RA 26-386

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 72
"Accreditation of Area Education Agencies"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 273

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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Purpose and Summary

This proposed rulemaking implements the reforms of Area Education Agencies (AEAs) enacted by 2024 Iowa Acts, House File 2612, and implements Executive Order 10 by eliminating unnecessary and obsolete regulatory text.

Analysis of Impact

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

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

AEAs and the Department will bear the costs of this rulemaking, as required by House File 2612.

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

Individuals and organizations that rely on the services of AEAs will benefit from the clarity of this proposed chapter.

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:**

Fiscal impacts, if any, are described in the Fiscal Note accompanying House File 2612: www.legis.iowa.gov/docs/publications/FN/1448422.pdf.

- **Qualitative description of impact:**

The rulemaking will reduce unnecessary and ineffective monitoring and reporting by the AEAs.

3. **Costs to the State:**

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

Costs will be borne by the Department, as described in the Fiscal Note.

- **Anticipated effect on State revenues:**

There is no appreciable effect on State revenues, as described in the Fiscal Note.

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

Iowa Code section 273.10 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 273.10 requires rulemaking, which is 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 273.10 requires rulemaking, so no alternatives were considered.

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

Iowa Code section 273.10 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. Rescind 281—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
ACCREDITATION OF AREA EDUCATION AGENCIES

281—72.1 Reserved.

281—72.2(273) Definitions.

"AEA" means area education agency.

"Baseline data" means information gathered at a selected point in time and used thereafter as a basis from which to monitor change.

"Board" means the state board of education.

"Department" means the state department of education.

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

"Indicators of improvement" means internal data the agency uses to determine how well its continuous improvement processes are implemented.

"Indicators of quality" means external data sources that measure the effectiveness of services.

"School" means an accredited nonpublic school.

"School district" means a public school district.

281—72.3(273) Accreditation components. To be accredited by the board and maintain accreditation status, an AEA will provide services that meet the standards defined in rule 281—72.4(273), submit a board-approved annual budget as defined in subrule 72.10(1), and annually provide a progress report as defined in subrule 72.10(2).

281—72.4(273) Standards for services. An AEA will provide services that meet these standards as evidenced by but not limited to the descriptors following each standard. These services will be accessible to all schools and school districts within the agency's service region, including schools and school districts that elect to receive services from a contiguous AEA under Iowa Code section 273.2(5)*"a."*

72.4(1) *Services directly required of each AEA.* Each AEA will meet the following standards:

a. The AEA will provide special education support for eligible individuals.

b. The AEA will offer support for early childhood service coordination for families and children, age birth through three years, to meet health, safety, and learning needs, including service coordination under 281—Chapter 120.

c. The AEA will offer support for addressing the diverse learning needs of all children and youths, including children and youths who are eligible for special education through services that include direct services to students with disabilities.

d. The AEA will ensure the timely submission of required reports and documents to the board, the department, and the division of special education of the department.

e. The AEA will offer a program and services evaluation and reporting system that includes information related to special education.

f. The AEA will offer support for schools and school districts to ensure compliance with rules adopted by the board related to special education.

72.4(2) *Services required of each AEA.* Each AEA will offer the following services, either directly or by agreement with another AEA or AEAs. These services are assessed based on the following descriptors and to the extent actually delivered to schools and school districts:

a. The AEA offers services for school-community planning. The AEA assists schools and school districts in assessing needs of all students, developing collaborative relationships among community agencies, establishing shared direction, implementing actions to meet goals, and reporting progress towards goals.

b. The AEA offers evidence-based professional development services for schools; school districts; and AEA instructional, administrative, and support personnel. The AEA anticipates and responds to schools' and school districts' needs; supports proven and emerging educational practices; aligns with school and school district comprehensive long-range and annual improvement goals; uses adult learning theory; supports improved teaching; uses theory, demonstration, practice, feedback, and coaching; and addresses professional development activities as required by the Iowa Code or administrative rules. Any professional development offered under this paragraph is subject to the requirement of Iowa Code section 273.2(3)*"b."*

c. The AEA may offer support for staff development and adult learners utilizing evidence-based professional development in a manner that meets the professional needs of staff and adult learners consistent with standards adopted by the board.

