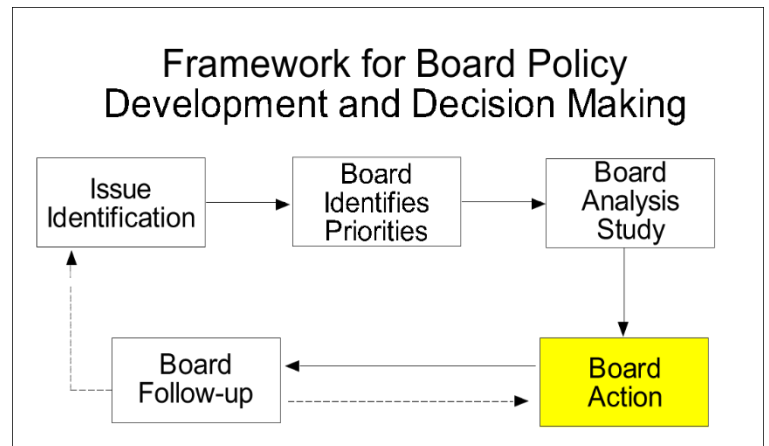


Iowa State Board of Education

Executive Summary

December 4, 2023



Agenda Item: Rules: 281 IAC Chapter 2 – “Agency Procedure for Rule Making and Petitions for Rule Making” (Adopt)

State Board Priority: Eliminating Achievement and Opportunity Gaps

State Board Role/Authority: This rule making is proposed under the authority provided in Iowa Code chapter 17A and section 256.7(5).

Presenter(s): Thomas A. Mayes, General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board adopt this new Chapter 2.

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

EDUCATION DEPARTMENT[281]

Adopted and Filed

The State Board of Education hereby rescinds Chapter 2, “Agency Procedure for Rule Making and Petitions for Rule Making,” and adopts a new Chapter 2 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted 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 of Education’s review of rules under Executive Order 10, the Department identified several instances where the current chapter duplicates statutory language. This text is removed in the rulemaking.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 4, 2023, as **ARC 7083C**.

Two public hearings were held on October 24, 2023: at 9:00 a.m., in the State Board Room, Grimes State Office Building, Des Moines, and at 5:00 p.m. in the Jim Hester Board Room, Davenport Schools Achievement Service Center, Davenport. No one attended the public hearings. No comments were received. No changes were made from the notice of intended action.

Adoption of Rulemaking

This rulemaking was adopted by the State Board of Education on December 4, 2023.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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).

Effective Date

This rulemaking will become effective on January 31, 2024.

The following rulemaking action is adopted:

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).	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.