

# Iowa State Board of Education

## Executive Summary

February 6, 2025



**Agenda Item:** Rules – Chapter 12, “General Accreditation Standards” (Adopt)

**State Board Priority:** Goals 1 – 5

**State Board Role/Authority:** The State Board has the authority for this 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 amend Chapter 12.

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

These adopted rules are identical to those published in the Notice of Intended Action.

## EDUCATION DEPARTMENT[281]

### Adopted and Filed

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

#### *Legal Authority for Rulemaking*

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

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 256 and 279.

#### *Purpose and Summary*

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

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8506C**. A public hearing was held on December 31, 2024, at 8:00 a.m., in Room B50, Grimes State Office Building, Des Moines. Aside from three representatives of the media, no one attended the public hearing. Three individuals made written comment.

Nearly all of the comment at the Regulatory Analysis stage or the Notice of Intended Action stage were critiques of the public policy expressed in the underlying statute. For that reason, those comments are not actionable by the State Board.

One public comment from an advocacy organization, provided at the Regulatory Analysis stage, requested additional regulatory text to explain that library books that are otherwise age-appropriate under paragraph 12.3(10)“b” do not violate subrule 12.3(15)’s prohibition on

“promotion” or “instruction.” No action is necessary because the plain language of both provisions will not result in the concern identified by the commenter.

No change is made from the Notice of Intended Action.

*Adoption of Rulemaking*

This rulemaking was adopted by the State Board on February 6, 2025.

*Fiscal Impact*

No fiscal impact to the State has been found. No appreciable fiscal impact on school districts has been found (Legislative Services Agency analysis—August 2024 Administrative Rules Review Committee meeting).

*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.

*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).

*Effective Date*

This rulemaking will become effective on April 9, 2025.

The following rulemaking action is adopted:

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 subrule 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 subrule, 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 subrule, if the department finds that a school district knowingly violated this subrule, 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 subrule, 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 subrule, 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.