

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

Department Name:	Education	Date:	July 17, 2023	Total Rule Count:	13
IAC #:	281	Chapter/ SubChapter/ Rule(s):	65	Iowa Code Section Authorizing Rule:	279.51
Contact Name:	Thomas Mayes	Email:	Thomas.Mayes@iowa.gov	Phone:	515-281-8661

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This rule is intended to provide additional supports to school districts in supporting early elementary at-risk students.

Is the benefit being achieved? Please provide evidence.

Yes. The Department gathers evidence through annual reports submitted by grantee districts.

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

There are record-keeping and administrative requirements for grantee recipients.

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

The Department absorbs the cost of administering this chapter into its operating expenses.

Do the costs justify the benefits achieved? Please explain.

One requirement – the mid-year report (Rule 65.6(2))– did not add value to the administration of this program. It is proposed for deletion. Other substantive rules components of this chapter return on their investment.

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 State Board of Education and the Department are required to adopt rules implementing section 279.51.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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 items contain language that duplicates statutory language. The mid-year report is overly burdensome (as noted above) and does not add value to the program.

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

Rule 65.1 (unnecessary)
Rule 65.4 (consolidated with another rule)
Rules 65.11 and 65.12 (consolidated with another rule)

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

Attached.

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

METRICS

Total number of rules repealed:	4
Proposed word count reduction after repeal and/or re-promulgation	200
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	28

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

None noted

Proposed new rule:

CHAPTER 65
PROGRAMS FOR AT-RISK EARLY ELEMENTARY STUDENTS

281—65.1(279) Definitions.

“*At-risk student*” means, for purposes of this chapter, a student in early elementary grades who is eligible for free or reduced-price meals.

“*Awardee*” means a public school district designated to receive the at-risk early elementary school award funds for buildings serving early elementary grades with a high percentage of at-risk students.

“*Department*” means the department of education.

“*Early elementary grades*” means kindergarten through grade three.

281—65.2(279) Eligibility identification procedures. In a year in which funds are made available by the Iowa legislature, the department grant awards to districts for buildings serving early elementary grades with a high percentage of at-risk students. Using a formula determined by the department, the department will distribute awards based on the number of early elementary students in the identified buildings serving a high percentage of at-risk students and consistent with Iowa Code section 279.51(1)“c”.

281—65.3(279) Award acceptance process. The department notifies eligible districts of the opportunity to be granted an award for a three-year cycle. A district makes formal acceptance using forms issued and procedures established by the department, and by an official with vested authority to approve the acceptance.

281—65.4(279) Awardee responsibilities. Each year the awardee completes reports on forms provided by the department, including the following:

1. An initial report including a proposed budget and expected outcomes.
2. An end-of-the-year report including total expenditures and a statement of impact on expected outcomes.

281—65.5(279) Allowable expenditures. School districts provide, at a minimum, the activities set forth in Iowa Code section 279.51(1)“c”. Additional allowable expenditures include salaries and benefits for teachers and paraeducators, and activities and materials to improve academic achievement. These funds are to be used for instruction, activities, and materials that are in addition to the regular school curricula for children participating in these programs, and only be used in the building for which the award is made. Inappropriate uses of award funding include indirect costs or use charges, operational or maintenance costs, capital expenditures, student transportation other than that which is directly related to the activities and materials described in this rule, or administrative costs. Moneys received are subject to the general provisions described in chapter 281—98.

281—65.6(279) Evaluation. The awardee will cooperate with the department and provide requested information to determine how well the outcomes in rule 281—65.4(279) are being met. Statewide leadership teams will review final reports and provide

useful feedback about buildings to awardees. This feedback will include information about innovative components to building programs. Buildings demonstrating innovation will be given preference the following grant cycle.

281—65.7(279) Budget revisions. The department may grant approval to an awardee for any revisions in the proposed budget in excess of 10 percent of a line item, provided the revisions do not increase the total amount of the award.

281—65.8(279) Termination.

65.8(1) Termination for convenience. The award may be terminated, in whole or in part, upon agreement of both parties, concerning the termination conditions, the effective date, and in the case of partial termination, the portion to be terminated. The awardee shall not incur new obligations for the terminated portion after the effective date of termination and cancel as many outstanding obligations as possible.

65.8(2) Termination for cause. The award may be terminated, in whole or in part, at any time before the date of completion, whenever the department determines that the awardee has failed to comply substantially with the conditions of the award. The awardee will be notified in writing by the department of the reasons for the termination and the effective date. The awardee shall not incur new obligations for the terminated portion after the effective date of termination and cancel as many outstanding obligations as possible.

The department administers the at-risk early elementary school awards contingent upon the availability of state funds. If there is a lack of funds necessary to fulfill the fiscal responsibility of the awards, the awards are to be terminated or renegotiated. The department may terminate or renegotiate an award upon 30 days' notice when there is a reduction of funds by executive order.

65.8(3) Responsibility of awardee at termination. Within 45 days of the effective date of award termination, the awardee supplies the department with a financial statement detailing all program expenditures up to the effective date of the termination. The awardee is solely responsible for all expenditures after the effective date of termination.

281—65.9(279) Appeals from terminations. Any awardee aggrieved by a unilateral termination of an award pursuant to rule 281—65.11(279) may appeal the decision to the director of the department in writing within 30 days of the decision to terminate.

65.9(1) Form of appeal. In the notice of appeal, the awardee gives a short and plain statement of the reason for the appeal.

65.9(2) Appeal procedures. The hearing procedures found at 281—Chapter 6 apply to appeals of terminated awards. The director issues a decision within a reasonable time, not to exceed 120 days from the date of hearing.

65.9(3) Grounds for reversal. Termination of an award under this chapter may be reversed only if the awardee proves 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.

65.9(4) Mandatory denial of appeal. In lieu of a decision on the merits of an appeal, the director of the department will deny an appeal if the director finds any of the following:

- a. The appeal is untimely;
- b. The appellant lacks standing to appeal;
- c. The appeal is not in the necessary form or is based upon frivolous grounds;
- d. The appeal is moot because the issues raised in the notice of appeal or at the hearing have been settled by the parties; or
- e. The termination of the award was beyond the control of the department due to lack of available funds.

These rules are intended to implement Iowa Code section 279.51.