

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

Department Name:	Education	Date:	May 30, 2023	Total Rule Count:	20
IAC #:	281	Chapter/ SubChapter/ Rule(s):	2	Iowa Code Section Authorizing Rule:	256.7(3)
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This rule is intended to explain the rulemaking process.

Is the benefit being achieved? Please provide evidence.

This rule does not add a benefit, as it is entirely duplicative of the rulemaking process in Iowa Code chapter 17A.

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

There are no costs known.

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

There are no known costs.

Do the costs justify the benefits achieved? Please explain.

There being no benefit to the rule, any conceivable costs associated with compliance would not be justified.

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.

Incorporation of the underlying statute by reference, rather than restating it.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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

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

Rules 2.1 through 2.20.

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

New rules 2.1 through 2.3 (attached).

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

METRICS

Total number of rules repealed:	17 (net)
Proposed word count reduction after repeal and/or re-promulgation	6601
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	144

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

None noted.

CHAPTER 2
AGENCY PROCEDURE FOR RULE MAKING
AND PETITIONS FOR RULE MAKING

281—2.1(17A) Incorporation by reference. The Iowa department of education (“department”) and the Iowa state board of education incorporate by this reference all such matters in Iowa Code chapter 17A that deal with rule making or petitions for rule making.

281—2.2(17A) Contact information.

2.2(1) General. Petitions for rulemaking and inquiries about department rules and the rule making process may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146.

2.2(2) Comments on proposed rules. Any public comment on a notice of intended action or similar document may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146, or as directed in the notice of intended action or similar document.

2.2(3) Petitions for rule making. A petition for rule making must substantially conform to the following form:

DEPARTMENT OF EDUCATION

Petition by (Name of Petitioner)
for the Adoption/Amendment/Repeal of
(Cite rule involved).

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PETITION FOR
RULE MAKING

281—2.3(17A) Electronic submissions. The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. For more information, consult the administrative rules content on the department’s web page (educateiowa.gov).

These rules are intended to implement Iowa Code section 256.7(3) and chapter 17A.