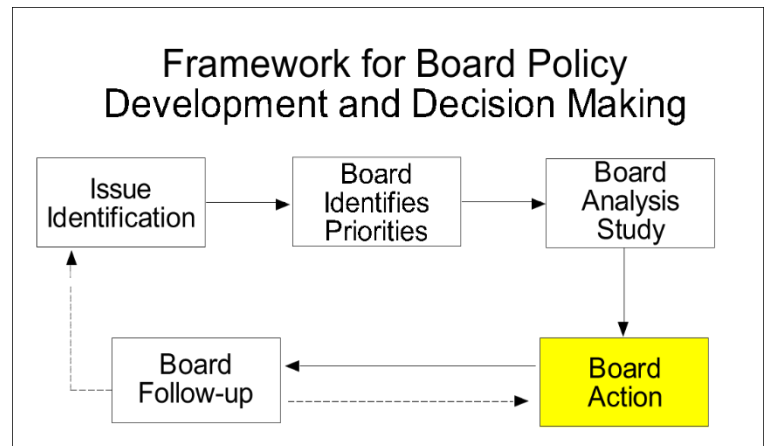


Iowa State Board of Education

Executive Summary

December 4, 2023



Agenda Item: Rules: 281 IAC Chapter 7 – “Criteria for Grants” (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 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 7.

Background: As part of the Department of Education’s review of rules under Executive Order 10, the Department identified unnecessary and duplicative restrictive language, which this rulemaking rescinds.

EDUCATION DEPARTMENT[281]

Adopted and Filed

The State Board of Education hereby rescinds Chapter 7, “Criteria for Grants,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256.

Purpose and Summary

As part of the Department of Education’s review of rules under Executive Order 10, the Department identified unnecessary and duplicative restrictive language, which this rulemaking rescinds.

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 7089C**.

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

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), 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 that 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.

7.4(1) 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.

7.4(2) 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.

7.5(1) Appeals are to be:

- a. In writing,
- b. Received within ten working days of the date of the notice of decision, and
- c. 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.

7.5(2) The hearing and appeal procedures found in 281—Chapter 6 that govern the director’s decisions apply to any appeal of denial or termination.

7.5(3) In the notice of appeal, the grantee will give a short and plain statement of the reasons for the appeal.

7.5(4) The director will 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).