

Iowa State Board of Education

Executive Summary

June 18, 2026

Agenda Item: Rules – Adopted & Filed Emergency – Chapter 36
Notice of Intended Action – Chapter 36 (Notice)

**State Board
Priority:** Goal 1

**State Board
Role/Authority:** This rulemaking is adopted under the authority provided in 2026 Iowa Acts, House File 2591, which requires emergency rules.

Presenter(s): Thomas A. Mayes
General Counsel and Rules Coordinator

Attachment(s): One

Recommendation: It is recommended that the State Board of Education adopt emergency rules amending Chapter 36.

It is further recommended that the State Board of Education give notice of its intent to amend chapter 36.

Background: Action Item 1: This emergency rulemaking implements changes to rules on interscholastic athletics by expanding the ability of eighth grade students to compete on high school teams and by changing how periods of ineligibility due to transfers or open enrollment transfers are calculated. The rulemaking also adds a clarifying amendment to the physical examination requirement to account for the potential participation of eighth grade students at the high school level. The State Board is required to adopt emergency rules to implement House File 2591.

Action Item 2: House File 2591 also requires the State Board to give a parallel notice of intended action.

EDUCATION DEPARTMENT[281]

Adopted and Filed Emergency

The State Board of Education hereby amends Chapter 36, “Extracurricular Interscholastic Competition,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2026 Iowa Acts, House File 2591.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2591.

Purpose and Summary

This rulemaking implements changes to rules on interscholastic athletics by expanding the ability of eighth grade students to compete on high school teams and by changing how periods of ineligibility due to transfers or open enrollment transfers are calculated. The rule also adds a clarifying amendment to the physical examination requirement to account for the potential participation of eighth grade students at the high school level.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the State Board finds that notice and public participation are unnecessary or impractical because House File 2591 commanded emergency rulemaking to implement the expanded ability of eighth grade students, to be effective no later than August 1, 2026. House File 2591’s provisions amending transfer and open enrollment transfer periods are also effective on August 1, 2026.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the State Board also finds that the normal effective date of rulemaking, 35 days after publication, should be waived and the rulemaking made effective June 18, 2026, because House File 2591, section 4, so provides or permits.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on June 18, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC [To Be Provided By Administrative Code Editor]** to allow for public comment.

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 became effective on June 18, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule **281—36.1(280)**, definition of “student,” as follows:

“Student” means a person under 20 years of age enrolled in grades 9 through 12. For purposes of these rules, ninth grade begins with the summer immediately following eighth grade. The rules contained herein apply uniformly to all students. “Student” also includes students in eighth grade who are allowed to participate in an interscholastic athletic contest or competition pursuant to a local policy adopted by the board of directors of a school district, the authorities in charge of a nonpublic school, or the governing board of a charter school. An eighth grade student who participates pursuant to this policy shall not also participate in the same sports season for an eighth grade team.

ITEM 2. Amend subrule 36.7(1) as follows:

36.7(1) Physical examination. Every year, each student will present to the student’s superintendent a certificate signed by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition, considering the nature of the athletic competition and the student’s health and development.

ITEM 3. Amend paragraph **36.8(2)“c”** as follows:

c. All contestants in grades nine through twelve will receive credit in at least four subjects, each of one period or “hour” or the equivalent thereof, at all times. To qualify under this rule, a “subject” will meet the requirements of 281—Chapter 12. Coursework taken from a postsecondary institution and for which a school district or accredited nonpublic school grants academic credit toward high school

graduation is used in determining eligibility. No student is to be denied eligibility if the student's school program deviates from the traditional two-semester school year.

ITEM 4. Amend paragraph **36.8(2)“e”** as follows:

e. A student who meets all other qualifications may be eligible to participate in interscholastic athletics for a maximum of eight consecutive semesters upon entering the ninth grade for the first time, including students who participated during eighth grade. However, a student who engages in athletics during the summer following eighth grade is also eligible to compete during the summer following twelfth grade. Extenuating circumstances, such as health, may be the basis for an appeal to the executive board that may extend the eligibility of a student when the executive board finds that the interests of the student and interscholastic athletics will be benefited.

ITEM 5. Amend paragraph **36.8(2)“g”** as follows:

g. A student is academically eligible upon entering the ninth grade, including students who participated in eighth grade.

ITEM 7. Amend subrule 36.8(3) as follows:

36.8(3) General transfer rule. A student in grades nine through twelve who transfers from a school in another state or country or from one member or associate member school to another member or associate member school shall be ineligible to compete in interscholastic athletics for a period of ~~90~~ 140 consecutive ~~school~~ calendar days, as defined in 281—Chapter 12, exclusive of summer enrollment, unless one of the exceptions listed in paragraph 36.8(3)“a” applies. The period of ineligibility applies only to varsity level contests and competitions. In ruling upon the eligibility of transfer students, the executive board will consider the factors motivating student changes in residency, which it may consider from both direct and circumstantial evidence. Unless otherwise provided in these rules, a student intending to establish residency must show that the student is physically present in the district for the purpose of making a home and not solely for school or athletic purposes.

c. A student who participates in the name of a member or associate member school during the summer following eighth grade is ineligible to participate in the name of another member or associate member school in the first ~~90~~ 140 consecutive ~~school~~ calendar days of ninth grade unless a change of residence has occurred after the student began participating in the summer.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 36, “Extracurricular Interscholastic Competition,” Iowa Administrative Code.

Legal Authority for Rulemaking

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Fiscal Impact

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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 August 11, 2026. Comments should be directed to:

Thomas A. Mayes
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:

August 11, 2026, from 1:00 p.m. to 2:00 p.m., in Room B50, Grimes State Office Building, Des Moines, or via video conference at <https://meet.google.com/fmu-bqht-drb>, or by dialing 1 650-667-3117 (PIN: 881 264 676#)

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.

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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).

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