

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

Department Name:	Education	Date:	July 17, 2023	Total Rule Count:	5
IAC #:	281	Chapter/ SubChapter/ Rule(s):	7	Iowa Code Section Authorizing Rule:	256.9(7)
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What is the intended benefit of the rule?

This rule is designed to provide a fair, transparent, and uniform process for competitive grants issued by the Iowa Department of Education.

Is the benefit being achieved? Please provide evidence.

Yes. The Department routinely sponsors competitive grants supported by state or federal funds, there have been very few appeals, and the Department's actions have been upheld on appeal.

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

Any costs are associated with completing a competitive grant application.

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

Compliance with this rule is a portion of any competitive grant administered by the Department.

Do the costs justify the benefits achieved? Please explain.

Yes. This rule provides a valuable safeguard for the competitive grant process.

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.

The Department considered repealing this chapter and embedding these protections in each individual grant applicant; however, caution dictates retaining this chapter until concerns about legality and authority are resolved.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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The Department proposes repealing unnecessary and duplicative restrictive language.

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 7.1 through 7.5 (below)

***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Total number of rules repealed:	0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	17
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	24

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

None noted.

**CHAPTER 7
CRITERIA FOR GRANTS**

281—7.1(256,17A) General. To ensure equal access and objective evaluation of applicants for competitive program grant funds made available by the Iowa department of education (“department”) these funds, grant application materials are to contain, at minimum, specific content. The department develops competitive program grant application packets in accordance with these rules unless in conflict with appropriation language, the Iowa Code, the Iowa Administrative Code, federal regulations, or interagency agreements between the department and other state agencies.

281—7.2(256,17A) Definitions. For the purpose of these rules, the following definitions apply:

“*Competitive program grant*” means the collective activities of a competitive grant funded through the department.

“*Program period*” means the period of time which the department intends to support the program without requiring the recompetition for funds. The program period is specified within the grant application.

“*Service delivery area*” means the defined geographic area for delivery of program services.

281—7.3(256,17A) Grant application contents. All competitive program grant application materials made available by the department are to include the following:

1. Funding source.
2. Program period.
3. Description of eligible applicants.
4. Services to be delivered.
5. Service delivery area.
6. Target population to be served (if applicable).
7. Funding purpose.
8. Funding restrictions.
9. Funding formula (if any).
10. Matching requirement (if any).
11. Reporting requirements.
12. Performance criteria.
13. Need for letters of support or other materials (if applicable).
14. Application due date.
15. Anticipated date of awarding grant.
16. Required components of submitted grant applications.

17. An explanation of the review process and the review criteria to be used by application evaluators, including the number of points allocated per evaluated component.

18. Appeal process in the event an application is denied.

281—7.4(256,17A) Review process. The review process to be followed in determining the amount of funds to be approved for any competitive program grant will be described in the application, including the review criteria and point allocation for each criterion.

The competitive program grant review committee will be determined by the appropriate division administrator. The review committee members will allocate points per review criterion when conducting the review.

In the event competitive program grant applications receive an equal number of points that necessitates a further determination of whether an applicant is to receive a grant, a second review will be conducted by the division administrator or the division administrator's designee.

281—7.5(290,17A) Appeal of grant denial or termination. Any applicant may appeal the denial of a properly submitted competitive program grant application or the unilateral termination of a competitive program grant to the director of the department. Appeals are to be (1) in writing, (2) received within ten working days of the date of the notice of decision, and (3) be based on a contention that the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members. The hearing and appeal procedures found in 281—Chapter 6 that govern director's decisions apply to any appeal of denial or termination.

In the notice of appeal, the grantee is to give a short and plain statement of the reasons for the appeal.

The director is to issue a decision within a reasonable time, not to exceed 60 days from the date of the hearing. These rules are intended to implement Iowa Code section 256.9(7).