

Iowa State Board of Education

Executive Summary

January 15, 2025

Agenda Item: Rules – Adopt-and-File – Chapter 12 (Amend)

**State Board
Goal(s):** All Goals

**State Board
Role/Authority:** This rulemaking is proposed under the authority provided in Iowa Code section 279.50, as amended by 2025 Iowa Acts, Senate File 175.

Presenter(s): Thomas A. Mayes
General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board adopt these amendments to Chapter 12.

Background: This rulemaking implements 2025 Iowa Acts, Senate File 175, which adds additional content to human growth and development instruction in grades five through 12 and defines the permissible source of the materials used in such instruction.

After substantial public comment, the Department revised these rules to require the additional content to be presented in each grade from grades five through eight, as opposed to at least once in grades five and six and at least once in grades seven and eight. The Department made other technical and conforming changes.

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 279.50, as amended by 2025 Iowa Acts, Senate File 175.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 175.

Purpose and Summary

This rulemaking implements 2025 Iowa Acts, Senate File 175, which adds additional content to human growth and development instruction in grades 5 through 12 and defines the permissible sources of the materials used in such instruction.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9804C**.

A public hearing was held on December 30, 2025, at 8:00 a.m. in Room B50 Grimes State Office Building, Des Moines, with a videoconference option. Five individuals made public comment at the hearing. The Department also received 47 written public comments.

The vast majority of the public comment objected to the rulemaking itself, taking issue with the underlying legislation’s requirement for instructional content or restrictions on sources of instructional materials. No change will be made.

Several comments objected to the proposed rule's requirements that the content required by Senate File 175 be presented at least once in grades five and six and at least once in grades seven and eight. The commenters assert that Senate File 175 requires the content to be presented every grade in grades five through eight and that the proposed rules were impermissible. While Senate File 175 does state that human growth and development instruction in grades five and six shall include the content in Senate File 175, there are competing canons of statutory construction at play here, including prior administrative constructions given by the Department. *See, e.g.*, Iowa Code § 4.6. For that reason, it is not clear to the Department that the notice of intended action is impermissible. That being said, the Department makes the changes requested by the commenters for other reasons advanced by the commenters. The requested changes are also within the State Board's authority and find support in the statutory text. Requiring this content to be offered each year in grades five through eight decreases the likelihood that a child would miss this content. Furthermore, based on the narrow nature of this material, it would not impose a burden on school districts and schools to provide it in each of the relevant grades. Items 2 and 3 have been changed accordingly.

One commenter appeared to assert that the content in Senate File 175 be required in all grades in high school. This is an unsustainable reading of the statutory scheme. In high school, the required offering of one unit of health instruction includes age appropriate human growth and development. Iowa Code § 256.11(5)(j). The Department has no statutory authority to require additional offerings of the content required by Senate File 175 in grades nine through twelve.

One commenter asserted that in grades one through eight, human growth and development instruction is a separate curricular requirement from health. *See* Iowa Code § 256.12(3)-(4). Historically, the State Board's rules have combined health and human growth and development

into one component in each grade band for simplicity's sake and to recognize that human growth and development is most likely to be taught in health education. Rather than adding a new curricular area to the rules, the Department is revising the current language to indicate that it is inclusive of human growth and development instruction. Items 2 and 3 have been changed accordingly.

One commenter suggested that the rule's reference to "the video" is underinclusive of the content required by Senate File 175. The commenter's point is well taken. References to "the video" have been changed to "the content" in all Items. Another commenter requested that "the video" be changed to "a video," the indefinite article indicating that more than one video may meet the statute's requirements. This commenter's concerns have been addressed by the change from "the video" to "the content" required by Senate File 175, because Senate File 175 uses indefinite articles in both requirements to show an ultra-sound video and a computer-generated rendering or animation. No additional change is necessary.

One commenter requested that the rules include an opt-out provision, citing the Supreme Court's decision in *Mahmoud v. Taylor*, 606 U.S. 522 (2025). This is unnecessary, because the underlying statute provides that parents may excuse their children from human growth and development instruction for any reason or no reason at all. Iowa Code § 279.50(6). No change is necessary.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on January 15, 2026.

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.

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 March 11, 2026.

The following rulemaking action is adopted:

The following rulemaking action is adopted:

ITEM 1. Amend rule **281—12.2(256)**, definition of “Age-appropriate,” as follows:

“*Age-appropriate*,” with the exception of the human growth and development, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. ~~“Age appropriate” does not include any material with descriptions or visual depictions of a sex act. A reference or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence. For purposes of human growth and development instruction required by Iowa Code section 279.50,~~ ~~“age appropriate” means topics, messages, and teaching methods suitable to particular ages or~~

~~age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.~~

1. “Age-appropriate” does not include any material with descriptions or visual depictions of a sex act. A reference to or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence.
2. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.
3. For purposes of human growth and development instruction required by Iowa Code section 279.50, in grades 5 through 12, “age-appropriate” also includes the content required by Iowa Code section 279.50(2) “b”(1) and 279.50(3) “b”(1) as amended by 2025 Iowa Acts, Senate File 175.
4. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” does not include any book, article, outline, handout, video, or other educational material described in Iowa Code section 279.50(2) “b”(2) and 279.50(3) “b”(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 2. Amend paragraph 12.5(3)“e” as follows:

- e. Health; human growth and development. Health instruction and human growth and development instruction is as referenced in Iowa Code sections 256.7(26) “a”(3) and 279.50. During fifth and sixth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 3. Amend paragraph **12.5(4)“e”** as follows:

e. Health; human growth and development. Health instruction and human growth and development instruction is as referenced in Iowa Code sections 256.7(26)“a”(3) and 279.50. During seventh and eighth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(3) as amended by 2025 Iowa Acts, Senate File 175.