

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapters 59 and 98
“Gifted and Talented Programs; Financial
Management of Categorical Funding”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 257.42(4)
State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, Senate File 2220

Public Hearing

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

November 17, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Online at meet.google.com/uzu-nfiq-jca
Phone: 1.929.276.1400
PIN: 992 943 978#

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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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 rules in light of 2026 Iowa Acts, Senate File 2220; provides additional flexibility; removes obsolete language, rules, and statutory references; and removes duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• Classes of persons that will bear the costs of the proposed rulemaking:

School districts will bear the costs of compliance. According to the Fiscal Note accompanying Senate File 2220, the cost is unknown.

• Classes of persons that will benefit from the proposed rulemaking:

Individuals who receive gifted and talented programming will benefit from the clarity and flexibility this rulemaking provides.

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:**

The quantitative impact is unknown.

- **Qualitative description of impact:**

The qualitative impact is unknown.

3. **Costs to the State:**

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

Implementation costs are expected to be minimal and absorbed within existing agency resources.

- **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:**

Iowa Code section 257.42(4) requires rulemaking, so no comparison is required.

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

No alternatives were considered. Iowa Code section 257.42(4) requires rulemaking, so no comparison is required.

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

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

No alternative methods could be considered.

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

Iowa Code section 257.42(4) requires rulemaking, so no comparison is required.

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 known impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 59.4(2) as follows:

59.4(2) *Development of curriculum and instructional strategies.*

a. The program of instruction will include the elements set forth in Iowa Code section 257.42 and will consist of content and teaching strategies that reflect the accelerative pace, intellectual processes and creative abilities that characterize gifted and talented students. ~~A linkage among the selection of students, the anticipated student outcomes and the special instructional programs will be evident. Learning~~ Specialized instructional activities will provide for the development of skills that are beyond the scope of the regular classroom, ~~introduce advanced concepts and contents, and offer students a greater latitude of inquiry than would be possible without the specialized instructional~~

~~program.~~ Specialized instructional activities are those not ordinarily found in the regular school program and may include the following:

~~a. (1)~~ A special curriculum supplementing the regular curriculum, using a high level of cognitive ~~and affective~~ concepts and processes and character development.

~~b. (2)~~ Flexible instructional arrangements, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, research field trips, and research centers.

b. Gifted and talented services will be thoughtfully designed to ensure that identified students receive instruction and educational opportunities that extend beyond the regular school program. Services will promote continued academic growth by developing advanced knowledge and skills; introducing more rigorous concepts and content; and providing opportunities for greater depth, complexity, creativity, and inquiry than would typically be available in the general classroom.

ITEM 2. Amend subrule 59.4(5) as follows:

59.4(5) *Student identification criteria and procedures.* Students will be placed in a gifted and talented program in accordance with ~~systematic and uniform identification procedures that encompass all grade levels and that are characterized by~~ the elements set forth in Iowa Code section 257.42 as well as the following:

a. Identification will be for the purpose of determining the appropriateness of placement in a gifted and talented program, rather than for categorically labeling a student.

~~b. The decision to provide a student with a gifted and talented program will be based on a comprehensive appraisal of the student, consideration of the nature of the available gifted and talented program and an assessment of actual and potential opportunities within the student's regular school program.~~

~~c. Multiple criteria will be used in identifying a student, with no single criteria eliminating a student from participation. Criteria will combine subjective and objective data, including data with direct relevance to program goals, objectives and activities.~~

~~d. b.~~ In the event that the number of eligible students exceeds the available openings, participants will be selected according to the extent to which they can benefit from the program.

~~e. Each identified student's progress will be reviewed at least annually to consider modifications in program or student placement.~~

ITEM 3. Amend paragraph **59.4(6)“c”** as follows:

c. Both cognitive ~~and affective~~ components of student development and character development should be evaluated.

ITEM 4. Amend rule 281—98.20(257) as follows:

281—98.20(257) Gifted and talented program. Gifted and talented program funding is included in the school district cost per pupil calculated for each school district under the school foundation formula. The per-pupil amount increases each year by the supplemental state aid percentage. This amount must account for not more than 75 percent of the school district's total gifted and talented program budget. The school district must also provide a local match from the school district's regular program district cost, and the local match portion must be a minimum of 25 percent of the total gifted and talented program budget. In addition, school districts may receive donations and grants, and the school district may contribute more local school district resources toward the gifted and talented program. The 75 percent portion, the local match, amounts designated from the flexibility account as described in rule 281—98.27(257,298A), and all donations and grants will be accounted for as categorical funding.

The purpose of the gifted and talented funding described in Iowa Code section 257.46 is to provide for identified gifted students' needs beyond those provided by the regular school program pursuant to ~~each gifted student's individualized~~ the plan developed pursuant to rule 281—59.3(257). The funding will be used only for expenditures that are directly related to providing the gifted and talented program.

98.20(1) *Appropriate uses of categorical funding.* Appropriate uses of the gifted and talented program funding include:

a. to d. No change.

e. Staff development for other teachers; however, staff development under this paragraph is limited to implementation of the district's program plan pursuant to rule 281—59.3(257) for identified students. Professional development on acceleration or general enrichment for all learners is not covered by this paragraph.

f. Salary and benefits for a paraeducator who supports the instruction of gifted and talented students. If the paraeducator is a part-time paraeducator for gifted and talented students, then only the portion of time that is related to the gifted and talented program may be charged to the program.

g. Reimbursement, beyond the cost of an initial license, for the costs of a staff member to obtain a gifted and talented endorsement.

98.20(2) and **98.20(3)** No change.