RA 26-202

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 95
"Equal Employment Opportunity in Educational Agencies"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 19B.11(2)
State or federal law(s) implemented by the rulemaking: Iowa Code section 19B.11

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:

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Purpose and Summary

This proposed rulemaking implements amendments made to Iowa Code section 19B.11 by 2026 Iowa Acts, House File 2711.

Analysis of Impact

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

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

The proposed rulemaking is not anticipated to impose significant new costs on any class of persons.

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

Local school districts, area education agencies, community colleges, and other educational entities subject to Chapter 95 will benefit from the proposed rulemaking through increased consistency between administrative rules and current State law.

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:**

This rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

This proposed rulemaking updates Chapter 95 to align with changes enacted by 2026 Iowa Acts, House File 2711.

3. **Costs to the State:**

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

The Department does not anticipate significant new implementation or enforcement costs resulting from the proposed rulemaking.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have a measurable effect on State revenues.

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

The proposed rulemaking primarily updates Chapter 95 to conform to changes enacted by 2026 Iowa Acts, House File 2711. The benefits of the proposed rulemaking include improved consistency between administrative rules and current statutory requirements, increased clarity for regulated entities, and reduced potential for confusion or misinterpretation in implementation of equal employment opportunity requirements. In contrast, inaction would result in administrative rules that are inconsistent with current law, which could create confusion for educational entities subject to Chapter 95 and increase the likelihood of inconsistent application of requirements across the State. Overall, the benefits of aligning administrative rules with current statutory authority are expected to outweigh the minimal administrative costs associated with implementation of the proposed rulemaking.

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

The Department has determined that no less costly or less intrusive methods exist to achieve the purpose of the proposed rulemaking.

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

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

No other methods were seriously considered by the Department since the method proposed is the most cost-efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burdens on educational entities and the Department.

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?

The proposed rulemaking is not expected to impact small businesses.

Text of Proposed Rulemaking

ITEM 1. Amend **281—Chapter 95**, title, as follows:

EQUAL EMPLOYMENT OPPORTUNITY
~~AND AFFIRMATIVE ACTION~~ IN EDUCATIONAL AGENCIES

ITEM 2. Amend rule 281—95.1(19B) as follows:

281—95.1(19B) Definitions. The following definitions will be applied to the rules in this chapter:

~~*"Affirmative action"* means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.~~

"Agency" means a local school district, an area education agency or a community college.

~~*"Availability"* means the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.~~

~~*"Department"* means the Iowa department of education.~~

"Director of education" means the director of the Iowa department of education.

"Equal employment opportunity" means equal access to employment, training and advancement, or employment benefits regardless of race, creed, color, religion, sex, age, national origin and disability.

~~*"Metropolitan statistical area"* means a large population nucleus (over 50,000 persons) and nearby communities which have a high degree of economic and social integration with that nucleus. Each area consists of one or more entire counties.~~

~~*"Person with a disability"* means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment, as defined in Iowa Code section 216.2.~~

~~*"Racial/ethnic minority person"* means any person who is African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.~~

~~*"Relevant labor market"* means the geographic area in which an agency can reasonably be expected to recruit for a particular job category.~~

~~*"Underrepresentation"* means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.~~

"Work force" means an agency's full-time and part-time employees.

ITEM 3. Amend rule 281—95.2(19B) as follows:

281—95.2(19B) Equal employment opportunity standards. An agency's employment policies and practices shall provide equal employment opportunity to all persons. No person may be denied equal access to agency employment opportunities because of race, creed, color, religion, national origin, ~~gender~~ sex, age or disability.

ITEM 4. Amend rule 281—95.3(19B) as follows:

281—95.3(19B) Duties of boards of directors. Each agency's board of directors will adopt a policy ~~statements~~ statement and develop ~~plans~~ a plan for implementation of equal employment opportunity standards ~~and affirmative action programs~~, which contain the following elements:

1. A policy statement outlining the board of directors' commitment to the principles of equal employment opportunity ~~and affirmative action~~, which ~~contain~~ contains procedures for employees and applicants for employment to redress complaints of discrimination.

2. A written equal employment opportunity ~~and affirmative action~~ plan, to be evaluated and updated on a biennial basis.

3. Assignment of responsibility to an employee for coordinating the development and ongoing implementation of the ~~plans~~ plan. This employee may be the same employee who has been assigned to coordinate the agency's efforts to comply with federal laws requiring nondiscrimination in educational programs and employment.

4. Systematic input from diverse racial/ethnic groups, women, men and persons with disabilities into the development and implementation of the ~~plans~~ plan, which may include using existing advisory committees or public hearing procedures.

5. Periodic training for all staff who hire or supervise personnel on the principles of equal employment opportunity ~~and the implementation of its affirmative action plan~~.

~~6. Maintenance of necessary records to document its affirmative action progress. An agency will report employment data to the department by racial/ethnic category, gender and disability.~~

ITEM 5. Amend rule 281—95.4(19B), introductory paragraph, as follows:

281—95.4(19B) Plan components. In addition to the board policy statement, each agency's equal employment opportunity ~~and affirmative action~~ plan will include, at a minimum, the following components:

ITEM 6. Amend subrule 95.4(1) as follows:

95.4(1) *General.*

a. The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity ~~and affirmative action plans~~ plan.

b. An administrative statement on how the agency's equal employment opportunity ~~and affirmative action policies~~ policy and ~~plans are~~ plan is to be implemented, including the internal system for auditing and reporting progress, to be signed and dated by the chief executive officer of the agency.

c. A work force analysis showing the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category (consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission) by racial/ethnic group~~, gender,~~ and disability. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

~~*d.* A quantitative analysis comparing work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.~~

~~*e.* When underrepresentation is identified in one or more major job category, the agency will conduct a qualitative analysis to be included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:~~

~~(1) Recruitment practices and policies;~~

~~(2) A demographic study of the applicant pool and flow;~~

~~(3) The rate and composition of turnover in major job categories;~~

~~(4) Trends in enrollment that will affect the size of the work force;~~

~~(5) Application and application screening policies and practices;~~

~~(6) Interview, selection, and placement policies and practices;~~

~~(7) Transfer and promotion policies and practices;~~

~~(8) Discipline, demotion, termination, and reduction in force policies and practices;~~

~~(9) Employee assistance, training selection, and mentoring policies and practices;~~

~~(10) The impact of any collective bargaining agreement on equal employment opportunity and the affirmative action process;~~

~~(11) Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.~~

ITEM 7. Rescind and reserve subrules **95.4(2)** to **95.4(4)**.

ITEM 8. Amend rule 281—95.5(19B) as follows:

281—95.5(19B) Dissemination. Each agency will adopt an internal and external system for disseminating its equal employment opportunity ~~and affirmative action policies~~ policy and ~~plans~~ plan.

95.5(1) *Plan distribution.* An agency will annually distribute its ~~policies~~ policy and ~~plans~~ plan to agency employees involved in the hiring or management of personnel, and the agency will make the ~~policies~~ policy and ~~plans~~ plan available to other agency employees, the public and the director of education upon request.

95.5(2) No change.

ITEM 9. Amend rule 281—95.6(19B) as follows:

281—95.6(19B) Reports. Each agency will submit an annual progress report on equal employment opportunity ~~and affirmative action~~ to its local board of directors and the director of education upon request. ~~Each agency will submit its annual progress report under this chapter to the department by December 31 of each year. The report is a part of the basic educational data collection system administered by the department.~~