EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to family support mentoring program

The State Board of Education hereby amends Chapter 41, "Special Education," and Chapter 120, "Early Access Integrated System of Early Intervention Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 604.

Purpose and Summary

House File 604 required the Department of Education to establish and, for each year in which there is an appropriation, implement a "comprehensive family support mentoring program that meets the language and communication needs of families." House File 604 also required the Department to establish rules to implement this program, regardless of whether there is an appropriation. This rule making fulfills the requirements of the legislation.

During the drafting of these rules, the Department received information from representatives of the Iowa School for the Deaf, the Iowa Department of Public Health, and Iowa's area education agencies. Those representatives concur in the content of these rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 8, 2023, as **ARC 6875C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on March 23, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on May 24, 2023.

The following rule-making actions are adopted:

ITEM 1.   Adopt the following **new** rule 281—41.329(256B,34CFR300):

281—41.329(256B,34CFR300) Family support mentoring program. If moneys are appropriated by the general assembly for a fiscal year for the purpose provided in this rule, the department shall develop guidelines for a comprehensive family support mentoring program that meets the language and communication needs of families, or implement them if guidelines already exist. The department, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

41.329(1) *General department powers.* In establishing the family support mentoring program, the department may do all of the following, either directly or through a contract or agreement:

a.   Hire a family support mentoring coordinator.

b.   Utilize the parent resource created in Iowa Code section 256B.10(2) as well as other resources to provide families with information and guidance on language, communication, social, and emotional development of their child.

c.   Recruit family support mentors to serve the needs of the family support mentoring program.

d.   Train parents of a deaf or hard-of-hearing child to become family support mentors and train deaf or hard-of-hearing adults to become deaf or hard-of-hearing adult family support mentors.

e.   Reach out to parents of children identified through the early hearing detection and intervention program in the Iowa department of public health and share information about the family support mentoring program services available to such parents.

f.   Reach out to families referred by primary care providers, the area education agencies, and from other agencies that provide services to deaf or hard-of-hearing children.

g.   Provide follow-up contact, as necessary, to establish services after initial referral.

h.   Provide administrative oversight of any program established under this rule. Administrative oversight may include:

(1)   Review of the qualifications of mentors;

(2)   Alignment of family needs with paired mentors;

(3)   Administration and analysis of satisfaction surveys; and

(4)   Gathering demographic data of those served, such as ages and geographic location of children.

41.329(2) *Collaboration.*

a.   The department shall work with the early hearing detection and intervention program in the Iowa department of public health, the Iowa school for the deaf, and the area education agencies when developing the guidelines.

b.   The department shall coordinate family support mentoring activities with the early hearing detection and intervention program in the Iowa department of public health, the Iowa school for the deaf, the area education agencies, and nonprofit organizations that provide family support mentoring to parents with deaf or hard-of-hearing children.

41.329(3) *Nature of the program.*

a.   A family support mentor may be any of the following:

(1)   A parent who has experience raising a child who is deaf or hard-of-hearing and who has experience supporting the child's communication and language development.

(2)   A deaf or hard-of-hearing adult who serves as a deaf or hard-of-hearing role model for the children and their families. Deaf or hard-of-hearing family support mentors may provide parents with an understanding of American sign language and English, including instructional philosophies for both,

such as bilingual bimodal, listening and spoken language, total communication, and other philosophies, as well as other forms of communication, deaf culture, deaf community, and self-identity.

(3) The department will ensure mentors are qualified to provide supports that match the specific needs, experiences, and desires of families of children who are deaf or hard-of-hearing.

(4) Nothing in this rule shall be construed to create or require any credential or certification to serve as a family support mentor.

b. With the consent of the parent of the deaf or hard-of-hearing child, the family support mentoring program shall pair families based on the specific need, experience, or want of the parent of the deaf or hard-of-hearing child with another family mentor or deaf or hard-of-hearing adult mentor to provide support.

c. The family support mentoring program under this rule shall meet the following additional standards:

(1) Serve families of children who are deaf or hard-of-hearing from the child's birth through age 8, and may serve learners up to age 21;

(2) Provide services statewide, regardless of educational setting of the child;

(3) Make services available to families based on their specific need, experience, or want;

(4) Make services available to all children who are deaf or hard-of-hearing and their families, regardless of children's eligibility for other programs, including Section 504 of the Rehabilitation Act of 1973; and

(5) Not condition receipt of services under this rule upon eligibility under this chapter or 281—Chapter 120.

41.329(4) *Rule of construction.* This rule only applies in a fiscal year for which there is an appropriation by the general assembly.

ITEM 2. Adopt the following **new** rule 281—120.347(256B,34CFR303):

281—120.347(256B,34CFR303) **Family** **support** **mentoring** **program.** Rule 281—41.329(256B,34CFR300) is incorporated herein by this reference.

This rule is intended to implement Iowa Code section 256B.10.

[Filed 3/23/23, effective 5/24/23]
[Published 4/19/23]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/19/23.