

281—96.5 (423E,423F) Review process.

96.5(1) *Task force.* The department shall form a task force to review applications for certificate of need and to provide recommendations to the SBRC. The department shall invite participants from large, medium, and small school districts, the state fire marshal's office, education and professional organizations, or other individuals knowledgeable in school infrastructure and construction issues. The department, in consultation with the task force, shall establish the parameters and criteria for awarding certificates of need based on information listed in Iowa Code section 423E.4, subsection 5, which includes required consideration of the following:

- a.* Enrollment trends in the grades that will be served at the new construction site.
- b.* The infeasibility of remodeling, reconstructing, or repairing existing buildings.
- c.* The fire and health safety needs of the school district.
- d.* The distance, convenience, cost of transportation, and accessibility of the new construction site to the students to be served at the new construction site.
- e.* Unavailability of alternative, less costly, or more effective means of serving the needs of the students.
- f.* The financial condition of the school district, including the effect of the decline of the budget guarantee and unspent balance.
- g.* Broad and long-term ability of the school district to support the facility and the quality of the academic program.
- h.* Cooperation with other educational entities including other school districts, area education agencies, postsecondary institutions, and local communities.

96.5(2) *Task force review.* The task force, or a subcommittee of the task force, and its designees, shall review each application and make recommendations to the school budget review committee regarding approval of certificates of need based on the evidence provided by the applicant pursuant to subrule 96.4(2) and the criteria listed in subrule 96.5(1). More than one member of the task force or subcommittee of the task force and its designees shall review each application. A reviewer shall not review any application in which the reviewer has a conflict of interest.

96.5(3) *Approval process.* Applications shall be reviewed and recommended for approval or denial based on any or all of the following individual or collective criteria. Each applicable criterion shall be scored on a scale of zero to ten. Applicable scores shall be averaged. Nonapplicable criteria shall not be used in determining the average score. An application shall have a minimum average score of five to be eligible to be recommended for approval. If an application receives a score of zero on one or more applicable criteria, the application shall not be recommended for approval. A recommendation for approval by the task force does not constitute final approval of the application. The following categories on the application shall be evaluated and scored:

- a.* Infrastructure needs the project proposes to alleviate. Special consideration shall be given to infrastructure needs that relate to fire or health safety issues.
- b.* Evidence that remodeling, reconstructing, or repairing the existing buildings is not feasible.
- c.* Unavailability of alternative, less costly, or more effective means of serving student needs.
- d.* Improvement of transportation distance, convenience, cost and accessibility with the new construction.
- e.* Sustainable financial condition and long-term financial stability of the school district.
- f.* Evidence that the proposed project will improve educational opportunities for students and enable the school district to meet or exceed educational standards.
- g.* Current comprehensive, districtwide infrastructure plan and the description of how this project fits within that plan.
- h.* Description of collaboration with one or more other public or private entities.

96.5(4) *Ineligibility for approval.* If either of the following two descriptions applies to the school district, the school district shall not be eligible for a certificate of need unless a feasibility study conducted within the past three years pursuant to Iowa Code subsection 256.9(34) and the AEA plan pursuant to

Iowa Code sections 275.1 to 275.4 determine that sharing, reorganization, or dissolution is not feasible for the school district.

a. If either the current enrollment or any of the five years of projected enrollments for the school district is fewer than 250 students.

b. If either the current enrollment or any of the five years of projected enrollments for the school district for grades 9 through 12 is fewer than a total of 100 students, if a high school building is the subject of the application.

96.5(5) *School budget review committee.* The SBRC shall review the recommendations from the task force for approval of certificates of need. The committee shall make recommendations on approval to the department for final consideration.

[ARC 8384B, IAB 12/16/09, effective 1/20/10]