RA 26-383

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 12
"General Accreditation Standards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.11
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.11

Public Hearing

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

December 1, 2026 9 to 10 a.m.	Room B50 Grimes State Office Building Des Moines, Iowa Via videoconference: meet.google.com/gow-qvqp-iuy Dial: 1.240.428.8860 PIN: 708 227 584#

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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Des Moines, Iowa 50319-0146
Phone: 515.281.8661
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Purpose and Summary

This proposed rulemaking amends the Department's general accreditation standards enacted by 2026 Iowa Acts, House Files 2610, 2670, and 2754 and Senate File 2428. It also adjusts the dates for submission of applications under rule 281—12.9(256) to better allow the Department to evaluate those applications.

Analysis of Impact

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

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

The Department will bear the costs of this rulemaking, as required by House File 2754.

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

Iowans will benefit from the increased clarity that these amendments provide.

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 fiscal impact beyond that caused by the underlying legislation.

- **Qualitative description of impact:**

There is no known or anticipated qualitative impact of this rulemaking.

3. **Costs to the State:**

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

Costs will be borne by the Department.

- **Anticipated effect on State revenues:**

There is no known 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 256.11 requires rulemaking, so inaction is not an alternative.

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

Iowa Code section 256.11 requires rulemaking, which is, as a matter of law, the least costly and intrusive method.

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

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

Iowa Code section 256.11 requires rulemaking, so no alternatives were considered.

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

Iowa Code section 256.11 requires rulemaking, so no alternatives were considered.

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. Amend rule **281—12.2(256)**, definition of "School counseling program," as follows:

"School counseling program" means an articulated sequential kindergarten through grade 12 program that is comprehensive in scope, preventive in design, developmental in nature, driven by data, and integral to the school district's curricula and instructional program. The program is implemented by at least one school counselor, appropriately licensed by the board of educational examiners, who works collaboratively with the district's administration and instructional staff as well

as parents or guardians and students. The program standards are described in subrule 12.3(11). The program's delivery system components will include the following:

1. School guidance curriculum;
2. Support of the overall school curriculum;
3. Individual student planning;
4. Responsive services; and
5. System support.

ITEM 2. 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 the Iowa Code, including 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, 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 3. Amend paragraph **12.5(3)"e"** as follows:

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)*"a"*(3), 256.11(3)*"a"*(5), and 279.50. During fifth and sixth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(2).

ITEM 4. Amend paragraph **12.5(4)"e"** as follows:

e. Health; human growth and development. Health instruction and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)*"a"*(3), 256.11(4)*"a"*(5), and 279.50. During seventh and eighth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(3).

ITEM 5. Amend paragraph **12.5(5)"c"** as follows:

c. Mathematics (six units). Mathematics instruction is as referenced in Iowa Code sections 256.7(28) and 256.11(5)*"d"* through *"e,"* including:

(1) Four sequential units that are preparatory to postsecondary educational programs.

(2) Two additional units. as described in Iowa Code section 256.11(5)*"e."*

ITEM 6. Amend paragraph **12.5(5)"i"** as follows:

i. Career and technical education ~~service~~ content areas—school districts (three units each in at least four of the six ~~service~~ content areas). A minimum of three sequential units, of which only one may be a core unit, will be taught in four of the six ~~service~~ content areas as referenced by Iowa Code section 256.11(5)*"h"*; Iowa Code chapter 256, subchapter VII, part 2; and 281—Chapter 46.

ITEM 7. Amend subrule 12.5(8) as follows:

12.5(8) *Age-appropriate~~, multicultural and gender-fair~~ approaches to the educational program.* Iowa Code section 256.11's provisions for an age-appropriate~~, multicultural, and gender-fair~~ program are incorporated by this reference.

ITEM 8. Rescind and reserve subrule **12.5(10)**.

