EDUCATION DEPARTMENT [281]

Adopted and Filed

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.

The proposed new rule is intended to keep the state of Iowa in compliance with appeal procedures in federal regulations. New subrule 6.23(2) contains references to the particular programs for which adherence to the appeals process is required. This is not an exhaustive list. In all other cases, the federal appeals process is enacted only if the program contains an appeals process requirement with which Iowa maintains compliance.

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

Notice of Intended Action was published in the June 11, 2014, Iowa Administrative Bulletin as **ARC 1498C**. Public comments were allowed until 4:30 p.m. on July 1, 2014. A public hearing was held on that date. No one attended the public hearing. No written comments were received regarding this amendment. This amendment is identical to that published under Notice.

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

This rule is intended to implement Iowa Code sections 256.7(1), 256.7(6), 256.9(1) and 256.9(7).

The following amendment is proposed.

Adopt the following **new** rule 281—6.23(256,17A):

281—6.23(256,17A) 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 CFR 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 281—Chapter 41.

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