

# Iowa State Board of Education

## Executive Summary

September 17, 2026

**Agenda Item:** Rules – Notice of Intended Action – Chapter 95 (amend)

**State Board  
Priority:** Goal 5

**State Board  
Role/Authority:** This rulemaking is proposed under the authority provided in Iowa Code section 19B.11(2).

**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 95.

**Background:** This proposed rulemaking implements amendments made to Iowa Code section 19B.11 by 2026 Iowa Acts, House File 2711. The Department conducted a Regulatory Analysis, which closed on August 25, 2026.

## **EDUCATION DEPARTMENT[281]**

### **Notice of Intended Action**

The State Board of Education hereby proposes to amend Chapter 95, “Equal Employment Opportunity in Educational Agencies,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 19B.11(2).

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 19B.11.

#### *Purpose and Summary*

This proposed rulemaking implements amendments made to Iowa Code section 19B.11 by 2026 Iowa Acts, House File 2711. The Department conducted a Regulatory Analysis, which closed on August 25, 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 Iowa Administrative Code 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 State Board no later than 4:30 p.m. on November 3, 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](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:

November 3, 2026  
8 to 9 a.m.

Room B50  
Grimes State Office Building  
Des Moines, Iowa  
Via videoconference:  
[meet.google.com/sib-mznu-iuf](https://meet.google.com/sib-mznu-iuf)

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 **281—Chapter 95**, title, as follows:

|                                                |            |             |
|------------------------------------------------|------------|-------------|
| EQUAL                                          | EMPLOYMENT | OPPORTUNITY |
| AND AFFIRMATIVE ACTION IN EDUCATIONAL AGENCIES |            |             |

ITEM 2. Amend rule 281—95.1(19B) as follows:

**281—95.1(19B) Definitions.** The following definitions will be applied to the rules in this chapter:

*“Affirmative action”* means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

*“Agency”* means a local school district, an area education agency or a community college.

*“Availability”* means the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.

*“Department”* means the Iowa department of education.

*“Director of education”* means the director of the Iowa department of education.

*“Equal employment opportunity”* means equal access to employment, training and advancement, or employment benefits regardless of race, creed, color, religion, sex, age, national origin and disability.

*“Metropolitan statistical area”* means a large population nucleus (over 50,000 persons) and nearby communities which have a high degree of economic and social integration with that nucleus. Each area consists of one or more entire counties.

*“Person with a disability”* means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment, as defined in Iowa Code section [216.2](#).

*“Racial/ethnic minority person”* means any person who is African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.

*“Relevant labor market”* means the geographic area in which an agency can reasonably be expected to recruit for a particular job category.

*“Underrepresentation”* means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.

*“Work force”* means an agency’s full-time and part-time employees.

ITEM 3. Amend rule 281—95.2(19B) as follows:

**281—95.2(19B) Equal employment opportunity standards.** An agency’s employment policies and practices shall provide equal employment opportunity to all persons. No person may be denied equal access to agency employment opportunities because of race, creed, color, religion, national origin, gender sex, age or disability.

ITEM 4. Amend rule 281—95.3(19B) as follows:

**281—95.3(19B) Duties of boards of directors.** Each agency’s board of directors will adopt a policy statements statement and develop plans a plan for implementation of equal employment opportunity standards and affirmative action programs, which contain the following elements:

1. A policy statement outlining the board of directors' commitment to the principles of equal employment opportunity and affirmative action, which containcontains procedures for employees and applicants for employment to redress complaints of discrimination.
2. A written equal employment opportunity and affirmative action plan, to be evaluated and updated on a biennial basis.
3. Assignment of responsibility to an employee for coordinating the development and ongoing implementation of the plansplan. This employee may be the same employee who has been assigned to coordinate the agency's efforts to comply with federal laws requiring nondiscrimination in educational programs and employment.
4. Systematic input from diverse racial/ethnic groups, women, men and persons with disabilities into the development and implementation of the plans plan, which may include using existing advisory committees or public hearing procedures.
5. Periodic training for all staff who hire or supervise personnel on the principles of equal employment opportunity and the implementation of its affirmative action plan.
6. Maintenance of necessary records to document its affirmative action progress. An agency will report employment data to the department by racial/ethnic category, gender and disability.

ITEM 5. Amend rule 281—95.4(19B), introductory paragraph, as follows:

**281—95.4(19B) Plan components.** In addition to the board policy statement, each agency's equal employment opportunity and affirmative action plan will include, at a minimum, the following components:

ITEM 6. Amend subrule 95.4(1) as follows:

**95.4(1)** *General.*

*a.* The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity and affirmative action plans plan.

*b.* An administrative statement on how the agency's equal employment opportunity and affirmative action policies policy and plans are plan is to be implemented, including the internal system for auditing and reporting progress, to be signed and dated by the chief executive officer of the agency.

*c.* A work force analysis showing the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category (consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission) by racial/ethnic group, gender, and disability. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

*d.* A quantitative analysis comparing work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.

*e.* When underrepresentation is identified in one or more major job category, the agency will conduct a qualitative analysis to be included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:

- (1) Recruitment practices and policies;

- (2) A demographic study of the applicant pool and flow;
- (3) The rate and composition of turnover in major job categories;
- (4) Trends in enrollment that will affect the size of the work force;
- (5) Application and application screening policies and practices;
- (6) Interview, selection, and placement policies and practices;
- (7) Transfer and promotion policies and practices;
- (8) Discipline, demotion, termination, and reduction in force policies and practices;
- (9) Employee assistance, training selection, and mentoring policies and practices;
- (10) The impact of any collective bargaining agreement on equal employment opportunity and the affirmative action process;
- (11) Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.

ITEM 7. Rescind and reserve subrules **95.4(2)** to **95.4(4)**.

ITEM 8. Amend rule 281—95.5(19B) as follows:

**281—95.5(19B) Dissemination.** Each agency will adopt an internal and external system for disseminating its equal employment opportunity and affirmative action policies policy and plans plan.

**95.5(1) Plan distribution.** An agency will annually distribute its policies policy and plans plan to agency employees involved in the hiring or management of personnel, and the agency will make the policies policy and plans plan available to other agency employees, the public and the director of education upon request.

**95.5(2)** No change.

ITEM 9. Amend rule 281—95.6(19B) as follows:

**281—95.6(19B) Reports.** Each agency will submit an annual progress report on equal employment opportunity and affirmative action to its local board of directors and the director of education upon request. Each agency will submit its annual progress report under this chapter to the department by December 31 of each year. The report is a part of the basic educational data collection system administered by the department.