

CHAPTER 82**COMMUNITY COLLEGES — APPROVAL AND ACCREDITATION
AND OTHER MATTERS***S.F. 376*

AN ACT relating to community college athletic programs, community college approval and accreditation standards, repealing provisions for certain studies related to community colleges, and providing for other related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.7, subsection 18, Code 1993, is amended by striking the subsection.

Sec. 2. Section 260C.22B, Code 1993, is amended by adding the following new subsection: NEW SUBSECTION. 4. Adopt the following interim annual approval process, which shall be in effect for community colleges until the implementation of section 260C.47.

a. For purposes of this section, "approval standards" shall include standards for administration, qualifications and assignment of personnel, curriculum, facilities and sites, requirements for awarding of diplomas and other evidence of educational achievement, guidance and counseling, support services for students with special needs, instruction, instructional materials, maintenance, and library.

b. The department of education shall supervise and evaluate the educational program in the several community colleges of the state for the purpose of the improvement and approval of such institutions.

c. The director of the department of education shall make recommendations and suggestions in writing to each community college if the department determines, after due investigation, that deficiencies exist.

d. The director of the department of education shall maintain a list of approved community colleges, and the director shall remove from the approved list for cause, after due investigation and notice, a community college which fails to comply with the approval standards. A community college which is removed from the approved list pursuant to this section is ineligible to receive state financial aid during the period of removal. The director shall allow a reasonable period of time, which shall be at least one year, for compliance with approval standards if a community college is making a good faith effort and substantial progress toward full compliance or if failure to comply is due to factors beyond the control of the board of directors of the merged area operating the institution. In allowing time for compliance, the director shall follow consistent policies, taking into account the circumstances of each case. The reasonable period of time for compliance may be, but need not be, given prior to the one-year notice requirement that is provided in this section.

e. The director of the department of education shall give a community college which is to be removed from the approved list at least one year's notice. The notice shall be given by registered or certified mail addressed to the superintendent of the community college and shall specify the reasons for removal. The notice shall also be sent by ordinary mail to each member of the board of directors of the community college, and to the news media which serve the merged area where the school is located; but any good faith error or failure to comply with this sentence shall not affect the validity of any action by the director. If, during the year, the community college remedies the reasons for removal and satisfies the director that it will thereafter comply with the laws and approval standards, the director shall continue the community college on the approved list and shall transmit to the community college notice of the action by registered or certified mail.

f. At any time during the year after notice is given, the board of directors of the community college may request a public hearing before the director of the department of education, by mailing a written request to the director by registered or certified mail. The director shall promptly set a time and place for the public hearing, which shall be either in Des Moines or in the affected merged area. At least thirty days' notice of the time and place of the hearing

shall be given by registered or certified mail addressed to the superintendent of the community college. At least ten days before the hearing, notice of the time and place of the hearing and the reasons for removal shall also be published by the department in a newspaper of general circulation in the merged area where the community college is located.

g. At the hearing the community college may be represented by counsel and may present evidence. The director of the department of education may provide for the hearing to be recorded or reported. If requested by the community college at least ten days before the hearing, the director shall provide for the hearing to be recorded or reported at the expense of the community college, using any reasonable method specified by the community college. Within ten days after the hearing, the director shall render a written decision, and shall affirm, modify, or vacate the action or proposed action to remove the community college from the approved list. The board of directors of the community college may request a review of the decision of the director by the state board. The state board may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

h. This subsection is void and shall be stricken from the Code effective June 30, 1995, except as provided in section 260C.47.

Sec. 3. Section 260C.23, subsection 15, Code 1993, is amended to read as follows:

15. By July 1, 1991, develop a policy which requires oral communication competence of persons who provide instruction to students attending institutions under the control of the board. The policy shall include a student evaluation mechanism which requires student evaluation of persons providing instruction at the end of each academic period on at least an annual basis.

Sec. 4. Section 260C.25, subsection 11, Code 1993, is amended by striking the subsection.

Sec. 5. Section 260C.47, subsection 1, unnumbered paragraph 1, Code 1993, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The state board of education shall establish an accreditation process for community college programs by July 1, 1994. The process shall be jointly developed and agreed upon by the department of education and the community colleges. The state accreditation process shall be integrated with the accreditation process of the north central association of colleges and schools, including the evaluation cycle, the self-study process, and the criteria for evaluation, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the association's accreditation process. If a joint agreement has not been reached by July 1, 1994, the approval process provided under section 260C.22B, subsection 4, shall remain the required accreditation process for community colleges. For the academic year commencing July 1, 1995, and in succeeding school years, the department of education shall use a two-component process for the continued accreditation of community college programs.

Sec. 6. Section 260C.47, subsection 1, paragraphs a and b, Code 1993, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. The first component consists of submission of required data by the community colleges and annual monitoring by the department of education of all community colleges for compliance with state program evaluation requirements adopted by the state board.

b. The second component consists of the use of an accreditation team appointed by the director of the department of education, to conduct an evaluation, including an on-site visit of each community college, with a comprehensive evaluation to occur during the same year as the evaluation by the north central association of colleges and schools, and an interim evaluation midway between comprehensive evaluations. The number and composition of the accreditation team shall be determined by the director, but the team shall include members of the department of education staff and community college staff members from community colleges other than the community college that conducts the programs being evaluated for accreditation.

Sec. 7. Section 260C.48, subsection 1, Code 1993, is amended to read as follows:

1. The state board shall develop standards and rules for the accreditation of community college programs. Standards developed shall be general in nature so as to apply to more than one specific program of instruction. ~~However, the state board may develop additional, specific criteria where appropriate to the accreditation process.~~

Sec. 8. Section 260C.48, subsection 2, unnumbered paragraph 1, and paragraphs a and b, and paragraph c, unnumbered paragraph 1, Code 1993, are amended by striking the unnumbered paragraph, lettered paragraphs, and unnumbered paragraph.

Sec. 9. Section 272.33, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Effective July 1, 1990, in addition to licenses required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or community college, who conducts evaluations of the performance of individuals holding licenses under this chapter, shall possess an evaluator license. Individuals who do not directly supervise licensed teaching faculty are exempt from this section.

Sec. 10. 1990 Iowa Acts, chapter 1253, sections 115 through 117 and 127, are repealed.

Sec. 11. 1992 Iowa Acts, chapter 1040, is repealed.

Sec. 12. Section 260C.33, Code 1993, is repealed.

Approved May 3, 1993

CHAPTER 83

INVOLUNTARY HOSPITALIZATION PROCEDURES — ADVOCATES

S.F. 391

***AN ACT** relating to the appointment and employment of advocates for persons subject to involuntary hospitalization for mental illness.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 229.19, Code 1993, is amended to read as follows:

229.19 ADVOCATES — DUTIES — COMPENSATION — STATE AND COUNTY LIABILITY.

The district court in each county with a population of under three hundred thousand inhabitants and the board of supervisors in each county with a population of three hundred thousand or more inhabitants shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of the mentally ill, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to the mentally ill, to act as advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from ~~the~~ a patient's county of legal settlement to represent the interests of the patient, or if the. If a patient has no county of legal settlement, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests

*Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State