

Iowa State Board of Education

Executive Summary

January 12, 2023



Agenda Item: Rules: Chapters 41 & 120 – Family Mentoring Program (Notice)

State Board Priority: Eliminating Achievement and Opportunity Gaps

State Board Role/Authority: The State Board has the authority to adopt these rules pursuant to Iowa Code section 256.7(5).

Presenter(s): None – Consent Agenda

Attachment(s): One

Recommendation: The Department recommends the State Board give notice of its intent to adopt these amendments to Chapters 41 and 120.

Background: House File 604 requires the Department of Education to establish and, for each year in which there is an appropriation, implement a “comprehensive family support mentoring program that meets the language and communication needs of families.” House File 604 also requires the Department to establish rules to implement this program, regardless of whether there is an appropriation. During the drafting of these proposed rules, the Department received information from representatives of the Iowa School for the Deaf, the Iowa Department of Public Health, and Iowa’s area education agencies. Those representatives concur in the content of these proposed rules.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 41, “Special Education,” and Chapter 120, “EARLY ACCESS Integrated System of Early Intervention Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 604.

Purpose and Summary

House File 604 requires the Department of Education to establish and, for each year in which there is an appropriation, implement a “comprehensive family support mentoring program that meets the language and communication needs of families.” House File 604 also requires the Department to establish rules to implement this program, regardless of whether there is an appropriation.

During the drafting of these proposed rules, the Department received information from representatives of the Iowa School for the Deaf, the Iowa Department of Public Health, and Iowa’s area education agencies. Those representatives concur in the content of these proposed rules.

Fiscal Impact

This rule making has no present fiscal impact to the state of Iowa. Any fiscal impact is contingent upon future appropriations.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making 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 281--4.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department of Education no later than 4:30 p.m. on February 28, 2023. Comments should be directed to:

Thomas Mayes
Administrative Rules Coordinator
Department of Education
Grimes State Office Building, Second Floor
Des Moines, Iowa 50319-0416
Phone: 515.281.8661
Fax: 515.242.5988
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:

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

February 28, 2023, from 8:00 a.m. to 8:30 a.m.
Room B-50
Grimes State Office Building
Des Moines, Iowa
Or via videoconference:
<https://IDOE.zoom.us/j/94994811740?pwd=SjE2REZEZDdoSTVlQ2YxcWITMmF6QT09>

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 rule making.

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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action proposed:

ITEM 1. Adopt the following **new** rule 281—41.329(256B,34CFR300):

281—41.329(256B,34CFR300) Family support mentoring program. The department, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

41.329(1) General department powers. In establishing the family support mentoring program, the department of education may do all of the activities under 256B.10 (5)(d), either directly or through a contract or agreement. The department may provide administrative oversight of any program established under this rule. Administrative oversight may include:

- (1) Review of the qualifications of mentors;
- (2) Alignment of family needs with paired mentors;
- (3) Administration and analysis of satisfaction surveys; and
- (4) Gathering demographic data of those served, such as age of child and geographic location.

41.329(3) *Nature of the program.*

a. The department will ensure family support mentors under Code section 256B.10 (5)(d)“3” are qualified to provide supports that match the specific needs, experiences, and desires of families of children who are deaf or hard of hearing. Nothing in this rule shall be construed to create or require any credential or certification to serve as a family support mentor.

b. A family support mentoring program under this rule shall meet the following additional standards.

(1) Serve families of children who are deaf or hard of hearing, from birth to age 8 and may serve learners up to age 21,

(2) Provide services statewide, regardless of educational setting of the child,

(3) Make services available to families based on their specific need, experience, or want, and

(4) Make services available to all families and children who are deaf and hard of hearing and their families, regardless of children’s eligibility for other programs, including Section 504 of the Rehabilitation Act of 1973, and

(5) Not condition receipt of services under this rule upon eligibility under this chapter or Chapter 281—120.

41.329(4) *Rule of Construction.* This rule only applies in a fiscal year for which there is an appropriation by the general assembly.

ITEM 2. Adopt the following **new** rule(s) 281—120.347(256B,34CFR303):

281—120.347(256B,34CFR303) Family support mentoring program. The rule found at Iowa Administrative Code rule 281—41.329(256B,34CFR300) is incorporated herein by this reference.

This rule is intended to implement 2022 Iowa Acts, House File 604.