Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 7
"Uniform Rules for Waivers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.178

Public Hearing

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

September 9, 2025 4 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the College Student Aid Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

David Ford, Bureau Chief
Bureau of Iowa College Aid
400 East 14th Street
Des Moines, Iowa 50319
Email: david.ford@iowa.gov

Purpose and Summary

The Commission proposes to rescind Chapter 7 and adopt a new Chapter 7 pursuant to Executive Order 10. New Chapter 7 is proposed to explain the rule waiver process to constituents.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

In general, the proposed rulemaking does not impose requirements that would add an administrative burden beyond the provisions already established in law.

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

The public and the Commission will benefit from the rulemaking since it explains the rule waiver process.

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:**

The rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The rulemaking illustrates provisions regarding the rule waiver process to the public.

3. **Costs to the State:**

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

The agency would incur minimal costs to implement and enforce the chapter.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have any effect on State revenues beyond that of the legislation it is intended to implement.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of the proposed rulemaking is to publicly illustrate the rule waiver process. The cost of inaction would be confusion about the process the Commission utilizes for administrative rule waivers.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The rulemaking proposes an efficient administrative method of providing the identified information to the public.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No other methods were seriously considered by the Commission since the method proposed is a cost-efficient and seamless way to provide the information.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Alternative methods were rejected because the method used is a streamlined approach to illustrating the necessary information.

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?

The proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 283—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
WAIVERS FROM ADMINISTRATIVE RULES

283—7.1(17A) Definitions. For purposes of this chapter:

"Commission" means the college student aid commission.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

283—7.2(17A) General. The commission may grant a waiver of any administrative rule if the waiver is consistent with Iowa Code section 17A.9A.

283—7.3(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the commission finds, based on clear and convincing evidence, that all of the factors listed in Iowa Code section 17A.9A(2) apply.

283—7.4(17A) Filing of petition. All petitions for waiver are submitted in writing to the Executive Director, College Student Aid Commission, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding using the caption of the contested case.

283—7.5(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

7.5(1) The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.

7.5(2) A description and citation of the specific rule from which a waiver is requested.

7.5(3) The specific waiver requested, including the precise scope and duration.

7.5(4) The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement includes a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

7.5(5) A history of any prior contacts between the commission and the petitioner relating to the commission's programs, contracts, allocations, loans, grants or other activities in which the petitioner has participated or from which the petitioner has received a benefit that are affected by the proposed waiver, including a description of each affected item held by the requester and any notices of violation or noncompliance, contested case hearings, or investigative reports relating to the item within the last five years.

7.5(6) A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

7.5(7) Any information known to the requester regarding the commission's treatment of similar cases.

7.5(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

7.5(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

7.5(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver.

283—7.6(17A) Additional information. Prior to issuing an order granting or denying a waiver, the executive director may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the commission or its executive director may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

283—7.7(17A) Notice. The commission will acknowledge a petition upon receipt and ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been provided.

283—7.8(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

7.8(1) To any petition for a waiver filed within a contested case,

7.8(2) When provided by rule or order, or

7.8(3) When required to do so by statute.

283—7.9(17A) Ruling. An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

7.9(1) *General.* The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the commission, based on the unique, individual circumstances set out in the petition.

7.9(2) *Compliance with Iowa Code standards.* The commission applies the standards and burdens in Iowa Code section 17A.9A(3).

7.9(3) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the commission will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

7.9(4) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

7.9(5) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

7.9(6) *Time for ruling.* The commission will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the commission will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the commission to grant or deny a petition within the required time period is deemed a denial of that petition by the commission. However, the commission remains responsible for issuing an order denying a waiver.

7.9(7) *Service of order.* Within seven days of its issuance, any order issued under this chapter is to be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

283—7.10(17A) Public availability. The commission will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

283—7.11(17A) After issuance of a waiver.

7.11(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the commission issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The alternative means for ensuring that public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

7.11(2) *Violations.* A violation of conditions in the waiver approval is the equivalent of a violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver

under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

7.11(3) *Defense.* After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

7.11(4) *Judicial review.* Judicial review of the commission's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapter 17A.