

Iowa State Board of Education

Executive Summary

November 13, 2024



Agenda Item: Rules – Chapter 12, “General Accreditation Standards” (Notice of Intended Action)

State Board Priority: All

State Board Role/Authority: The State Board has the authority to provide notice of intended rulemaking under Iowa Code section 256.7.

Presenter(s): Thomas A. Mayes
General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 12.

Background: This proposed rulemaking implements the provisions of 2023 Iowa Acts, Senate File 496, that have not already been implemented. This proposed rulemaking addresses parental rights in education and age-appropriate library programs.

A regulatory analysis was published in the *Iowa Administrative Bulletin* on October 16, 2024, with a public hearing on November 5, 2024.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 12, “General Accreditation Standards,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 496.

Purpose and Summary

This proposed rulemaking implements the provisions of 2023 Iowa Acts, Senate File 496, that have not already been implemented. This proposed rulemaking addresses parental rights in education and age-appropriate library programs.

A regulatory analysis was published in the Iowa Administrative Bulletin on October 16, 2024, with a public hearing on November 5, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department of Education no later than 4:30 p.m. on December 11, 2024. 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

Public Hearing

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

December 11, 2024, at 8:00 a.m. to 9:00 a.m.

Grimes State Office Building, Room B50

400 E. 14th Street, Des Moines, IA 50319

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend paragraph **12.3(10)“b”** as follows:

b. Each school district shall establish a kindergarten through grade 12 library program that is consistent with Iowa Code section 280.6 and with the educational standards established in this chapter, that contains only age-appropriate materials, and that supports the student achievement goals of the total school curriculum. In complying with the requirements in Iowa Code section 279.77(3), the district, if it does not make available a comprehensive list of all books available to all students in libraries offered by the district on its website in real time, must post an updated list at least two times per calendar year.

ITEM 2. Adopt the following **new** paragraph **12.3(10)“c”**:

c. Support, monitoring, and enforcement.

(1) If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of this paragraph related to library programs containing only age-appropriate materials, beginning January 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

1. For the first violation of this paragraph, the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

2. For a second or subsequent violation of this paragraph, if the department finds that a school district knowingly violated this paragraph, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners, which may result in disciplinary action.

3. For a second or subsequent violation of this paragraph, if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of

recognition issued by the board of educational examiners knowingly violated this paragraph, the employee shall be subject to a hearing conducted by the board of educational examiners, which may result in disciplinary action.

(2) This paragraph relates solely to library programs operated by the district, which means library programs over which the district exercises administrative control.

(3) Concerning enforcement provisions relating to library books containing only age-appropriate materials, the department may exercise enforcement discretion if any violation is voluntarily and permanently corrected prior to the department making a determination of a violation.

(4) For library collections that serve multiple grade ranges, the district will exercise reasonable physical, administrative, and technological controls to ensure that students have access to age-appropriate materials based on the students' age and grade.

ITEM 3. Adopt the following **new** subrule 12.3(15):

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 or sexual orientation to students in kindergarten through grade six.

b. "Gender identity" and "sexual orientation" have the same meanings given in Iowa Code section 216.2.

c. In monitoring and enforcing this subrule, the department will not conclude that a neutral statement regarding sexual orientation or gender identity violates Iowa Code section 279.80 or this subrule.