d. The AEA offers curriculum, instruction, and assessment services that address the areas of reading, language arts, mathematics, and science but may also be applied to other curriculum areas. These services support the development, implementation, and assessment of rigorous content standards in but not limited to reading, mathematics, and science.

e. The AEA may assist schools and school districts in gathering and analyzing student achievement data as well as data about the learning environment and use that information to guide school and school district goal setting and implementation of actions to improve the learning of all students, including students with disabilities.

f. The AEA offers instructional media services that support local district media centers and services.

g. The AEA offers support for school technology planning and staff development for implementing instructional technologies. These services provide technology planning, technical assistance, and professional development, and support the incorporation of instructional technologies to improve student achievement. These services support the implementation of content standards in but not limited to reading, mathematics, and science. These services support and integrate emerging technology.

h. The AEA offers support for addressing the diverse learning needs of all children and youths, including children and youths who are eligible for special education through services that include direct services to students with disabilities.

i. The AEA offers support for school district libraries in accordance with Iowa Code section 273.2(4).

j. The AEA offers support necessary to implement effective instruction for all students, including students with disabilities, through school technology services.

k. The AEA offers support for school technology planning and staff development for implementing instructional technologies. These services provide technology planning, technical assistance, and professional development, and support the incorporation of instructional technologies to improve student achievement. These services support the implementation of content standards in but not limited to reading, mathematics, and science. These services support and integrate emerging technology.

l. The AEA offers support necessary to implement effective instruction for all students, including students with disabilities, through school technology services.

72.4(3) *Optional services.* If an AEA offers the following services to the schools and school districts, those services are assessed based on the following descriptors and to the extent actually delivered to schools and school districts.

a. The AEA may offer management services if requested and funded by school districts. If the AEA provides management services to school districts, the services will conform to the provisions of Iowa Code section 273.7A.

b. The AEA may offer services that develop leadership based upon the Iowa school leadership standards for administrators in rule 281—83.9(284A). Leadership services assist with recruitment, induction, retention, and professional development of educational leaders. AEAs develop and deliver leadership programs based on local and state educational needs and best practices.

72.4(4) *Research and innovation.*

a. Each AEA, alone or in conjunction with other AEAs or agencies, the department, or some combination thereof, will implement activities designed to evaluate and improve its services, with a priority on improving special education.

b. Each AEA will conduct or cooperate in research activities designed to evaluate and improve instruction, with a priority on special education, when approved by the department or under conditions established by the department. The department's approval is not required only if the research is

deemed necessary for a free appropriate public education under 281—Chapter 41 or 120 for a specific individual by a team required for that individual under either of those chapters.

72.4(5) *Other matters.* The department, in taking action under rule 281—72.11(273), may consider additional provisions of Iowa Code chapter 273.

281—72.5 to **72.9** Reserved.

281—72.10(273) Annual budget and annual progress report. Each AEA shall submit to the board an annual budget as required by Iowa Code section 273.3 and shall provide an annual progress report on the indicators of quality and the agencywide goals.

72.10(1) *Annual budget.* An annual budget will be submitted by an AEA accredited by the board or an AEA that has been given conditional accreditation by the board as described in Iowa Code section 273.3(12) and subrule 72.11(4) to the board for approval, on forms provided by the department, no later than March 15 preceding the next fiscal year. The board will review the proposed budget and shall, before April 1, either grant approval or return the budget without approval with comments of the board included. An unapproved budget shall be resubmitted to the board for final approval no later than April 15. In reviewing the budget, the board will give due weight to the public policy behind 2024 Iowa Acts, House File 2612, section 17, concerning administrative expenditures by AEAs.

72.10(2) *Annual progress report.* An AEA will annually submit a written progress report to its schools and school districts and the department and make the report available to the public. The report shall include the following information.

a. *Agencywide goals.* Progress toward the jointly developed three-year statewide strategic plan that supports goals adopted by the board pursuant to Iowa Code section 273.2(10).

b. *Indicators of quality.* Aggregated agencywide information, including baseline data and trends over time for the following indicators:

(1) Progress toward AEA statewide system strategic plan goals, including progress on the agency's action plan associated with each goal. Action plans shall include:

1. Progress on goals disaggregated for students with disabilities.
2. Internal professional development plans.
3. District needs assessments.

