

Regulatory Analysis

Notice of Intended Action to be published: 289—Chapter 6
“Duties and Operational Procedures”

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
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, such as increased flexibility in payment of special education administrative costs.

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 6 and adopt the following new chapter in lieu thereof:

CHAPTER 6
DUTIES AND OPERATIONAL PROCEDURES

289—6.1(257) Definitions. For the purposes of this chapter, the following definitions apply.

“*Area education agency*” or “*AEA*” means an agency organized under Iowa Code chapter 273.

“*Authorized budget*” means the total dollars available as the expenditure limit for a school district for a specific fiscal year. This total is the combined district cost plus miscellaneous income actually received during the fiscal year, plus the unspent balance of the previous year.

“*Base year*” means the same as defined in Iowa Code section 257.2.

“*Basis of accounting*” means the accrual or modified accrual accounting basis under generally accepted accounting principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB) and in effect on [publication date of Notice of Intended Action].

“*Basis of budgeting*” means the accrual or modified accrual budgeting basis under GAAP as defined by GASB in effect on [publication date of Notice of Intended Action].

“*Budget year*” means the same as defined in Iowa Code section 257.2.

“*Certified budget*” means the document that has been published and certified as provided for in Iowa Code chapter 24 and contains the amount proposed to be expended during the budget year.

“*Collective action*” means a situation that applies to multiple districts with the same or substantially similar needs and the committee has determined that the districts can be considered jointly in a single hearing.

“*Committee*” means the school budget review committee.

“*Community college*” means a publicly supported school organized under Iowa Code chapter 260C.

“*Expenditures*” means the total amounts paid from the general fund of a school corporation.

“*Miscellaneous income*” means the receipts deposited to the general fund of the school district but not including any of the following:

1. Foundation aid.
2. Revenue obtained from the foundation property tax as defined in Iowa Code section 257.3(1).
3. Cash reserve levy.
4. Revenue obtained from the additional property tax under Iowa Code section 257.4.

“*Modified supplemental amount*” means an amount expressed in dollars that is added to the district’s authorized budget.

“*School corporation*” means a school district, area education agency, or community college.

“*School district*” means a school corporation organized under Iowa Code chapter 274.

“*Unexpended fund balance*” means the school district’s or AEA’s fund balance in the general fund reported by the school district or AEA on the GAAP basis of accounting on its certified annual report.

“*Unspent balance*” means the amount of the authorized budget for the general fund less the amount expended during the budget year on the GAAP basis of budgeting as reported by the school district on its certified annual report.

289—6.2 Reserved.

289—6.3(257) Hearing procedures.

6.3(1) *Request for hearing.*

a. The board of a school corporation requesting a hearing before the committee is required to submit an electronic request to the committee stating the reason for the request for a hearing. The board is required to take official board action on the subject of the hearing, exhibits submitted to the committee, and the amount of the request, if applicable.

b. A request must be received by the committee at least one month prior to the date of the scheduled hearing.

c. School corporations with similar requests may appear and present their requests jointly at the discretion of the committee chairperson.

6.3(2) *Notification.*

a. An electronic confirmation of each request shall be provided to the school corporation upon receipt of the request for hearing.

b. The committee may require board members or employees of any school corporation to appear. School corporations required to have a board member or employee appear shall be notified no later than three weeks prior to the hearing.

c. School corporations scheduled for hearings shall be notified no later than one week prior to the hearing.

d. A school corporation desiring to withdraw its request to appear before the committee shall immediately inform the committee and the legislators within whose constituency the school corporation is located. A school corporation required to appear may not withdraw without the approval of the committee.

6.3(3) *Material for the hearing.*

a. Any information requested by the committee must be provided within the timelines requested by the committee in order for the school corporation to be included on the schedule for a hearing. One full set of materials provided electronically in a format that can be cut and pasted into official documentation shall be submitted at least four weeks prior to the scheduled hearing. The committee chairperson may set an earlier due date for information if necessary for adequate review based on the quantity or complexity of hearings. If a school corporation's exhibits for a hearing the school corporation has requested are not received timely, the school corporation's hearing may be postponed to the next following regularly scheduled session. Where applicable, the committee will provide forms or checklists to school corporations to obtain uniform and comparable data for determining committee decisions.

b. School corporations shall include in their materials for the hearing a copy of the board minutes that include the official action taken by the applicable school corporation board on the subject of the hearing approving the district's hearing materials and authorizing the school corporation's administrative officials to request a modified supplemental amount or use of the unexpended fund balance.

c. It is the responsibility of the administrative officials and board members to present information and materials in support of their school corporation's request to the committee in a timely manner.

d. The committee may require staff of the department of education or department of management to appear or provide information for a hearing or for a study. The committee may require staff of any school corporation to provide information for a hearing related to another school corporation or for a study.

e. In order for the committee to have the information necessary to evaluate balances and budgets as required by the Iowa Code or to evaluate materials submitted by school districts or AEAs, all school districts and AEAs shall file financial and enrollment reports, including the certified annual report, in the manner, by the procedures, and by the dates prescribed by the department of education or department of management.

