Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 18
"Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.9(2)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 18 and adopt a new chapter in lieu thereof. The new chapter will incorporate by reference the Uniform Rules on Agency Procedure on declaratory orders.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

Persons or agencies submitting a petition for declaratory order benefit from this proposed chapter.

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:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no increased implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable. This proposed chapter is required by statute.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18
DECLARATORY ORDERS

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to declaratory orders, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—18.1(17A) Petition for declaratory order. In lieu of "(designate agency)", insert "state board of regents". In lieu of "(designate office)", insert "the Office of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322". In lieu of "(AGENCY NAME)", the heading on the petition form should read:

STATE BOARD OF REGENTS

18.1(1) In matters that relate exclusively or primarily to one of the universities under the governance of the state board of regents, the state board of regents will normally assign action on declaratory orders to the president of the affected institution. The president, or the president's designee, shall assume all powers of the state board of regents to handle and rule on petitions for

declaratory orders. Assignment may be made by the executive director of the state board of regents and will normally occur within five days of filing of the petition.

18.1(2) Upon assignment of a petition to a president, the term "state board of regents" in this chapter shall refer to the president. Pleadings and documents related to such petitions shall be filed with the president, or as designated in writing to the parties, and the documents may be revised to reflect that the matter is before the affected institution.

681—18.2(17A) Notice of petition. In lieu of "____ days (15 or less)", insert "15 days". In lieu of "(designate agency)", insert "state board of regents". In lieu of "X.6(17A)", insert "rule 681—18.6(17A)".

681—18.3(17A) Intervention.

18.3(1) In lieu of "____ days", insert "25 days". Strike "(after time for notice under X.2(17A) and before 30-day time for agency action under X.8(17A))".

18.3(2) In lieu of "(designate agency)", insert "the state board of regents".

18.3(3) In lieu of "(designate office)", insert "the Office of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. In lieu of "(designate agency)", insert "state board of regents". In lieu of "(AGENCY NAME)", the heading on the petition form should read:

STATE BOARD OF REGENTS

681—18.4(17A) Briefs. In lieu of "(designate agency)", insert "state board of regents".

681—18.5(17A) Inquiries. In lieu of "(designate official by full title and address)", insert "the Executive Director of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition.

681—18.6(17A) Service and filing of petitions and other papers.

18.6(2) *Filing—when required.* In lieu of "(specify office and address)", insert "the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. In lieu of "(agency name)", insert "state board of regents" or, in the case of a matter assigned to an institution, the president.

18.6(3) *Method of service, time of filing, and proof of mailing.* In lieu of "(uniform rule on contested cases X.12(17A))", insert "rule 681—20.12(17A)".

681—18.8(17A) Action on petition.

18.8(1) In lieu of "(designate agency head)", insert "executive director or the president".

18.8(2) In lieu of "(contested case uniform rule X.2(17A))", insert "rule 681—20.2(17A)".

681—18.9(17A) Refusal to issue order.

18.9(1) In lieu of "(designate agency)", insert "state board of regents". In addition to the ten reasons for refusal to issue an order in the Uniform Rules on Agency Procedure, the following additional reasons apply:

11. The petitioner requests the state board of regents to issue a preliminary determination in any academic matter, such as sufficiency of academic performance or whether or how a particular grade or degree may or will be awarded to an individual.

12. The petitioner requests a determination of a matter being considered in an internal grievance, disciplinary hearing or investigatory process underway at the state board of regents or a regent institution.

13. The petitioner requests a determination regarding a purchasing transaction, a grant or a contract of the state board of regents or regent institution.

14. The petitioner requests a determination regarding a personnel matter, including but not limited to layoff, program reorganization and benefits matters.

15. The petitioner requests a determination regarding the provision of medical care to a patient or animal at medical or veterinary facilities operated by a regent institution.

16. The petitioner requests a determination of a matter subject to collective bargaining or a matter required to be addressed under the terms of any collective bargaining agreement.

681—18.12(17A) Effect of a declaratory order. In lieu of "(designate agency)", insert "state board of regents".

These rules are intended to implement Iowa Code section 17A.9.