

# Iowa State Board of Education

## Executive Summary

September 12, 2025

<b>Agenda Item:</b>	Rules – Notice of Intended Action – Chapters 41 & 120 (Amend)
<b>State Board Priority:</b>	Goals 1 and 4
<b>State Board Role/Authority:</b>	This rulemaking is proposed under the authority provided in Iowa Code section 256B.3.
<b>Presenter(s):</b>	Thomas A. Mayes General Counsel
<b>Attachment(s):</b>	One
<b>Recommendation:</b>	It is recommended that the State Board of Education give notice of its intent to amend chapters 41 and 120.
<b>Background:</b>	This proposed rulemaking updates the State Board of Education's rules concerning the role of foster parents as special education decision-makers. This proposed rulemaking harmonizes provisions of 2025 Iowa Acts, House File 644, with federal law.

## **EDUCATION DEPARTMENT[281]**

### **Notice of Intended Action**

The State Board of Education hereby proposes to amend Chapter 41, “Special Education,” and Chapter 120, “Early ACCESS Integrated System Of Early Intervention Services,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 256B.3.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 644.

#### *Purpose and Summary*

This proposed rulemaking updates the State Board of Education’s rules concerning the role of foster parents as special education decision-makers. This proposed rulemaking harmonizes provisions of 2025 Iowa Acts, House File 644, with federal law.

#### *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 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](mailto: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. Amend paragraph **41.30(1)“b”** as follows:

*b.* A foster parent, ~~unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent~~ if the foster parent is otherwise qualified under this rule or is appointed to serve as a parent under this chapter by the Iowa department of health and human services;

ITEM 2. Amend paragraph **120.27(1)“b”** as follows:

*b.* A foster parent, ~~unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent~~ if the foster parent is otherwise qualified under this rule or is appointed to serve as a parent under this chapter by the Iowa department of health and human services;