

**289—6.3 (257) Hearing procedures.****6.3(1) Request for hearing.**

*a.* The board of a school corporation requesting a hearing before the SBRC is required, after taking official board action on the subject of the hearing, to submit an electronic request to the committee stating the reason for the request for a hearing.

*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 SBRC 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 SBRC 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 SBRC 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 SBRC.

**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 original and 11 copies of written material, and one full set of the 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 SBRC 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 and authorizing the school corporation's administrative officials to request modified allowable growth or use of the unexpended fund balance.

*c.* It shall be 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 SBRC 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 SBRC 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 SBRC 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 SBRC 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 modified allowable growth for increased certified enrollment over the prior year's enrollment, applications for modified allowable growth 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 modified allowable growth for excess costs of instructional programs for limited English proficient students must be received no later than December 1 of the budget year.

*i.* Applications for modified allowable growth for returning dropout and dropout prevention programs shall be filed by December 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 paragraphs 6.3(3) "g" and "i" that are not timely filed will not be considered for supplemental aid or for modified allowable growth. Applications described in paragraphs 6.3(3) "h" and "j" that are not timely filed may be considered at the discretion of the SBRC.

**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 SBRC, including the reports described in paragraph 6.3(3) "e," the SBRC may direct the director of the department of management to withhold state foundation aid until the school corporation complies with the SBRC's request. When the school corporation satisfactorily complies with the SBRC 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 SBRC Web site.

*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 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 SBRC 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, returning dropout/dropout prevention programs, special education balances or other situations which are considered class actions as determined by the SBRC.

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

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

*b.* Modified allowable growth requests shall be considered only for expenditures permitted from the general fund pursuant to the Iowa Code.

*c.* Modified allowable growth requests may be brought before the committee for unusual, unique or unforeseeable circumstances.

*d.* Modified allowable growth requests shall be considered only to the extent of the actual, documented costs.

**6.3(9) *Use of the unexpended fund balance.*** If the SBRC 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 SBRC remains unexpended at the completion of the project, the school district shall notify the SBRC on or before the SBRC's next regularly scheduled meeting. Any portion of the amount granted by the SBRC 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 allowable growth to an AEA.*** If the SBRC approves modified allowable growth for special education support services, approves an additional amount to be added to district costs for media services or educational services, or approves modified allowable growth 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.