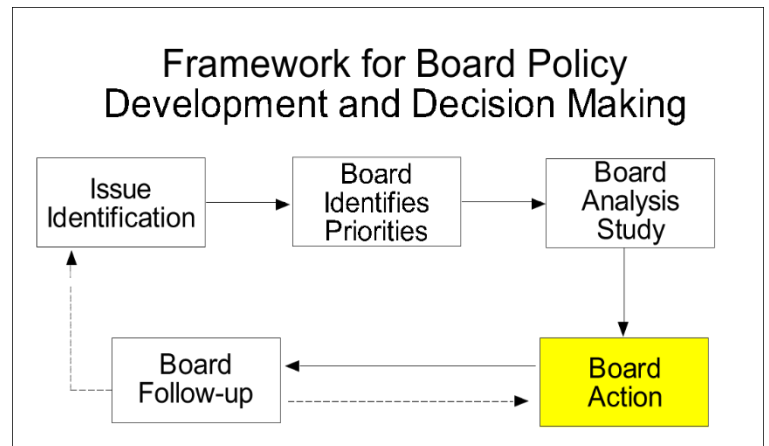


# Iowa State Board of Education

## Executive Summary

December 4, 2023



**Agenda Item:** Rules: 281 IAC Chapter 18 – “School Fees” (Adopt)

**State Board Priority:** Ensuring Equity in Education

**State Board Role/Authority:** This rule making is proposed under the authority provided in Iowa Code section 256.7(20).

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

**Attachment(s):** One

**Recommendation:** It is recommended that the State Board adopt this new Chapter 18.

**Background:** As part of the Department of Education’s review of rules under Executive Order 10, the Department identified several rules that recite statutory text or are aspirational in nature. They are removed in this rulemaking.

## EDUCATION DEPARTMENT[281]

### Adopted and Filed

The State Board of Education hereby proposes to rescind Chapter 18, “School Fees,” 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(20).

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.7(20).

#### *Purpose and Summary*

As part of the Department of Education’s review of rules under Executive Order 10, the Department identified several rules that recite statutory text or are aspirational in nature. They are removed in this 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 7091C**.

Two public hearings were held on October 24, 2023: at 9:30 a.m., in the State Board Room, Grimes State Office Building, Des Moines, and at 5:00 p.m. at Roosevelt High School, Des Moines. 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 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18  
SCHOOL FEES

**281—18.1(256) Overview.** No Iowa student enrolled in a public school may be excluded from participation in or denied the benefits of course offerings and related activities due to the student’s or the student’s parent’s or guardian’s financial inability to pay a fee associated with the class, program, or activity.

**281—18.2(256) Fee policy.** The board of directors (board) of a public school district (district) shall adopt a policy regarding the charging and collecting of fees for course offerings and related

activities and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1, apply its policy to any fees charged, and develop procedures to implement its policy.

**281—18.3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees.** The policy mandated by rule 281—18.2(256) is to include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

**18.3(1) *Waivers.*** At minimum, the policy is to include the following provisions relating to eligibility for the waivers:

*a. Waiver.* A student is granted a waiver of all fees covered by this chapter if the student or the student’s family meets the financial eligibility criteria for free meals offered under the child nutrition program, or for the family investment program (FIP), or for transportation assistance under open enrollment provided under 281—Chapter 17, or if the student is in foster care under Iowa Code chapter 232.

*b. Partial waiver.* A student is granted either a waiver of all student fees or a partial waiver of student fees if the student or the student’s family meets the financial eligibility criteria for reduced price meals offered under the child nutrition program, based on a sliding scale related to an ability to pay.

*c. Temporary waiver.* At the discretion of the district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student’s immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver is one year.

*d. Fees waived not collectable.* When an application for any fee waiver is granted, the fee or fees waived under the application are not collectable.

*e. Distribution of policy and applications.* At the time of registration or enrollment, the district distributes procedures on charging fees, a written notice of fees charged to each student, the waiver and reduction policy and procedures including income guidelines, and the application for waiver. For students or families whose primary language is other than English, the district provides a copy of the materials in the student's native language or arranges for translation of the materials within a reasonable time.

*f. Annual application.* The request for a fee waiver is made on application forms provided by the department of education. An application can be received at any time but may only be renewed at the beginning of the school year.

**18.3(2) Applications.** The procedures are to include a description of the confidential application process for the waiver and provide that a written decision be issued to the applicant within a reasonable time. If the application is denied, the decision will include the reason for the denial.

**18.3(3) Review and appeals.** The procedures are to include a provision for a confidential review of any denial by a person or persons designated by the board upon request and the manner in which an appeal may be taken. If the decision on review is again to deny the application, the decision maker will notify the applicant in writing that the applicant may appeal the denial to the director of the department of education by filing a notarized statement within 30 days of the applicant's receipt of the district's final decision.

**281—18.4(256) Fees covered.** Fines assessed for damage or loss to school property are not fees and need not be waived. Nothing in this chapter authorizes the charging of a fee for which there is no authority in law.

These rules are intended to implement Iowa Code section 256.7(20).