

Iowa State Board of Education

Executive Summary

September 14, 2023



Agenda Item: Rules: 281 IAC Chapter 2 – Rulemaking (Notice of Intended Action)

State Board Priority: All priorities

State Board Role/Authority: This rule making is proposed under the authority provided by Iowa Code chapter 17A and section 256.7.

Presenter(s): None (consent agenda)

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 2.

Background: As part of the Department’s review of rules under Executive Order 10, the Department identified several instances where the current rules chapter duplicates statutory language. This text is removed in the proposed rule.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 2, “Agency Procedure for Rule Making and Petitions for Rule Making,” Iowa Administrative Code.

Legal Authority for Rule Making

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and section 256.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 256.

Purpose and Summary

As part of the Department’s review of rules under Executive Order 10, the Department identified several instances where the current rules chapter duplicates statutory language. This text is removed in the proposed rule.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department of Education no later than 4:30 p.m. on October 24, 2023. Comments should be directed to:

Thomas A. Mayes

Grimes State Office Building; 400 E. 14th Street, Des Moines, IA 50319

Thomas.Mayes@iowa.gov or 515-281-8661

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows on the following two dates:

Hearing 1: October 24, 2023, 9:00 to 9:30 a.m.; Grimes State Office Building, State Board Room, Second Floor, Des Moines.

Hearing 2: October 24, 2023, 5:00 to 5:30, Davenport, LOCATION TBA.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind 281—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
AGENCY PROCEDURE FOR
RULEMAKING AND PETITIONS FOR
RULEMAKING

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 rulemaking or petitions for rulemaking.

281—2.2(17A) Contact information.

2.2(1) General. Petitions for rulemaking and inquiries about department rules and the rulemaking process may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 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 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

2.2(3) Petitions for rulemaking. A petition for rulemaking that substantially conforms to the following form will be considered by the department:

DEPARTMENT OF EDUCATION

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

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PETITION FOR
RULEMAKING

281—2.3(17A) Electronic submissions. The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the department’s website (educateiowa.gov).

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