

**SCHOOL BUDGET REVIEW COMMITTEE[289]**

**Notice of Intended Action**

**Proposing rule making related to waivers and providing an opportunity for public comment**

The School Budget Review Committee hereby proposes to amend Chapter 8, “Waivers or Variances from Administrative Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 257.30.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2389.

*Purpose and Summary*

This proposed rule making modernizes the Committee’s procedures for rule waivers in light of revisions to the Administrative Procedure Act made by 2020 Iowa Acts, House File 2389.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Committee no later than 4:30 p.m. on August 3, 2021. Comments should be directed to:

Kassandra Cline  
School Budget Review Committee Liaison  
Grimes State Office Building, Second Floor  
400 East 14th Street  
Des Moines, Iowa 50319  
Phone: 515.281.4738  
Email: [kassandra.cline@iowa.gov](mailto:kassandra.cline@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

The following rule-making actions are proposed:

ITEM 1. Amend **289—Chapter 8**, title, as follows:

**WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES**

ITEM 2. Amend rule **289—8.1(17A,ExecOrd11)**, definition of "Waiver or variance," as follows:

*"Waiver ~~or variance~~"* means action by the director which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. ~~For simplicity, the term "waiver" shall include both a "waiver" and a "variance."~~

ITEM 3. Amend rule 289—8.6(17A,ExecOrd11) as follows:

**289—8.6(17A,ExecOrd11) Content of petition.** A petition for waiver shall include the following information where applicable and known to the requester:

1. and 2. No change.
3. The specific waiver ~~or variance~~ requested, including the precise scope and duration.
4. to 10. No change.

ITEM 4. Amend rule 289—8.11(17A,ExecOrd11) as follows:

**289—8.11(17A,ExecOrd11) Public availability.** All orders granting or denying a waiver petition shall be indexed, filed and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying waiver petitions are public records under Iowa Code chapter 22. The committee may accordingly redact confidential information from petitions or orders prior to public inspection. Waiver information is available as described in rule 289—8.12(17A,ExecOrd11).

ITEM 5. Rescind rule 289—8.12(17A,ExecOrd11) and adopt the following **new** rule in lieu thereof:

**289—8.12(17A,ExecOrd11) Submission of waiver information.** When the committee grants or denies a waiver, the committee shall submit the information required by this rule on the Internet site established pursuant to Iowa Code section 17A.9A(4) within 60 days. The Internet site shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the committee's actions on waiver requests. If practicable, the submission shall include information detailing the extent to which the granting of a waiver has established a precedent for additional waivers and has affected the general applicability of the rule itself.