

Iowa State Board of Education

Executive Summary

September 12, 2025

Agenda Item: Rules – Notice of Intended Action – Chapter 37 (Rescind-and-replace)

**State Board
Priority:** Goal 4

**State Board
Role/Authority:** This rulemaking is proposed under the authority provided in Iowa Code section 280.13D, as enacted by 2025 Iowa Acts, House File 783.

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 rescind chapter 37 and adopt a new chapter with the same number and title.

Background: This proposed rulemaking implements the requirements of 2025 Iowa Acts, House File 783 (House File 783), establishing a committee for alignment and membership of extracurricular activities conferences. The proposed rules add additional operational detail to House File 783.

After public comment during the Regulatory Analysis process, the Department made the following changes to the proposed rules. First, the districts from which committee members are appointed was changed to allow more flexibility in appointments. Second, staff support for the committee is best addressed by the committee itself through its own bylaws. Third, references to Chapters 21 and 22 are removed as surplus. Being established by the Iowa Code, the committee is clearly subject to Open Meetings and Open Records requirements, and nothing in this rules chapter would add to that requirement.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to rescind Chapter 37, “Extracurricular Athletic Activity Conference for Member Schools,” Iowa Administrative Code, and adopt a new chapter with the same number and title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 280.13D, as enacted by 2025 Iowa Acts, House File 783.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 783.

Purpose and Summary

This proposed rulemaking implements the requirements of 2025 Iowa Acts, House File 783 (House File 783), establishing a committee for alignment and membership of extracurricular activities conferences. The proposed rules add additional operational detail to House File 783.

After public comment during the Regulatory Analysis process, the Department made the following changes to the proposed rules. First, the districts from which committee members are appointed was changed to allow more flexibility in appointments. Second, staff support for the committee is best addressed by the committee itself through its own bylaws. Third, references to Chapters 21 and 22 are removed as surplus. Being established by the Iowa Code, the committee is clearly subject to Open Meetings and Open Records requirements, and nothing in this rules chapters would add to that requirement.

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

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. Rescind 281—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37

EXTRACURRICULAR ATHLETIC ACTIVITY

CONFERENCE FOR MEMBER SCHOOLS

281—37.1(280) General. It is the policy of the state of Iowa that each school desiring to be a member of a conference providing extracurricular athletic contests and competitions for students is granted this opportunity. For purposes of this chapter, “member school” means a nonpublic school or school district granted such status by any corporation, association, or organization registered with the state department of education pursuant to Iowa Code section 280.13 and includes associate members. For purposes of this chapter, “school district” includes a public charter high school.

37.1(1) *Initial responsibility.* The initial authority and responsibility for conference development, membership, and alignment rests with the board of directors of each public school district and the authorities in charge of each nonpublic school.

37.1(2) *Definitions.* For purposes of this chapter, the definitions in Iowa Code section 280.13D(1) as enacted by 2025 Iowa Acts, House File 783 (House File 783), apply.

37.1(3) *Policies.* Each organization subject to this chapter will establish policies to implement Iowa Code section 280.13D as enacted by House File 783.

281—37.2(280) Conference realignment committee.

37.2(1) *General.* A conference realignment committee (committee) is established pursuant to Iowa Code section 280.13D as enacted by House File 783.

37.2(2) *Duties and powers.* The committee has the duties and powers specified in Iowa Code section 280.13D as enacted by House File 783.

37.2(3) *Membership.* The committee will have the membership described in Iowa Code section 280.13D(2)“a”(2) as enacted by House File 783. Members will be selected based on regions established by the two organizations, with each region being guaranteed representation, and may also be selected on an at-large basis. Members serve four-year terms and are eligible for reappointment once.

37.2(4) *Appointment of members.* The executive directors of the two organizations make appointments to the committee, including filling vacancies. The executive directors of the two organizations will initially divide committee memberships into two cohorts and alternate making appointments to each cohort every four-year cycle. Each cohort will contain at least one representative of a nonpublic school.

37.2(5) *Committee operations.*

a. The executive directors of the two organizations may provide recommendations on committee agenda items.

b. A quorum for the committee is ten members.

c. The committee may adopt bylaws consistent with this chapter.

281—37.3(280) Appeal to the director of the Iowa department of education. A member school may appeal a committee's decision to the director of the Iowa department of education within 60 days of the date of the decision. The director will receive the records of the committee, and no new evidence will be permitted, except for good cause shown. The committee's decision is presumed correct, and the appellant has the burden of demonstrating the committee's decision is based on a failure to follow the processes and standards set out in Iowa Code section 280.13D as enacted by House File 783, on factual findings that have no evidentiary basis, or on legal conclusions that are manifestly erroneous. The director may refer the matter to an administrative law judge for a proposed decision. The director's decision is due within 60 days of the date of the appeal.

These rules are intended to implement Iowa Code section 280.13D as enacted by House File 783.