ARC 9813C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to procedures for charging and investigating incidents of abuse of students by school employees

The State Board of Education hereby amends Chapter 102, "Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 280.17 as amended by 2025 Iowa Acts, Senate File 659.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 659.

Purpose and Summary

This rulemaking implements 2025 Iowa Acts, Senate File 659, that transfers the responsibility for student abuse investigations from schools to the Department of Health and Human Services.

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 9597C**. A public hearing was held on the following date(s):

- October 21, 2025

Two individuals attended the hearing as observers. One organization presented written public comment and presented similar comments at the Administrative Rules Review Committee meeting on September 13, 2025. The organization expressed concern that the proposed rulemaking was unclear about the relationship between Senate File 659 and district human resource rules and policies.

Changes from the Notice have been made to subrules 102.18(1) and 102.18(2).

Adoption of Rulemaking

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

Fiscal Impact

This rulemaking has an undetermined fiscal impact on the State of Iowa. There are no additional costs to Iowa schools. There is an undetermined cost to the Iowa Department of Health and Human Services.

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. Adopt the following **new** division heading before rule **281—102.1(280)**:

DIVISION I
INVESTIGATIONS BEGUN ON OR BEFORE JUNE 30, 2025

ITEM 2. Adopt the following **new** division heading before rule **281—102.15(232E,280)**:

DIVISION II
MATTERS OCCURRING ON OR AFTER JULY 1, 2025

ITEM 3. Adopt the following **new** rules 281—102.15(232E,280) to 281—102.18(232E,280):

281—102.15(232E,280) General.

102.15(1) The board of directors of a public school district and the authorities in charge of a nonpublic school shall comply with Iowa Code chapter 232E as enacted by 2025 Iowa Acts, Senate File 659 (Senate File 659), and any rules adopted by the department of health and human services to implement Iowa Code chapter 232E as enacted by Senate File 659 and cooperate with the department of health and human services during an investigation commenced under Iowa Code chapter 232E as enacted by Senate File 659, including providing access to student records and making students and staff available for interviews. For the purposes of this chapter, "public school district" includes a charter school authorized under Iowa Code chapter 256E or 256F.

102.15(2) Iowa Code chapter 232E as enacted by Senate File 659 as well as any rules adopted by the department of health and human services are incorporated by this reference.

281—102.16(232E,280) Duty to report alleged abuse. In addition to any other reporting obligations, if any school employee has reason to believe that any school employee committed student abuse, the school employee with such reason to believe is obligated to report the alleged abuse in a manner required by Iowa Code chapter 232E as enacted by Senate File 659.

281—102.17(232E,280) Termination of school employee.

102.17(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall terminate the employment of a school employee if the board of directors or authorities in charge receive a written investigation report under Iowa Code section 232E.2(5) as enacted by Senate File 659 indicating the department of health and human services has determined the school employee committed student abuse, after exhaustion of any appeal rights that the school employee has under Iowa Code chapter 232E as enacted by Senate File 659.

102.17(2) If the provisions under Iowa Code chapter 279 apply to a termination under subrule 102.17(1), those provisions remain applicable; however, a finding under subrule 102.17(1) is conclusive on the issue of whether the employee committed student abuse.

281—102.18(232E,280) Rules of construction.

102.18(1) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school to the procedures set forth in Iowa Code chapter 232E as enacted by Senate File 659 from investigating a complaint that does not meet the threshold of student abuse as determined by the department of health and human services.

102.18(2) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school in circumstances where the department of health and human services does not make a finding of abuse from investigating a complaint that does not meet the threshold of student abuse as determined by the department of health and human services.

ITEM 4. Amend **281—Chapter 102**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 280.17 as amended by Senate File 659 and chapter 232E as enacted by Senate File 659.

[Filed 11/21/25, effective 1/14/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/25.