

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

Department Name:	Education	Date:	May 30, 2023	Total Rule Count:	4
IAC #:	281	Chapter/ SubChapter/ Rule(s):	1	Iowa Code Section Authorizing Rule:	Iowa Code sections 256.1, 256.5A
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What is the intended benefit of the rule?

This rule chapter provides an organizational structure for the Department of Education and the State Board of Education.

Is the benefit being achieved? Please provide evidence.

In part. This rule chapter contains a large portion of repeated statutory text, and contains a table of organization that needs updating whenever the Department restructures to respond to its current work.

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

The rule imposes no costs beyond what the underlying statute requires.

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

There are no costs to enforce this rule.

Do the costs justify the benefits achieved? Please explain.

Yes.

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 chapter contains a procedure for the student member for the State Board, which is necessary to implement the statute.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Yes. There are several instances where the chapter duplicates statutory language, as well as containing a dated organizational structure. Those instances are removed in the proposed rule chapter (attached).

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

None.

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

Rules 1.1 through 1.4, as revised.

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

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	954
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	29

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

None noted at this time.

CHAPTER 1
ORGANIZATION AND OPERATION

281—1.1(17A,256) State board of education. The state board of education, authorized by Iowa Code chapter 256, is the governing and policy-forming body for the department of education.

1.1(1) Membership. The state board's membership is governed by Iowa Code sections 256.3 and 256.4.

1.1(3) Meetings. The board's meetings are governed by Iowa Code section 256.6. The majority of the board's meetings are held in the state board room, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319. By notice of the regularly published meeting agenda, the board may hold meetings in other areas of the state. The board may hold special meetings as provided in section

1.1(3) Compensation. All voting members receive compensation and reimbursement as provided in Iowa Code section 256.5. A student member receives compensation pursuant to Iowa Code section 256.5A(6). If a student member's parent or guardian provides supervision pursuant to subrule 1.2(4), the parent or guardian receives necessary expenses but not a per diem.

281—1.2(17A,256) Student member of state board of education. The governor shall appoint a public high school student to serve as a nonvoting member of the state board of education, pursuant to Iowa Code section 256.5A.

1.2(1) Term. The nonvoting student member serves a term from May 1 to April 30. The student member may serve a second year as the nonvoting student member without having to reapply for the position if the student has another year of high school eligibility remaining before graduation. A vacancy in the membership of the nonvoting student member will not be filled until the expiration of the term.

1.2(2) Qualifications. At the time of making application, the nonvoting student member shall meet all of the following qualifications:

- a. The student is a full-time, regularly enrolled tenth or eleventh grade student in an Iowa school district.
- b. The student has been regularly enrolled as a full-time student in the district of present enrollment for at least two consecutive semesters or the equivalent thereof.
- c. The student has a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale (3.75 on a 5.0 scale).
- d. The student demonstrates participation in extracurricular and community activities, as well as an interest in serving on the state board.
- e. The student has the consent of the student's parent or guardian, as well as the approval of the student's district.

1.2(3) Application process. The application process for the nonvoting student member is as follows:

a. The department will, on behalf of the state board, prepare and disseminate application forms to all school districts in Iowa. In addition to the application itself, the student must submit all of the following:

- (1) A consent form signed by the student's parent or guardian.
- (2) An approval of the application signed by the superintendent of the student's district of enrollment or the superintendent's designee.
- (3) A letter of recommendation from a high school teacher from whom the student received instruction.
- (4) A letter of recommendation from a person in the community familiar with the student's community activities.

b. The number of applicants in a year from any one district is limited as follows:

- (1) If district enrollment for grades 10 through 12 is less than 400 students, there may be no more than one applicant from the district.
- (2) If district enrollment for grades 10 through 12 is from 400 to 1199 students, there may be no more than two applicants from the district.
- (3) If district enrollment for grades 10 through 12 is 1200 students or more, there may be no more than three applicants from the district.

c. All applications shall be submitted on or before February 1 of the year in which the term is to begin. Applications may be hand-delivered or postmarked on or before February 1 to the Iowa Department of Education.

d. All applications are initially screened by a committee to be appointed by the director of the department. The initial screening committee selects not more than 20 semifinalists. If fewer than a total of 20 applications are received, the initial screening process may be omitted, at the discretion of the director of the department.

e. The applications of the semifinalists are reviewed by a committee appointed by the president of the state board. The committee submits a list of two to five finalists to the governor, who appoints the student member from the list submitted.

1.2(4) Participation of student member in official board activities.

a. Upon appointment to the board, the student member is to, at a minimum, fulfill the following requirements to remain eligible to serve: maintain enrollment as a full-time student in an Iowa public school district (If the student moves or transfers from the district of application, the student must obtain the approval of the superintendent or the superintendent's designee in the

student's new district of enrollment.); maintain a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale or 3.75 on a 5.0 scale; and attend regularly scheduled board meetings as required of voting board members. As a nonvoting member, the student may not participate in any closed session of the board.

b. The student member's absences from school to participate in official state board activities are excused absences. The student member's participation in board activities outside the regularly scheduled meetings of the state board shall be approved by the president of the board and the student's superintendent or the superintendent's designee.

c. If the student member is a minor, the student's parent or guardian must accompany the student while the student is participating in official state board activities at a location other than the student's resident community, unless the parent or guardian submits to the state board a signed release indicating that the parent or guardian has determined that such supervision is unnecessary.

d. The nonvoting student member is no considered for purposes of constituting the board's necessary quorum.

281—1.3(17A,256) Director of the department education. The director is appointed pursuant to Iowa Code section 256.8, and performs such duties as assigned by the Iowa Code or the Iowa Administrative Code, including Iowa Code section 256.9.

281—1.4(17A,256) Department of education. The department of education is established by Iowa Code section 256.1 to perform the functions and duties set forth in that section, in other Iowa Code provisions, and the Iowa Administrative Code. The department is organized into such divisions as required by statute or established by the director. The mailing address for the state board of education, the director, and all divisions of the department is Grimes State Office Building, Des Moines, Iowa 50319-0146.

These rules are intended to implement Iowa Code section 17A.3.