RA 26-199

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 11
"Department-Operated Special School and Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.107
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256, subchapter V

Public Hearing

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

August 25, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/fir-kvch-sjp

Public Comment

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

Thomas A. Mayes
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

After a review required by Executive Order 10, this proposed rulemaking removes obsolete language and rules.

Analysis of Impact

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

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

There are no known costs to implement this proposed rulemaking.

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

All Iowans will benefit from the removal of obsolete language and rules.

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:**

There is no known quantitative impact.

- **Qualitative description of impact:**

There is no known qualitative impact.

3. **Costs to the State:**

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

There are no known costs.

- **Anticipated effect on State revenues:**

There is no effect on State revenues.

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

Rulemaking is required by Iowa Code section 256.107.

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

There are no less costly alternatives. Rulemaking is required by statute.

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

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

There are no plausible alternatives to rulemaking.

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

There are no plausible alternatives to rulemaking.

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 impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
DEPARTMENT-OPERATED SPECIAL SCHOOL AND PROGRAM

281—11.1(256) Organization: Iowa educational services for the blind and visually impaired.

11.1(1) *Statement of mission.* The mission of Iowa educational services for the blind and visually impaired (IESBVI) has two primary components: to provide direct educational services to visually impaired children and youth of the state of Iowa and to serve a leadership and resource role in statewide efforts to meet the needs of the visually impaired. In fulfilling its stated mission, IESBVI will coordinate its efforts with all appropriate state agencies, area education agencies, and local education agencies.

a. Consistent with the various sections of the Iowa Code, the educational mission of IESBVI is to provide an appropriate individual education program for visually impaired children and youth who require the comprehensive programs provided by the school.

b. The educational programs of IESBVI will be consistent with the philosophy, reflected in federal and state legislation, that children and youth with and without disabilities be educated together to the greatest extent possible. Thus, IESBVI assumes responsibility for providing an education for the blind and visually impaired, including those with additional handicaps, for whom the comprehensive educational programs of IESBVI are most appropriate.

c. The scope of the educational program includes provisions for the blind and visually impaired from infancy through secondary education.

d. The IESBVI also serves as a state resource and dissemination center for education of the blind and visually impaired. In this role, IESBVI has a central and vital mission in the statewide education of the blind and visually impaired and provides a resource center for educators, related field professionals, parents, and all interested citizens. Such a role affords the opportunity for the community at large to draw upon the specialized program and services available at IESBVI.

e. IESBVI will make its special resources available to regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services would provide support in such activities as:

(1) Assessment, counseling, and educational planning for visually impaired children and youth;
(2) Programs for development of specialized skills;
(3) Parent education;
(4) Instruction in orientation and mobility;
(5) Research;
(6) Preservice and continuing education of teachers and related professionals;
(7) Consultative services to other professionals;
(8) Curriculum development and evaluation; and
(9) Development, use, and dissemination of instructional materials and technology.

f. Within the scope of IESBVI's mission, future programs will be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs will be added, curtailed, or eliminated based on assessment of need and the most effective use of resources. IESBVI remains flexible so as to respond quickly and effectively to unmet needs of visually impaired children and youth of Iowa.

11.1(2) *Officers.* IESBVI has two statutory officers: the superintendent and the secretary-treasurer (business manager). The superintendent is the chief administrative officer of IESBVI and has such authority and duties as delegated by the department of education. The secretary-treasurer (business manager) is responsible for investments, financial transactions, financial records, maintenance of facilities and related services as delegated by the superintendent.

11.1(3) *Organization.* The mission of IESBVI is carried out through the regular academic programs, the special curriculum program, and outreach services.

11.1(4) *Communications.* Written inquiries, personal inquiries, submissions, and requests should be addressed to the Office of the Superintendent, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503, or the office of the Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. In general, inquiries, submissions and requests by the public may be submitted via informal letter. However, application for a particular purpose is to be made on a specified form. A list of these forms and the address where they may be obtained is found in 281—11.2(256).

281—11.2(256) Forms. IESBVI uses a number of forms in its relations with the public. They are available from the superintendent's office, 3501 Harry Langdon Boulevard, Council Bluffs, Iowa 51503.

281—11.3 to **11.5** Reserved.

281—11.6(256) Admission requirements. To receive services from IESBVI, an individual must meet the following criteria:

1. Be blind or visually impaired;
2. Be intellectually and physically capable of benefiting from IESBVI's educational services, as determined by the decision-making processes and teams required by 281—Chapter 41;
3. Be of an age eligible for special education services under Iowa Code chapter 256B;
4. Be immunized as evidenced by a valid certificate of immunization, unless an exception or exemption applies; and
5. Be a resident of the state of Iowa. (The residency requirement will be established on an individual basis consistent with the laws of the state of Iowa and the rules of the state board of education.)

