

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 98, “Financial Management of Categorical Funding,” Iowa Administrative Code.

The proposed amendment in Item 1 conforms to 2011 Iowa Acts, House File 645, sections 23 through 25, which address appropriate and inappropriate uses of funding for a home school assistance program. The proposed amendment in Item 2 reflects the amendment to the allowable uses of the Physical Plant and Equipment Levy in 2011 Iowa Acts, House File 645, section 20. The definition of “maintenance” in Item 3 has its origin in statutory and case law, as well as the Uniform Financial Accounting Procedures, and is proposed to be added as a courtesy to school districts.

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

Interested individuals may make written comments on the proposed amendments on or before October 25, 2011, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515) 281-4122.

A public hearing will be held on October 25, 2011, from 1 to 2 p.m., at the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, 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 Iowa Code section 298.3(1)“c” as amended by 2011 Iowa Acts, House File 645, section 20, and Iowa Code section 299A.12 as amended by 2011 Iowa Acts, House File 645, sections 23 to 25.

The following amendments are proposed.

ITEM 1. Amend rule 281—98.12(257,299A) as follows:

281—98.12(257,299A) Home school assistance program. The home school assistance program (HSAP) is a program for a specific category of students and is provided outside the basic educational program provided to regularly enrolled students by the school district. If a district offers a home school assistance program, the state foundation aid that the district receives pursuant to Iowa Code section 257.6(1)“a”(5) shall be expended for purposes of providing the home school assistance program.

98.12(1) Appropriate uses of categorical funding. Appropriate uses of the home school assistance program funding include, but are not limited to, the following:

- a. Assisting Instruction for students and assistance for parents with instruction.
- b. to h. No change.

98.12(2) Inappropriate uses of categorical funding. Inappropriate uses of the home school assistance program funding include, but are not limited to, indirect costs or use charges; operational or maintenance costs ~~in addition to the cost of maintaining school district facilities other than those necessary to operate and maintain the program;~~ capital expenditures other than equipment or facility acquisition, including the lease or rental of space to supplement existing schoolhouse facilities; student transportation except in cases of home school assistance program-approved field trips or other educational activities; administrative costs other than the costs necessary to administer the program;

concurrent and dual enrollment program costs, including postsecondary enrollment options program costs; or any other expenditures not directly related to providing the home school assistance program. A home school assistance program shall not provide moneys to parents or students utilizing the program.

ITEM 2. Amend paragraph **98.64(2)“e”** as follows:

e. Purchasing, leasing, or lease-purchasing ~~a single unit of equipment or a single unit of technology exceeding \$500 in value per unit purchase, lease, or lease-purchase transaction.~~ “Single unit of equipment” means both equipment and furnishings and does not include bulk purchases or multiple purchases of units. The cost limitation for a single unit of equipment does not apply to recreational equipment or equipment that becomes an integral part of real property such as furnaces, boilers, water heaters, and central air-conditioning units that are included in repairs to a building.

(1) “Equipment” means both equipment and furnishings. The cost limitation for equipment does not apply to recreational equipment pursuant to paragraph 98.64(2)“n” or equipment that becomes an integral part of real property such as furnaces, boilers, water heaters, and central air-conditioning units that are included in repairs to a building pursuant to paragraph 98.64(2)“h.”

(2) Technology may be bundled for purposes of exceeding \$500. A bundle for purposes of this subparagraph means a collection of items related to a specific technology purpose from the same vendor.

ITEM 3. Amend paragraph **98.64(2)“h”** as follows:

h. Repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and the additions to existing schoolhouses. “Repairing” means restoring an existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance. “Reconstructing” means rebuilding or restoring as an entity a thing which was lost or destroyed. “Maintenance” means to cause to remain in a state of good repair or to keep equipment in effective working condition and ready for daily use. Maintenance includes cleaning, upkeep, making minor repairs, replacing parts, inspecting for needed maintenance, preserving the existing state or condition, and preventing a decline in the existing state or condition.

ITEM 4. Amend **281—Chapter 98**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 24, 29C, 76, 143, 256, 256B, 257, 274, 275, 276, 279, 280, 282, 283A, 284, 284A, 285, 291, 294A, 296, 298 as amended by 2011 Iowa Acts, House File 645, section 20, 298A, 299A as amended by 2010 Iowa Acts, Senate File 2376, section 40 2011 Iowa Acts, House File 645, sections 23 to 25, 300, 301 as amended by 2010 Iowa Acts, Senate File 2478, 423E, 423F, 565, and 670 and sections 11.6(1)“a”(1), 256C.4(1)“c,” 256D.4(3) and 284.13.