(2) Measures of special education compliance.

(3) Support for schools designated under the department's exercise of general supervision under 281—Chapter 41 and schools designated for targeted school improvement under the federal Elementary and Secondary Education Act, 20 U.S.C. Section 6311(d)(2).

(4) Breakdown of supports provided to school districts.

(5) Customer satisfaction with services based on levels of participation and customer satisfaction with the quality of AEA services.

281—72.11(273) Comprehensive site visit.

72.11(1) *On-site review.* An accreditation team will conduct at least one on-site review of the AEA's progress toward agencywide goals and determine whether services meet the standards in this chapter. Prior to an on-site review of an AEA, the accreditation team will have access to the AEA's annual progress report, annual budget, and any other information collected by the department relating to the AEA.

72.11(2) *Accreditation team.* The membership of the accreditation team will be determined by the director. Each team member will have appropriate competencies, background, and experiences to enable the member to contribute to the evaluation visit. The team will include at least four members, including:

a. Department staff.

b. Representatives from various sizes of schools and school districts served by the AEA being evaluated.

c. AEA staff from other AEAs.

d. Others with expertise as deemed appropriate by the director.

72.11(3) *Accreditation team action.* After an on-site review of an AEA, the accreditation team will determine whether the requirements of this chapter have been met and make a report to the director identifying which standards and other accreditation requirements in this chapter an AEA has or has not met. The accreditation team will report strengths and weaknesses, if any, for each standard or requirement and advise the AEA of available resources and technical assistance to further enhance the strengths and improve areas of weakness. An AEA may respond to the accreditation team's report by providing to the board factual information concerning its services.

72.11(4) *Accreditation.* All AEAs are deemed accredited upon the date of implementation of these rules. Accreditation of an AEA by the board shall be based on the recommendation of the director after study of the factual and evaluative evidence on record about the standards and other requirements as described in this chapter and based upon the timely submission of information required by the department. If, at any time, the board determines that an AEA has not met all standards and other requirements, the board shall require the AEA to address the deficiencies.

a. Accreditation status. After completion of the comprehensive site visit under this rule, the board will grant continuation of accreditation if all standards and other requirements are met. If the board determines that an AEA has not met all standards and other requirements, the board will grant conditional accreditation to the agency.

b. Conditional accreditation. If the board grants conditional accreditation, the department shall notify in writing the administrator of the AEA and each member of the board of directors of the AEA within 15 days. The notice will contain a description of the accreditation deficiencies.

c. Remediation plan. Upon granting of conditional accreditation by the board, the director, in cooperation with the board of directors of the AEA, will establish a remediation plan. The remediation plan describes how the AEA will correct deficiencies to meet accreditation standards and establishes a timeline and deadline date for correction of the deficiencies. The remediation plan is subject to the approval of the board. The AEA remains conditionally accredited during the implementation of the remediation plan.

d. Implementation of remediation plan. At intervals prescribed in the remediation plan or at the request of the director, the accreditation team shall revisit the AEA, determine whether the deficiencies in the accreditation standards are being or have been corrected, and make a report and recommendation to the director and the board. The board shall review this report and recommendations and determine whether the deficiencies have been corrected.

e. Failure to correct deficiencies. If the deficiencies have not been corrected within the time stipulated in the remediation plan, the board shall remove accreditation of the agency. At the hearing before the board, the AEA may be represented by counsel and may present evidence. The board may provide for the hearing to be recorded or reported. If requested by the AEA at least ten days before the hearing, the board will provide for the hearing to be recorded or reported at the expense of the AEA. Within 30 days after the hearing, the board shall make a written decision approving or removing the accreditation. Action by the board at this time is final agency action for the purposes of Iowa Code chapter 17A. The department shall notify the administrator of the AEA, each member of the board of directors of the AEA, and the schools and school districts served by the AEA of the decision of the board.

f. Required response to removal of accreditation. After removal of accreditation of the agency, the AEA board of directors shall make provisions for the continuation of services to schools and school districts subject to approval by the board.

These rules are intended to implement Iowa Code chapter 273.