ARC 9811C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to role of foster parents as special education decision-makers

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 Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 644.

Purpose and Summary

This rulemaking updates the State Board's rules concerning the role of foster parents as special education decision-makers. This rulemaking harmonizes provisions of 2025 Iowa Acts, House File 644, with federal law.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9596C**. A public hearing was held on the following date(s):

- October 21, 2025

No one attended the public hearing. No public comments were received.

Based on technical assistance received from the Iowa Department of Health and Human Services, the rulemaking has been revised for clarity.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on November 19, 2025.

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 281—Chapter 4.

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 January 14, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve paragraph **41.30(1)"b"**.

ITEM 2. Amend paragraph **41.30(1)"e"** as follows:

e. A surrogate parent, which may include a foster parent, who has been appointed in accordance with rule 281—41.519(256B,34CFR300) or 20 U.S.C. 1439(a)(5).

ITEM 3. Rescind and reserve paragraph **120.27(1)"b"**.

ITEM 4. Amend paragraph **120.27(1)"e"** as follows:

e. A surrogate parent, which may include a foster parent, who has been appointed in accordance with rule 281—120.422(34CFR303) or Section 639(a)(5) of the Act.

[Filed 11/20/25, effective 1/14/26]
[Published 12/10/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.