Regulatory Analysis

Notice of Intended Action to be published: 281—Chapters 12, 79, and 80
"School Accreditation and Practitioner Preparation Approval"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7 and 256.16
State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, Senate File 418

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 school accreditation and practitioner preparation approval to comply with 2025 Iowa Acts, Senate File 418.

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 and practitioner preparation programs 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 correct items that conflict with 2025 Iowa Acts, Senate File 418.

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 subrule 12.3(6) as follows:

12.3(6) *Student responsibility and discipline.* The board will adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board will involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies will relate to the educational purposes of the school or school district. The policies will include the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies will ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board will also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2, ~~gender identity as defined in Iowa Code section 216.2,~~ disability, religion, creed, or socioeconomic status.

The board will publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them.

ITEM 2. Adopt the following **new** paragraph **12.3(14)"e"**:

e. "Gender identity" has the meaning given in Iowa Code section 279.78(1)*"a"* as amended by 2025 Iowa Acts, Senate File 418.

ITEM 3. Amend subrule 12.3(15) as follows:

12.3(15) *Compliance with Iowa Code section 279.80.*

a. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender ~~identity~~ theory or sexual orientation to students in kindergarten through grade six.

b. "Gender ~~identity~~ theory" and "sexual orientation" have the same meanings as those given in Iowa Code section ~~216.2~~ 279.80(1) as amended by 2025 Iowa Acts, Senate File 418.

c. In monitoring and enforcing this subrule, the department will not conclude that a neutral statement regarding sexual orientation or gender ~~identity~~ theory violates Iowa Code section 279.80 as amended by 2025 Iowa Acts, Senate File 418, or this subrule.

ITEM 4. Amend rule **281—79.2(256)**, definition of "Diverse groups," as follows:

"Diverse groups" means one or more groups of individuals possessing certain traits or characteristics, including age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity,~~ physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status or familial status.

ITEM 5. Amend rule **281—80.1(272)**, definition of "Diverse groups," as follows:

"Diverse groups" means one or more groups of individuals possessing certain traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, ~~gender identity,~~ physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.