f. If the requirements in paragraph 6.3(3) "e" are not met, the committee may implement the procedures described in subrule 6.3(5).

g. Applications for any supplemental aid funding shall be filed by the due date established in the Iowa Code, an administrative rule, or otherwise by the department of education or department of management.

h. Applications for a modified supplemental amount for increased certified enrollment over the prior year's enrollment, applications for a modified supplemental amount to pay tuition costs for open-enrolled-out students who were not enrolled in the district on the certified enrollment date in the prior year, and applications for a modified supplemental amount for excess costs of instructional programs for English learner students must be received no later than December 1 of the budget year.

i. Applications for a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention shall be filed by January 15 of the base year.

j. Requests to charge administrative costs to the special education program for the subsequent fiscal year must be received no later than February 1 of the base year.

k. Applications described in paragraph 6.3(3) "g" that are not timely filed will not be considered for supplemental aid or for a modified supplemental amount. Applications described in paragraphs 6.3(3) "h" and "j" that are not timely filed may be considered at the sole discretion of the committee. Applications described in paragraph 6.3(3) "i" that are submitted after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered may be considered at the sole discretion of the committee; applications received after March 1 shall not be considered by the committee for any reason.

6.3(4) *Permission to speak during the hearing.* Any person wishing to appear before the committee, other than the board member or school corporation employee representing the school

corporation, shall submit a request in writing prior to the hearing date. Permission may be granted to a request made at the hearing upon a majority vote of the committee members present.

6.3(5) *Failure to appear or to provide information.* If any school corporation fails to appear as required by the committee or fails to provide any information requested by the committee, including the reports described in paragraph 6.3(3)“e,” the committee may direct the director of the department of management to withhold state foundation aid until the school corporation complies with the committee’s request. When the school corporation satisfactorily complies with the committee request, the withheld state foundation aid will be released and paid to the school corporation with the next regularly scheduled payment of foundation aid.

6.3(6) *Decisions by the committee.*

a. A decision to table, deny, modify, or grant the request of a school corporation shall be made no later than the end of the day of the hearing.

b. The school corporation shall receive electronic notification when a summary of the final action taken by the committee is posted on the committee website.

c. The committee shall consider the intent of Iowa Code chapter 257 in making its decisions. The intent includes the following:

- (1) Equalizing educational opportunities,
- (2) Providing a good education to all Iowa children,
- (3) Providing property tax relief,
- (4) Decreasing the percentage of school costs paid by property tax, and
- (5) Providing reasonable control of school costs.

d. In addition to the requirements in Iowa Code section 257.31, the committee shall also consider in making its decisions the following:

- (1) The amount of unexpended fund balance available in all funds.
- (2) The amount of unspent balance in the general fund.

e. In addition to the requirements in Iowa Code section 257.31, the committee may consider the following if materials are requested or provided by the department or school corporation:

- (1) Local school district tax rates.
- (2) Local taxpayer support for the request.
- (3) Local effort to obtain alternative funding where available and applicable.
- (4) Documented actual costs of the program or project that is the subject of the request not otherwise covered by funding for the same program or need.
- (5) Sustainability of the program or need within the district or AEA budget without future requests.
- (6) Number and cost of previous requests for the same need and the number and cost of all previous requests.
- (7) Alternative procedures in the Iowa Code or administrative rules to provide funding for the same program or need.
- (8) Life safety issues other than those covered in Iowa Code section 257.31(6) documented through an independent, authoritative source.
- (9) Unusual or unique nature of the need.
- (10) Any other information the committee members consider pertinent to the consideration of the request.

6.3(7) *Routine action by the committee.* School corporations do not need to be represented when action under consideration is for such items as cash reserve levies; timely filed request of a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention; special education balances; or other situations that are considered collective actions as determined by the committee.

6.3(8) *Basic policies.* The committee has established the following basic policies that it shall consider in rendering its decisions.

a. Modified supplemental amount requests shall be considered only for costs up through the budget year, except where the Iowa Code expressly authorizes a modified supplemental amount to be granted for a subsequent year.

b. Modified supplemental amount requests shall be considered only for expenditures permitted from the general fund pursuant to the Iowa Code.

c. Modified supplemental amount requests may be brought before the committee for unusual, unique or unforeseeable circumstances.

d. Modified supplemental amount requests shall be considered only to the extent of the actual, documented costs.

6.3(9) *Use of the unexpended fund balance.* If the committee approves use of the unexpended fund balance, the school district shall report to the committee as required by the committee an accounting of expenditures on the project until the project is completed. If any portion of the amount granted by the committee remains unexpended at the completion of the project, the school district shall notify the committee on or before the committee's next regularly scheduled meeting. Any portion of the amount granted by the committee that remains unexpended at the completion of the project shall be returned to the unexpended fund balance in the general fund.