281—11.7 to **11.10** Reserved.

281—11.11(256) Organization: Iowa School for the Deaf.

11.11(1) *Statement of mission.* The mission of the Iowa School for the Deaf (ISD) has two primary components: to provide direct educational services to deaf and hard-of-hearing children and youth of the state of Iowa and to serve a leadership and resource role in statewide efforts to meet the needs of the deaf and hard of hearing. In fulfilling its stated mission, ISD will coordinate its efforts with all appropriate state agencies, area education agencies, and local education agencies.

a. Consistent with various sections of the Iowa Code, the educational mission of ISD is to provide an appropriate individual education program for deaf and hard-of-hearing children and youth who require the comprehensive programs provided by the school.

b. The educational programs of ISD will be consistent with the philosophy, reflected in federal and state legislation, that children and youth with and without disabilities be educated together to the greatest extent possible. Thus, ISD assumes responsibility for providing an education for those deaf and hard-of-hearing children and youth, including those with additional disabilities, for whom the comprehensive educational programs of the school are appropriate.

c. The scope of the educational program includes provisions for the deaf and hard of hearing from infancy through secondary education. Program formats include full-time residential, day school, summer and other short-term residential programs to meet specific needs, vocational, and on- and off-campus individual assessment and evaluation services. For residential students, activities and experiences on a 24-hour basis, not restricted to the traditional academic day, are an integral part of the program.

d. ISD also serves as a state resource and dissemination center for education of the deaf and hard of hearing. In this role, the school has a central and vital mission in the statewide education of the deaf and hard of hearing and provides a resource center for educators, related field professionals, parents, the deaf and hard-of-hearing community, and all interested citizens. Such a role affords the opportunity for the community at large to draw upon the specialized programs and services available at ISD.

e. ISD will make its special resources available to regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services would provide support in such activities as:

(1) Assessment, counseling, and educational planning for deaf and hard-of-hearing children and youth;
(2) Programs for development of specialized communications skills;
(3) Parent education;
(4) Extended educational programming for deaf and hard-of-hearing adults;
(5) Research;
(6) Preservice and continuing education of teachers and related professionals;
(7) Curriculum development and evaluation; and
(8) Development and dissemination of instructional materials and technology.

f. Within the scope of the school's mission, future programs will be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs will be added, curtailed, or eliminated based on assessment of need and the most effective use of resources. The school remains flexible so as to respond quickly and effectively to unmet needs of deaf and hard-of-hearing children and youth of Iowa.

11.11(2) *Officers.* The school has two statutory officers: the superintendent and the secretary-treasurer. The superintendent is the chief administrative officer of the school and has such authority and duties as delegated by the board of regents. The secretary-treasurer is responsible for nonfaculty personnel, investments, financial transactions, financial records, maintenance of facilities and related services as delegated by the superintendent. The secretary-treasurer is also designated as business manager.

11.11(3) *Organization.* The academic mission of the school is principally carried out through its elementary, middle school, and high school departments.

11.11(4) *Communications.* Written and personal inquiry, submissions and requests should be addressed to the Office of the Superintendent, Iowa School for the Deaf, 3501 Harry Langdon Blvd., Council Bluffs, Iowa 51503-7898, or the office of the Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. Generally, inquiries, submissions and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of the forms, general description, and the address where they may be obtained are found at 281—11.12(256).

281—11.12(256) Forms. The school uses the following forms in its relations with the public. They are available from the superintendent's office, Iowa School for the Deaf, 3501 Harry Langdon Blvd., Council Bluffs, Iowa 51503-7898.

Application for student admission

Facilities Request Form

Employment—application for employment

281—11.13 Reserved.

281—11.14(256) Transportation. Transportation from the institution to the residence of the parents or guardians and return to the institution for children enrolled in the Iowa School for the Deaf shall be reimbursed or provided as follows:

11.14(1) Transportation or transportation reimbursement at a rate to be established annually by the state board of regents shall be provided to the parents or guardians of children who reside in the Council Bluffs area but do not live at the school and travel daily to the school.

11.14(2) Transportation for children who attend the school and live outside the Council Bluffs area shall be provided in accordance with special education law.

281—11.15(256) General rules.

11.15(1) Salespersons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the school property, except with the permission of the superintendent.

11.15(2) Permission is given by the superintendent for the solicitation of employees by charitable organizations under all of the following circumstances:

a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.

b. The solicitation is conducted through the school's campus mail system or once a year through an on-campus coordinated campaign of all eligible organizations meeting the conditions and giving written notice to the school of the desire to participate at least 120 days prior to the campaign period.

c. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the campus mail system or other school facilities.

d. The solicitation by any one charitable organization may occur once in any calendar year.

e. No solicitation using the school's facilities may occur except as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the school deems reasonable.

f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.

These rules are intended to implement Iowa Code chapter 256, subchapter V.