

Iowa State Board of Education

Executive Summary

September 12, 2025

Agenda Item: Rules – Notice of Intended Action – Chapter 102 (amend)

**State Board
Priority:** Goal 4

**State Board
Role/Authority:** This rulemaking is proposed under the authority provided in Iowa Code section 280.17, as amended by 2025 Iowa Acts, Senate File 659.

Presenter(s): Thomas A. Mayes
General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board of Education give notice of its intent to amend chapter 102.

Background: This proposed rulemaking implements the provisions of 2025 Iowa Acts, Senate File 659, that transfer the responsibility to investigate allegations of abuse by school employees from schools to the Department of Health and Human Services.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 102, “Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 280.17 as amended by 2025 Iowa Acts, Senate File 659.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 659.

Purpose and Summary

This proposed rulemaking implements the provisions of 2025 Iowa Acts, Senate File 659, that transfer the responsibility to investigate allegations of abuse by school employees from schools to the Department of Health and Human Services.

Fiscal Impact

This rulemaking has an undetermined fiscal impact on the state of Iowa. There are no additional costs to Iowa schools. There is an undetermined cost to the Iowa Department of Health and Human Services.

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 State Board no later than 4:30 p.m. on October 21, 2025. 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:

October 21, 2025
8:00 a.m. to 9:30 a.m.
Room B-50, Grimes State Office Building, Des Moines, Iowa
Or by video conference at <https://meet.google.com/rhd-dnga-ziy>
Telephone access to the video conference: +1 385-645-7961 PIN: 403 190 939#

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. Adopt the following **new** division heading before rule **281—102.1(280)**:

DIVISION I

INVESTIGATIONS BEGUN ON OR BEFORE JUNE 30, 2025

ITEM 2. Adopt the following **new** division heading before rule **281—102.15(232E,280)**:

DIVISION II

MATTERS OCCURRING ON OR AFTER JULY 1, 2025

ITEM 3. Adopt the following **new** rules 281—102.15(232E,280) to 281—102.18(232E,280):

281—102.15(232E,280) General.

102.15(1) The board of directors of a public school district and the authorities in charge of a nonpublic school shall comply with Iowa Code chapter [232E](#) as enacted by 2025 Iowa Acts, Senate File 659 (Senate File 659), and any rules adopted by the department of health and human services to implement Iowa Code chapter [232E](#) as enacted by Senate File 659 and cooperate with the department of health and human services during an investigation commenced under Iowa Code chapter [232E](#) as enacted by Senate File 659, including providing access to

student records and making students and staff available for interviews. For the purposes of this chapter, “public school district” includes a charter school authorized under Iowa Code chapter [256E](#) or [256F](#).

102.15(2) Iowa Code chapter [232E](#) as enacted by Senate File 659 as well as any rules adopted by the department of health and human services are incorporated by this reference.

281—102.16(232E,280) Duty to report alleged abuse. In addition to any other reporting obligations, if any school employee has reason to believe that any school employee committed student abuse, the school employee with such reason to believe is obligated to report the alleged abuse in a manner required by Iowa Code chapter [232E](#) as enacted by Senate File 659.

281—102.17(232E,280) Termination of school employee.

102.17(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall terminate the employment of a school employee if the board of directors or authorities in charge receive a written investigation report under Iowa Code section [232E.2\(5\)](#) as enacted by Senate File 659 indicating the department of health and human services has determined the school employee committed student abuse, after exhaustion of any appeal rights that the school employee has under Iowa Code chapter [232E](#) as enacted by Senate File 659.

102.17(2) If the provisions under Iowa Code chapter [279](#) apply to a termination under subrule [102.17\(1\)](#), those provisions remain applicable; however, a finding under subrule [102.17\(1\)](#) is conclusive on the issue of whether the employee committed student abuse.

281—102.18(232E,280) Rules of construction.

102.18(1) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school to the procedures set forth in Iowa Code chapter [232E](#) as enacted by Senate File 659.

102.18(2) Nothing in this chapter is to be construed as limiting the authority of a public school district or the authorities in charge of a nonpublic school in circumstances where the department of health and human services does not make a finding of abuse.

ITEM 4. Amend **281—Chapter 102**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section [280.17](#) as amended by Senate File 659 and chapter [232E](#) as enacted by Senate File 659.