6.3(10) *Modified supplemental amount to an AEA.* If the committee approves a modified supplemental amount for special education support services, approves an additional amount to be added to district costs for media services or educational services, or approves a modified supplemental amount for unusual circumstances, the amount shall be included in the budget of each district in the AEA for the subsequent budget year in the proportion that the appropriate enrollment of each district in the AEA bears to the total enrollment of all districts in the AEA.

289—6.4(257) General duties.

6.4(1) *Review of rules, regulations, directives and forms.* The committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting, confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters, and direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

6.4(2) *Hearing decisions.* The committee shall maintain its decisions for each hearing. Materials provided by the requesting school corporation, materials provided by the department of education or department of management regarding each request, and the decisions of the committee are available for access by the public, including members of the general assembly.

289—6.5(257) Budgets.

6.5(1) *Generally accepted accounting principles.* All school districts and AEAs shall budget on the GAAP basis of budgeting as defined by GASB and as implemented in Uniform Financial Accounting for Iowa LEAs and AEAs (UFA) that is in effect on [publication date of Notice of Intended Action]. School districts and AEAs shall use the chart of accounts defined in the UFA.

6.5(2) *Accounting and reporting.* School districts and AEAs shall maintain financial records and prepare financial reports, including the certified annual report, in the manner and by the procedures prescribed by the department of education or department of management in the UFA and by GAAP. School districts and AEAs shall use the prescribed chart of accounts.

6.5(3) *Negative unspent balances (exceeding authorized budgets).* If the school district has incurred a negative unspent balance, it shall notify the committee no later than October 15 and begin developing its corrective action plan to avoid future negative unspent balances.

a. A listing of the unspent balance as well as the unexpended fund balance of each school district for each fiscal year shall be reviewed by the committee. The unspent balance and the unexpended fund balance shall be presented on the GAAP basis.

b. The amount of any negative unspent balance shall be automatically subtracted from the authorized budget of a given school district during the subsequent fiscal year.

c. The state board of education may be notified of the school districts with negative unspent balances each year. The notification shall include the amount by which the school district exceeded its authorized budget.

d. The board president of each school district with a negative unspent balance shall be notified of the amount by which the school district exceeded its authorized budget. The school districts shall inform the committee at the committee's next regularly scheduled session of the plans that are being implemented to avoid future negative unspent balances.

e. The committee may require the district to continue to report progress on the district's plans at regular intervals as determined by the committee until the committee is satisfied that the district's financial condition concerns have been resolved.

6.5(4) Cash reserve levy.

a. Annually the school budget review committee shall review the amount of property tax levied by each school district for the cash reserve authorized in Iowa Code section 298.10.

b. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high or is in excess of the amount necessary for operations, the committee shall instruct the district to use the unexpended fund balance in lieu of levying property taxes and shall direct the director of the department of management to limit that school district's cash reserve levy to a level that is not excessive as determined by the committee and does not exceed the cash reserve limitation in paragraph 6.5(4) "c."

c. The cash reserve levies for the budget year shall not exceed 20 percent of the general fund expenditures for the year previous to the base year minus the general fund unexpended fund balance for the year previous to the base year. The expenditures and the fund balances shall be determined on the GAAP basis. For purposes of this subrule, "unexpended fund balance" shall mean the combined assigned and unassigned fund balances in the general fund.

d. A reduction in a district's property tax levy for a budget year for cash reserve shall not affect the school district's authorized budget.

289—6.6 Reserved.

289—6.7(257) Sharing. The committee may recommend that two or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in Iowa Code section 280.15.

289—6.8 Reserved.

289—6.9(257) Special education administrative costs.

6.9(1) When a school district presents evidence of unusual circumstances that would justify charging administrative costs to the special education program, the committee may authorize such expenditures.

6.9(2) The committee shall use the following criteria in evaluating the evidence presented by the district:

a. The school district has a separate facility for special education that has a sufficient student population to warrant a certified special education administrator. In this case, the district, after it has received approval from the committee, may bill the prorated cost of the special education administrator to other resident districts as well as include the prorated portion related to its own resident students in the special education program expenditures.

b. The school district has one or more private facilities located within the district with a sufficient special education student population that is served by the district. In this case, the district, after it has received approval from the committee, may include the lower of the prorated actual administrative costs or the prorated approved administrative costs in the billing to other resident

districts in proportion to each district's resident students in the program and the prorated portion related to its own resident students in the special education program expenditures.

c. Districts making a request for administrative costs under this rule are limited to requesting the percentage of the employee(s) actual work time engaged in administrative work of the special education program offered at the private facility.

289—6.10(257) Area education agency budget review. Year-end special education support services assigned and unassigned fund balances exceeding 10 percent of the special education support services expenditures for that fiscal year may be reverted and reduced to 10 percent. The AEA shall report the necessary information for this calculation on its certified annual report to the department. The committee shall review the recommended reversion calculated by the department of education and shall make a recommendation to the department regarding final amounts to be reverted. The components of fund balances shall be determined in compliance with department of education guidance and GAAP.

These rules are intended to implement Iowa Code sections 257.30, 257.31, 257.32, 257.40, and 298.10 and chapter 260C.