Iowa State Board of Education

Executive Summary
May 15, 2014

Agenda Item: Rules: Chapter 6 – Appeal Procedures (Notice)

Iowa Goal: All PK-12 students will achieve at a high level.

State Board Role/Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under chapter 17A.

Presenter: None (consent agenda)

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to amend chapter 6.

Background: This rule would allow the state to conduct appeal processes consistent with those on the federal level if that is a requirement for compliance to a federal program. This addition to the section on the appeals process lists three specific federal programs that require such a system. In addition, should other federal programs require the state to have such an appeals process, it would allow that to occur.
Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 6, “Appeal Procedures,” Iowa Administrative Code.

This proposed amended rule simply attempts to keep the state of Iowa in compliance with appeal procedures in federal regulations. As part of this rule, particular program references are contained that require the appeals process to be adhered to. As noted, this is a non-exhaustive list but in all cases, the federal appeals process is only enacted if it is contained in the program requirements that Iowa is maintaining compliance with.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before July 1, 2014, at 4:30 p.m. Comments on the proposed amendments should be directed to Nicole Proesch, Attorney, Iowa Department of Education, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319–0146; telephone (515)281-8661; or E-mail at Nicole.Proesch@iowa.gov.

A public hearing will be held on July 1, 2014, from 1 to 2 p.m., at the State Board Room, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295.

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

These amendments are intended to implement 256.7 (1), 256.7(6), 256.9 (1), and 256.9 (7).
The following amendment is proposed.

ITEM 1. Add new paragraph 281—6.23 (17A) as follows:

281—6.23(17A) Additional requirements for specific programs.

6.23(1) General rule. If a specific federal program’s statutes or regulations impose requirements on appeals to the state board of education, the director of education, or the department of education, those specific requirements shall be followed and are incorporated by this reference.

6.23(2) Specific programs. The following is a nonexhaustive list to which this rule applies.

a. Appeals under the Child and Adult Care Food Program (CACFP), shall be governed by the requirements contained in 7 C.F.R. section 226.6, as of May 15, 2014.

b. Due process complaints under Part B of the Individuals with Disabilities Education Act and Iowa Code chapter 256B shall be governed by Iowa Administrative Code chapter 281—41(256B,34CFR300).

c. Due process complaints under Part C of the Individuals with Disabilities Education Act shall be governed by Iowa Administrative Code chapter 281—120(34CFR303).