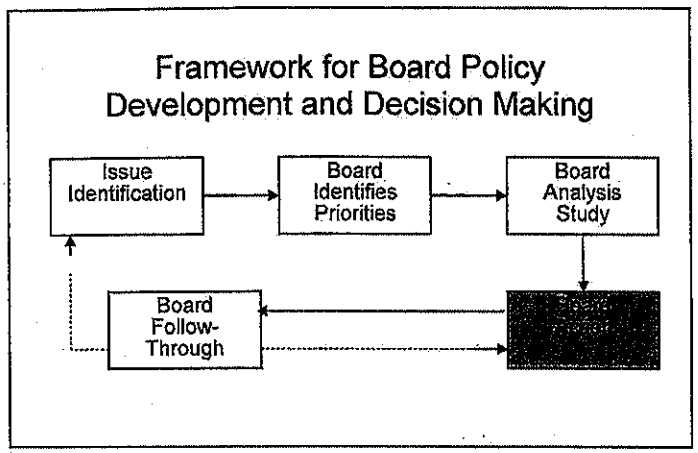
Iowa State Board of Education

Executive Summary

September 9, 2009



Agenda Item: Rules: Chapter 19 - Attendance Centers (Notice)

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

Equity Impact Statement: All school districts are governed by rules promulgated by the State Board.

Presenter: None (Consent agenda)

Attachments: 1

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

Background: The Iowa Supreme Court ruled on July 31, 2009, that these rules are void because the legislature has not granted to the State Board authority to adopt rules regulating school closure decisions.

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to rescind Chapter 19, "Attendance Centers," Iowa Administrative Code.

The Iowa Supreme Court recently ruled that this chapter of rules is void. See *Wallace, et al., v. Iowa State Board of Education*, No. 07-0943 (Iowa Supreme Court; July 31, 2009). The rules in Chapter 19, having been declared void, should be rescinded.

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

Interested individuals may make written comments on the proposed amendments on or before October 27, 2009, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Attorney, Iowa Department of Education, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319–0146; telephone (515)281–8661; E–mail carol.greta@iowa.gov; or fax (515)281–4122.

This amendment is intended to implement Iowa Code section 256.7(5).

The following amendment is proposed.

Rescind and reserve 281--Chapter 19.