Regulatory Analysis

Notice of Intended Action to be published: 281—Chapters 41 and 120
"Role of Foster Parents as Special Education Decision-Makers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256B.3
State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 644

Public Hearing

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

September 9, 2025 9 to 10 a.m.	Room B-50 Grimes State Office Building Des Moines, Iowa

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

Purpose and Summary

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

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 costs of this proposed rulemaking.

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

Schools, the Department of Health and Human Services (HHS), and foster parents will benefit from the clarity of this proposed rulemaking.

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 quantitative impact noted.

- **Qualitative description of impact:**

Those governed by this proposed rulemaking will be qualitatively benefited by increased clarity.

3. **Costs to the State:**

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

There are no costs noted or anticipated.

- **Anticipated effect on State revenues:**

There is no effect noted or anticipated.

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

Rulemaking is required to implement 2025 Iowa Acts, House File 644.

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

The circumstances require rulemaking.

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

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

Not applicable.

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

The circumstances require 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 anticipated impact on small business.

Text of Proposed Rulemaking

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

b. A foster parent, ~~unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent~~ if the foster parent is otherwise qualified under this rule or is appointed to serve as a parent under this chapter by the Iowa department of health and human services;

ITEM 2. Amend paragraph **120.27(1)"b"** as follows:

b. A foster parent, ~~unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent~~ if the foster parent is otherwise qualified under this rule or is appointed to serve as a parent under this chapter by the Iowa department of health and human services;