

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

<b>Department Name:</b>	Education	<b>Date:</b>	May 30, 2023	<b>Total Rule Count:</b>	5
<b>IAC #:</b>	281	<b>Chapter/ SubChapter/ Rule(s):</b>	18	<b>Iowa Code Section Authorizing Rule:</b>	256.7(20)
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

This rule chapter is intended to provide relief from fees for families with low income.

**Is the benefit being achieved? Please provide evidence.**

Yes. Students with low income have their school fees waived upon request.

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

No costs to members of the public. There are costs to school districts to comply with the rules; however, the costs are required by statute.

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

There is no enforcement cost to the rules, other than what would be required by statute.

**Do the costs justify the benefits achieved? Please explain.**

Yes, because the barriers that school fees may pose to enrollment would inhibit the education of future Iowans.

**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 is required by statute. The Department has sought to simplify the rules text, as noted below.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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Several of the rules recite statutory text or are aspirational in nature.

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

The preamble is aspirational in nature. Rules 18.5 is obsolete.

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

The chapter contains four proposed rules (see attached).

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

**METRICS**

<b>Total number of rules repealed:</b>	<b>1, plus preamble</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>177</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>17</b>

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

None noted.

CHAPTER 18  
SCHOOL FEES

**281—18.1(256) Overview.** No Iowa student enrolled in a public school shall be excluded from participation in or denied the benefits of course offerings and related activities due to the student’s or the student’s parent’s or guardian’s financial inability to pay a fee associated with the class, program, or activity.

**281—18.2(256) Fee policy.** The board of directors of a public school district (“board” and “district”) shall adopt a policy regarding the charging and collecting of fees for course offerings and related activities, and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1; apply its policy to any fees charged; and develop procedures to implement its policy.

**281—18.3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees.** The policy required by rule 18.2(256) includes provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

**18.3(1) Waivers.** At minimum, the policy includes the following provisions relating to eligibility for the waivers:

*a. Waiver.* A student is granted a waiver of all fees covered by this chapter if the student or the student’s family meets the financial eligibility criteria for free meals offered under the Child Nutrition Program, or the Family Investment Program (FIP), or transportation assistance under open enrollment provided under 281—chapter 17, or if the student is in foster care under Iowa Code chapter 232.

*b. Partial waiver.* A student is granted either a waiver of all student fees or a partial waiver of student fees if the student or the student’s family meets the financial eligibility criteria for reduced price meals offered under the Child Nutrition Program, based on a sliding scale related to an ability to pay.

*c. Temporary waiver.* At the discretion of the district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student’s immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver is one year.

*d. Fees waived not collectable.* When an application for any fee waiver is granted, the fee or fees waived under the application are not collectable.

*e. Distribution of policy and applications.* At the time of registration or enrollment, the district distributes procedures on charging fees, a written notice of fees charged to each student, the waiver and reduction policy and procedures including income guidelines, and the application for waiver. For students or families whose primary language is other than English, the district shall provide a copy of the materials in the student’s native language or arrange for translation of the materials within a reasonable time.

*f. Annual application.* The request for a fee waiver is made on application forms provided by the department of education. An application can be received at any time but must be renewed at the beginning of the school year.

**18.3(2) Applications.** The procedures include a description of the confidential application process for the waiver and provide that a written decision be issued to the applicant within a reasonable time. If the application is denied, the decision includes the reason for the denial.

**18.3(3) Review and appeals.** The procedures include a provision for a confidential review of any denial by a person or persons designated by the board upon request and the manner in which an appeal may be taken. If the decision on review is again to deny the application, the decision maker notifies the applicant in writing that the applicant may appeal the denial to the director of the department of education by filing a notarized statement within 30 days of the applicant’s receipt of the district’s final decision.

**281—18.4(256) Fees covered.** Fines assessed for damage or loss to school property are not fees and need not be waived. Nothing in this chapter authorizes the charging of a fee for which there is no authority in law.

These rules are intended to implement Iowa Code section 256.7(20).