

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 441—Chapter 121
“Early Childhood Iowa Initiative”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256I

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256I and 2024 Iowa Acts, Senate File 2385

Public Hearing

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

November 12, 2024
1 p.m.

Microsoft Teams
Meeting ID: 287 138 322 978
Passcode: w3jvk8

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking implements the Early Childhood Iowa Initiative, which aims to empower individuals, communities, and state level partners to achieve the desired results identified in Iowa Code section 256I.2. The desired results will be achieved as private and public entities work collaboratively. This initiative creates a partnership between communities and state level partners to support children zero through age five and their families. The role of the Early Childhood Iowa State Board, area boards, and other state and local government agencies is to provide support, leadership, and facilitation of the growth of individual, community, and state responsibility in addressing the desired results.

This rulemaking also implements 2024 Iowa Acts, Senate File 2385, which eliminated the Early Childhood Stakeholders Alliance.

Finally, this rulemaking is combined with the Red Tape Review process, which would have normally occurred in calendar year 2026.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
There are no costs associated with this rulemaking.
 - Classes of persons that will benefit from the proposed rulemaking:
The rulemaking has no specific benefit other than implementing new legislation.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Four rules and ten restrictive terms were eliminated via the Red Tape Review process.

- Qualitative description of impact:

Reference to the Early Childhood Stakeholders Alliance, which was statutorily eliminated, has been removed from the rules.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department has personnel and other administrative costs associated with implementing the initiative.

- Anticipated effect on state revenues:

There is no impact on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Rulemaking is appropriate since part of the existing rules is no longer valid.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Rulemaking is appropriate since part of the existing rules is no longer valid.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 121 and adopt the following **new** chapter in lieu thereof:

CHAPTER 121 EARLY CHILDHOOD IOWA INITIATIVE

441—121.1(256I) Definitions. For the purpose of these rules, the following definitions apply:

“*Community partners*” means individuals, early childhood service providers, and staff of other programs or agencies that communicate, coordinate and collaborate with an area board.

“*Designation*” means the status awarded by the state board to an early childhood Iowa area meeting the criteria established by the state board.

“*Early childhood Iowa area*” or “*area*” means the same as defined in Iowa Code section 256I.1.

“*Early childhood Iowa area board*” or “*area board*” means the same as defined in Iowa Code section 256I.1.

“*Early childhood Iowa fund*” means a fund created in the state treasury from which moneys are distributed to early childhood Iowa areas for the purpose of supporting children and their families.

“*Early childhood Iowa office*” means a state unit within the department to coordinate the early childhood Iowa initiative.

“*Early childhood Iowa state board*” or “*state board*” means the state of Iowa’s early childhood Iowa board as appointed by the governor that meets the membership criteria of citizens and state agency directors as voting members and legislators as nonvoting members.

“*Evidence-based*” means that a program has completed a randomized control trial conducted by an independent researcher and has demonstrated positive results for children and families. “Evidence-based” may also include research conducted by the program that has been published in a peer-reviewed journal that also demonstrates positive results for children and families. To be evidence-based, the program must include stringent standards for program replication including standards for implementation and monitoring to ensure that the program is being operated with fidelity to the original model.

“*Indicator*” means a measure that indirectly quantifies the achievement of a result.

“*Result*” means the effect desired for Iowans.

“*State agency*” means a department of the executive branch including but not limited to the departments of economic development, education, health and human services, and workforce development.

441—121.2(256I) Early childhood Iowa state board responsibility.

121.2(1) The state board will provide leadership and coordination for the development of Iowa’s early care, health and education system in cooperation with area boards, community partners and other state agencies.

121.2(2) The state board will:

a. Develop and implement a process for designating area boards. The state board will review the process at the close of each designation cycle.

b. Adopt state-level indicators with input from area boards. The state board will report on indicators each fiscal year and compare the data against baseline data and data from prior fiscal years as available. Indicators will measure all result areas of the early care, health and education system.

c. Adopt minimum standards to promote equal access to services subject to the authority of the area boards.

d. Adopt guidelines and standards for services provided under a school ready children grant. All guidelines and standards will be found in the online toolkit available on department’s official website.

e. Further the development of an early childhood integrated data system across state agencies and other partners.

f. Develop guidance to identify and improve the quality of services in early care, health and education programs, including evidence-based practices.

g. Promote other measures to advance the initiative.

441—121.3(256I) Early childhood Iowa coordination staff. In consultation with the state board, the department will provide fiscal oversight of the early childhood Iowa initiative. The fiscal oversight measures are defined in 441—Chapter 122.

441—121.4(256I) Early childhood Iowa areas.

121.4(1) The state board will approve early childhood Iowa area boundaries and the creation of area boards. Minimum criteria for areas and approval of area boards are set forth in Iowa Code section 256I.6.

121.4(2) The state board may waive any of the minimum criteria referenced in Iowa Code section 256I.6, if it is determined that exceptional circumstances exist. The state board further defines exceptional circumstances to include when the proposed change of boundaries creates hardship that reduces performance or quality of services within the area. The area board must provide compelling documentation of the hardship and clearly document the impact to performance or quality of services or both.

These rules are intended to implement Iowa Code sections 256I.1 through 256I.11.