ARC 0726D

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to special education

The State Board of Education hereby amends Chapter 41, "Special Education," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 256.7 and 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256B and 34 CFR Part 300.

Purpose and Summary

These technical corrections provide additional support for students with disabilities who are placed outside of their building or district of residence.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0547D**. A public hearing was held on the following date(s):

- September 22, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on October 15, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on December 16, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **41.116(4)"b"** as follows:

b. Additional questions concerning special school placement. When some or all of an eligible individual's special education is to be provided in a special school (which, for purposes of this rule, is defined as an educational environment for students with disabilities, including anything labeled as a special school, special program, or separate location, outside of the public school building that the child would otherwise attend), the individual's IEP, or an associated or attached document, shall include specific answers to the following additional four questions:

(1) to (4) No change.

ITEM 2. Amend paragraph **41.903(2)"a"** as follows:

a. Ensuring that all the requirements related to the development of each eligible individual's IEP are met, including attending or otherwise participating in each eligible individual's IEP team meetings.

[Filed 10/20/26, effective 12/16/26]
[Published 11/11/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/11/26.