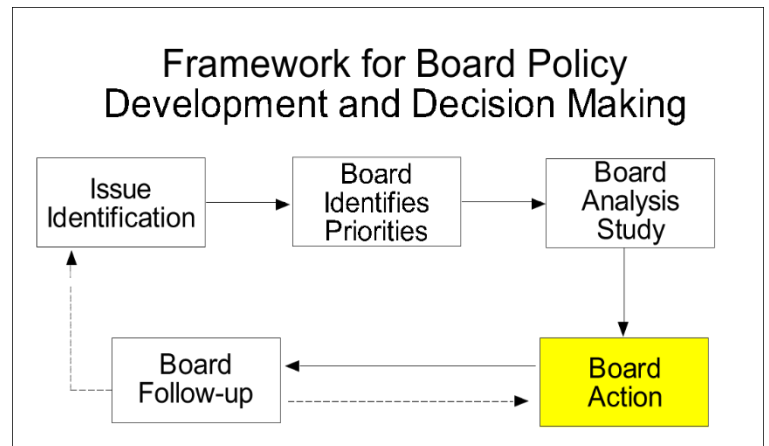


# Iowa State Board of Education

## Executive Summary

December 4, 2023



**Agenda Item:** Rules: 281 IAC Chapter 3 – “Declaratory Orders” (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 section 17A.9.

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

**Attachment(s):** One

**Recommendation:** It is recommended that the State Board adopt this new Chapter 3.

**Background:** As part of the Department of Education’s review of rules under Executive Order 10, the Department determined nearly the entirety of this chapter is duplicative of the Uniform Rules on Agency Procedure chapter on declaratory orders, which is therefore incorporated by reference.

## EDUCATION DEPARTMENT[281]

### Adopted and Filed

The State Board of Education hereby rescinds Chapter 3, “Declaratory Orders,” Iowa Administrative Code, and adopts a new chapter with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 17A.9.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

#### *Purpose and Summary*

As part of the Department of Education’s review of rules under Executive Order 10, the Department determined nearly the entirety of this chapter is duplicative of the Uniform Rules on Agency Procedure chapter on declaratory orders, which is therefore incorporated by reference.

#### *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 7084C**.

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 3 and adopt the following **new** chapter in lieu thereof:

### CHAPTER 3 DECLARATORY ORDERS

The Iowa department of education adopts, with the exceptions and amendments noted in rule 281—3.13(17A), the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website.

**281—3.13(17A) Additional information concerning declaratory orders.** For purposes of the

Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(designate agency)” insert “Iowa department of education”.
2. In lieu of “(designate office)” insert “Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
3. In lieu of “\_\_\_\_\_ days (15 or less)” insert “15 days”.
4. In lieu of “\_\_\_\_\_ days” insert “15 days”.
5. In lieu of “(designate official by full title and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
6. In lieu of “(specify office and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
7. Method of service, time of filing, proof of mailing, the date of issuance of an order, or a refusal to issue an order are governed by 281—Chapter 6.

These rules are intended to implement Iowa Code section 17A.9.