

Iowa State Board of Education

Executive Summary

August 13, 2026

Agenda Item:	Rules – Notice of Intended Action – Chapter 41 (amend)
State Board Priority:	Goals 1 and 2
State Board Role/Authority:	This rulemaking is proposed under the authority provided in Iowa Code section 256B.3.
Presenter(s):	Thomas A. Mayes General Counsel and Rules Coordinator
Attachment(s):	One
Recommendation:	It is recommended that the State Board give notice of its intent to amend Chapter 41.
Background:	These proposed technical corrections provide additional support for students with disabilities who are placed outside of their building or district of residence. A hearing on the Department's regulatory analysis occurred on August 11, 2026.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 41, “Special Education,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 256.7 and 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256B and 34 CFR Part 300.

Purpose and Summary

These proposed technical corrections provide additional support for students with disabilities who are placed outside of their building or district of residence.

A hearing on the Department’s regulatory analysis occurred on August 11, 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 chapter 7—2504.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on September 22, 2026. Comments should be directed to:

Thomas A. Mayes, Rules Coordinator
Department of Education
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:

September 22, 2026, Room B50, Grimes State Office Building, from 8 a.m. to 9 a.m.

Or by video conference at meet.google.com/bqq-inqz-hha, or by phone at

1 609-438-1406 PIN: 271 490 390#

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:

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **41.116(4)“b”** as follows:

b. Additional questions concerning special school placement. When some or all of an eligible individual's special education is to be provided in a special school (which, for purposes of this rule, is defined as an educational environment for students with disabilities, including anything labelled as a special school, special program, or separate location, outside of the public school building that the child would otherwise attend), the individual's IEP, or an associated or attached document, shall include specific answers to the following additional four questions:

(1) to (4) No change.

ITEM 2. Amend paragraph **41.903(2)“a”** as follows:

a. Ensuring that all the requirements related to the development of each eligible individual's IEP are met, including attending or otherwise participating in each eligible individual's IEP team meetings.