

Regulatory Analysis

Notice of Intended Action to be published: 289—Chapter 5
“Public Records and Fair Information Practices”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 257.30(2)

State or federal law(s) implemented by the rulemaking: Iowa Code sections 257.30 through 257.32

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 28, 2025
8 to 9 a.m.

Room B100
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the School Budget Review Committee no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Purpose and Summary

This proposed rulemaking removes duplicative and obsolete language and provides some additional flexibility when allowed by statute.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• **Classes of persons that will bear the costs of the proposed rulemaking:**

School districts will bear the cost of compliance with these rules to demonstrate they are entitled to relief from the Committee.

• **Classes of persons that will benefit from the proposed rulemaking:**

Entities interacting with the Committee, as well as Iowa’s taxpayers, will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

No impact noted.

• **Qualitative description of impact:**

No impact noted.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

No additional costs noted.

- **Anticipated effect on state revenues:**
No appreciable effects on state revenue are noted.
- 4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Not applicable. The statute requires rules.
- 5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**
Not applicable. The statute requires rules.
- 6. **Alternative methods considered by the agency:**
 - **Description of any alternative methods that were seriously considered by the agency:**
Not applicable. The statute requires rules.
 - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**
Not applicable. The statute requires rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

None noted.

Text of Proposed Rulemaking

ITEM 1. Rescind 289—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly’s website.

289—5.1(17A) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “school budget review committee”.

289—5.3(17A) Requests for access to records.

5.3(1) *Location of record.* In lieu of the words “(insert agency head)”, insert “chairperson of the committee”. In lieu of the words “(insert agency name and address)”, insert “School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146”.

5.3(2) Office hours. In lieu of the words “(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

5.3(7) Fees.

c. Supervisory fee. In lieu of the words “(specify time period)”, insert “one-half hour”. In lieu of the words “An agency wishing to deal with search fees authorized by law should do so here”, insert “The committee will give advance notice to the requester if it will be necessary to use an employee with a higher hourly wage in order to find or supervise the particular records in question, and shall indicate the amount of that higher hourly wage to the requester.”

289—5.6(17A) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)”, insert “the office of the chairperson of this committee”.

289—5.9(17A) Disclosures without the consent of the subject. Open records are routinely disclosed without the consent of the subject.

289—5.10(17A) Routine use.

5.10(1) “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose for which the record was collected. It includes disclosures required to be made by statute other than public records law, Iowa Code chapter 22.

5.10(2) To the extent allowed by law, the following uses are considered routine uses of all committee records:

a. Disclosure to those members of the committee who have a need for the record in the performance of their duties.

b. Information released to staff of federal and state entities for audit purposes or to determine whether the agency is operating a program lawfully.

289—5.11(17A) Availability of records. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

289—5.12(17A) Rulemaking records. These records are routinely available to the public and may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4 and 17A.7. These records are stored on paper and not in an automated data processing system.

289—5.13(17A) Applicability. This chapter does not require the agency to index or retrieve records that contain information about individuals by that person’s name or other personal identifier.

These rules are intended to implement Iowa Code section 17A.22.