ITEM 9. Amend subrule 12.7(2) as follows:

12.7(2) To meet the professional needs of all staff, professional development activities will align with district goals; will be based on student and staff information; will prepare all employees to work effectively with diverse learners and to implement age-appropriate~~, multicultural, gender-fair~~ approaches to the educational program; and will adhere to the professional development standards in 281—paragraph 83.6(2)*"b"* to realize increased student achievement, learning, and performance.

ITEM 10. Amend paragraph **12.8(1)"h"** as follows:

h. Statewide summative assessment.

(1) For purposes of this chapter, the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators is the summative assessment developed by the Iowa testing program within the University of Iowa college of education and administered by the Iowa testing program's designee. The department may require the Iowa testing program to enter into agreements with such designee to ensure the department is able to comply with Iowa Code chapter 256; this chapter; the provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95; the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; and any other applicable state or federal law.

(2) The statewide summative assessment referred in this paragraph is to meet all of the following provisions:

1. All students enrolled in school districts in grades 3 through 11 will be administered an assessment in mathematics and English language arts, including reading and writing, during the last quarter of the school year~~, and;~~ all students enrolled in school districts in grades 5, 8, and ~~10~~ 11 will be administered an assessment in science during the last quarter of the school year; and all students enrolled in school districts in grades 8 and 11 will be administered an assessment in social studies during the last quarter of the school year.

2. The assessment, at a minimum, will assess the core academic indicators identified in Iowa Code section 256.7(21)*"b"*; be aligned with the Iowa ~~common core~~ standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95, if applicable.

3. The assessment will be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, social studies, and English language arts, including reading and writing. For students receiving instruction primarily over the internet from a school district, accredited nonpublic school, or charter school, a school or school district may administer any state-required assessment remotely pursuant to the terms of Iowa Code section 256.7(21)*"b"*(2)(e) ~~as enacted by 2025 Iowa Acts, House File 190~~.

4. The assessment will be peer-reviewed by an independent third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment provisions of the federal Every Student Succeeds Act, ~~Pub. L. No.~~ Public Law 114-95, if applicable. The assessment developed by the Iowa testing service within the University of Iowa college of education will make any necessary adjustments as determined by the peer review to meet the provisions of this paragraph.

5. The costs of complying with this paragraph will be borne by the Iowa testing program within the University of Iowa college of education.

ITEM 11. Amend rule 281—12.9(256) as follows:

281—12.9(256) Flexible student and school support program.

12.9(1) *General.* The flexible student and school support program is as referenced by Iowa Code section 256.11(8). Applications are due to the department on ~~May 31~~ February 1 prior to the

school year the application will be implemented. Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by ~~May 31~~ February 1. Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three years. The director may revoke approval of all or part of any application or approved education program if the annual report or any other information available to the department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account under Iowa Code section 298A.2(2). Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.

12.9(2) *Annual report to the department.* Each school district or nonpublic school approved to participate in the flexible student and school support program will file an annual report with the department on the status of the program in a format prescribed by the department by ~~May 31~~ February 1.

ITEM 12. Amend rule 281—12.10(256) as follows:

281—12.10(256) Independent accrediting agencies. Notwithstanding Iowa Code section 256.11(1) through 256.11(12) and this chapter, a nonpublic school may be accredited by an independent accrediting agency that appears on a list maintained by the state board of education instead of being accredited by the state board. Iowa Code section 256.11(16) is incorporated by this reference.

12.10(1) *Compliance required by a nonpublic school.* ~~Iowa Code section 256.11(16) is incorporated by this reference.~~ New accrediting agencies must apply by November 1. New schools shall notify the department by April 1 if they wish to be included in the independently accredited list for the following school year. Each year the department will contact the approved accrediting agencies requesting an updated list of the schools that are accredited or in the accrediting process for the upcoming school year. This list is due to the department by April 1. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to this rule is deemed to meet the education standards of Iowa Code section 256.11 and this chapter. However, such a school shall comply with statutory health and safety requirements for school facilities. A nonpublic school accredited under this chapter shall abide by all state and federal laws and regulations. Notwithstanding Iowa Code section 256.11, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(2) to **12.10(6)** No change.