Iowa State Board of Education

Executive Summary

November 18, 2026

Agenda Item:	Rules – Notice of Intended Action – Chapters 59 and 98 (Amend)
Priority:	Goal 2
State Board Role/Authority:	This rulemaking is adopted under the authority provided in Iowa Code section 257.42(4).
Presenter(s):	Thomas A. Mayes General Counsel & Rules Coordinator
Attachment(s):	One
Recommendation:	It is recommended that the State Board of Education amend Chapters 59 and 98.
Background:	This proposed rulemaking updates rules in light of 2026 Iowa Acts, Senate File 2220; provides additional flexibility; removes obsolete language, rules, and statutory references; and removes duplicative statutory language. A hearing on a regulatory analysis was conducted on November 17, 2026.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapters 59 and 98, "Gifted and Talented Programs" and "Financial Management of Categorical Funding," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.42(4).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2220.

Purpose and Summary

This proposed rulemaking updates rules in light of 2026 Iowa Acts, Senate File 2220; provides additional flexibility; removes obsolete language, rules, and statutory references; and removes duplicative statutory language.

A hearing on a regulatory analysis was conducted on November 17, 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 7—Chapter 2504.

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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 December 29, 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.a.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 19, 2026 8 to 9 a.m. Room B50 Grimes State Office Building
Online at meet.google.com/rzj-vjoq-xzy
Phone: 1-216-800-7069 (PIN: 779 738 530#)

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).

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The following rulemaking action is proposed:

ITEM 1. Amend subrule 59.4(2) as follows:

59.4(2) *Development of curriculum and instructional strategies.*

*a.*The program of instruction will include the elements set forth in Iowa Code section 257.42 and will consist of content and teaching strategies that reflect the accelerative pace, intellectual processes and creative abilities that characterize gifted and talented students. ~~A linkage among the selection of students, the anticipated student outcomes and the special instructional programs will be evident. Learning~~ Specialized instructional activities will provide for the development of skills that are beyond the scope of the regular classroom~~, introduce advanced concepts and contents, and offer students a greater latitude of inquiry than would be possible without the specialized instructional program~~. Specialized instructional activities are those not ordinarily found in the regular school program and may include the following:

~~*a.*~~ (1)A special curriculum supplementing the regular curriculum, using a high level of cognitive ~~and affective~~ concepts and processes and character development.

~~*b.*~~ (2)Flexible instructional arrangements, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, research field trips, and research centers.

b. Gifted and talented services will be thoughtfully designed to ensure that identified students receive instruction and educational opportunities that extend beyond the regular school program. Services will promote continued academic growth by developing advanced knowledge and skills; introducing more rigorous concepts and content; and providing opportunities for greater depth, complexity, creativity, and inquiry than would typically be available in the general classroom.

ITEM 2. Amend subrule 59.4(5) as follows:

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59.4(5) *Student identification criteria and procedures.* Students will be placed in a gifted and talented program in accordance with ~~systematic and uniform identification procedures that encompass all grade levels and that are characterized by~~ the elements set forth in Iowa Code section 257.42 as well as the following:

a. Identification will be for the purpose of determining the appropriateness of placement in a gifted and talented program, rather than for categorically labeling a student.

~~*b.* The decision to provide a student with a gifted and talented program will be based on a comprehensive appraisal of the student, consideration of the nature of the available gifted and talented program and an assessment of actual and potential opportunities within the student's regular school program.~~

~~*c.* Multiple criteria will be used in identifying a student, with no single criteria eliminating a student from participation. Criteria will combine subjective and objective data, including data with direct relevance to program goals, objectives and activities.~~

~~*d.*~~ *b.* In the event that the number of eligible students exceeds the available openings, participants will be selected according to the extent to which they can benefit from the program.

~~*e.* Each identified student's progress will be reviewed at least annually to consider modifications in program or student placement.~~

ITEM 3. Amend paragraph **59.4(6)"c"** as follows:

c. Both cognitive ~~and affective~~ components of student development and character development should be evaluated.

ITEM 4. Amend rule 281—98.20(257) as follows:

281—98.20(257) Gifted and talented program. Gifted and talented program funding is included in the school district cost per pupil calculated for each school district under the school

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foundation formula. The per-pupil amount increases each year by the supplemental state aid percentage. This amount must account for not more than 75 percent of the school district's total gifted and talented program budget. The school district must also provide a local match from the school district's regular program district cost, and the local match portion must be a minimum of 25 percent of the total gifted and talented program budget. In addition, school districts may receive donations and grants, and the school district may contribute more local school district resources toward the gifted and talented program. The 75 percent portion, the local match, amounts designated from the flexibility account as described in rule 281—98.27(257,298A), and all donations and grants will be accounted for as categorical funding.

The purpose of the gifted and talented funding described in Iowa Code section 257.46 is to provide for identified gifted students' needs beyond those provided by the regular school program pursuant to ~~each gifted student's individualized~~ the plan developed pursuant to rule 281—59.3(257). The funding will be used only for expenditures that are directly related to providing the gifted and talented program.

98.20(1) *Appropriate uses of categorical funding.* Appropriate uses of the gifted and talented program funding include:

a. to *d.* No change.

e. Staff development for other teachers; however, staff development under this paragraph is limited to implementation of the district's program plan pursuant to rule 281—59.3(257) for identified students. Professional development on acceleration or general enrichment for all learners is not covered by this paragraph.

f. Salary and benefits for a paraeducator who supports the instruction of gifted and talented students. If the paraeducator is a part-time paraeducator for gifted and talented students, then only

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the portion of time that is related to the gifted and talented program may be charged to the program.

g. Reimbursement, beyond the cost of an initial license, for the costs of a staff member to obtain a gifted and talented endorsement.

98.20(2) and **98.20(3)** No change.

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