

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

Department Name:	Education	Date:	May 30, 2023	Total Rule Count:	12
IAC #:	281	Chapter/ SubChapter/ Rule(s):	3	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 declaratory order process.

Is the benefit being achieved? Please provide evidence.

Unclear. The department rarely receives petitions for declaratory orders.

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

None noted.

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

None noted.

Do the costs justify the benefits achieved? Please explain.

There being no benefit to the current rules chapter, any theoretical cost is unjustified.

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 uniform rules by reference.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Nearly the entirety of this chapter is duplicative of the uniform rule chapter on declaratory orders, which may be incorporated by reference.

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

The entire chapter.

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

Net of two, incorporating the uniform rules by reference and providing Department-specific details.

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

METRICS

Total number of rules repealed:	10 (net)
Proposed word count reduction after repeal and/or re-promulgation	1649
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	30

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

None noted.

CHAPTER 3

DECLARATORY ORDERS

281—3.1(17A) Incorporation by reference. The Iowa department of education adopts, and incorporates by this reference, the Uniform Rules on Agency Procedures for declaratory orders, effective on July 1, 1999.

281—3.2(17A) Additional information concerning declaratory orders. For purposes of Uniform Rules on declaratory orders, the following additional terms apply.

1. The designated agency is the Iowa department of education.
2. The department's designated office is the Grimes State Office Building, Second Floor, 400 E. Fourteenth Street, Des Moines, Iowa, 50319-0146.
3. The department provides required or optional notice of the petition within fifteen days of its filing.
4. The deadline for a petition in intervention under model rule X.3(1) is fifteen days.
5. Inquiries concerning the status of a declaratory order may be directed to the department's General Counsel at the department's designated office.
6. All documents are to be filed with the department's general counsel at the department's designated office.
7. Method of service, time of filing, and proof of mailing, the date of issues of an order, or a refusal to issue an order are governed by the chapter 281—6(17A).

These rules are intended to implement Iowa Code section 17A.9.