunity.
4. State law regarding the Iowa municipal tort claims Act.
5. Workers' compensation law with regard to school critical incidents.

ITEM 13. Adopt the following **new** rule 661—91.16(724):

661—91.16(724) Curriculum for annual emergency medical training for an educator professional permit.

91.16(1) Annual live, in-person emergency medical training for an educator professional permit shall be at minimum three hours and will include all of the following information and practical experience:

- a. Cardiopulmonary resuscitation (CPR) and cardiac arrest management, including the use of an automated external defibrillator (AED).
- b. Basic knowledge of first aid and trauma care, including casualty assessment, hemorrhage control, and assessment and initial treating of penetrating chest and abdominal wounds.
- c. Basic knowledge and skills necessary to stop/slow life-threatening blood loss.

91.16(2) A current certification for CPR and first aid shall satisfy two hours of the required training.

ITEM 14. Adopt the following **new** rule 661—91.17(724):

661—91.17(724) Curriculum for annual communication training for an educator professional permit. The annual in-person communication training for an educator professional permit shall be at minimum two hours and shall include all of the following information:

1. De-escalation techniques, crisis intervention techniques, and the applicability and limitations of those techniques.
2. Communication capabilities and coordination, including principles of proper communication to first responders, such as communication of location, condition(s), actions, and needs.
3. Reporting of potential school threats, including to the governor's school safety bureau of the department of public safety and the Safe+Sound app.

ITEM 15. Adopt the following **new** rule 661—91.18(724):

661—91.18(724) Curriculum for annual live scenario training for an educator professional permit. The annual in-person live scenario training for an educator professional permit shall be at minimum 12 hours and will include all of the following information and practical experience:

1. Psychology of critical incidents.
2. Tactics of responding to critical incidents in schools.
3. Weapon retention.

4. Scenario-based or simulated training exercises, including both close-quarters and hallway scenarios.

ITEM 16. Adopt the following new rule 661—91.19(724):

661—91.19(724) Curriculum for firearms training for an educator professional permit. In-person firearms training for an educator professional permit shall consist of an initial live familiarization firearm and course of fire training for new educator professional permit applicants and quarterly continued training after the completion of the initial training.

91.19(1) Educator professional permit holders shall meet the minimum level of proficiency as established by Iowa department of public safety rules in the use of any weapon used in the capacity as an educator professional permit holder.

91.19(2) Initial live familiarization firearms and course of fire training, not including the qualification course of fire, will be at minimum 20 hours and will include all of the following:

a. Weapon safety, including but not limited to:

- (1) Treating all firearms as if they are loaded,
- (2) Pointing the muzzle in a safe direction at all times,
- (3) Keeping fingers outside the trigger guard until the person's aim is on target and the person has decided to fire, and
- (4) Being sure of the target and what is beyond.

b. Principals of good marksmanship, including but not limited to:

- (1) Sight picture,
- (2) Trigger squeeze,
- (3) Proper stance,
- (4) Drawing of the weapon,
- (5) Grip of the weapon,
- (6) Breathing,
- (7) Follow-through, and
- (8) Recovery.

c. Dry drills, including but not limited to:

- (1) Administrative load,
- (2) Combat load,
- (3) Tactical load,
- (4) Temporary stoppage drill,
- (5) Double feed drill, and
- (6) Holstering and reholstering.

d. Handgun marksmanship training, including but not limited to the drills prescribed by the Iowa department of public safety on Form WP16.

91.19(3) The qualification course of fire will be completed at the end of the initial live familiarization course and at each subsequent quarterly firearms training. This course must be completed utilizing the firearm that will be used in the capacity as an educator professional permit holder. The qualification course consists of the standards adopted by the Iowa law enforcement academy for the certified officer in-service handgun qualification course.

91.19(4) If a person fails to successfully satisfy the qualification course of fire after the second attempt, the person must retake the initial familiarization firearm and course of fire training and attempt the qualification course of fire again. If the person fails to successfully satisfy the qualification course of fire after the remedial training, the person must wait until the following quarter and may attempt again as if the person is a first-time applicant.

ITEM 17. Adopt the following new definition of "Private school security officer" in rule **661—121.2(80A)**:

"Private school security officer" means a person described in Iowa Code section 279.84 as enacted by 2024 Iowa Acts, House File 2652.

ITEM 18. Adopt the following new rule 661—121.25(80A):

661—121.25(80A) Private school security officer training requirements. A private school security officer shall participate in annual live scenario training as described in rule 661—91.18(724) and shall participate in an initial familiarization firearm and course of fire training and subsequent quarterly live firearm training as described in rule 661—91.19(724).