

FILED JAN 23 1974
Senate File 1053
Higher Education—
Nystrom, Chairman
Schwegels
Director _____

By HANSEN, ANDERSEN and MURRAY
(Welden, Egenes, Hill and Welis)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to establishment of a commission for Iowa post-
2 secondary education to replace the higher education facilities
3 commission, and transferring appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S—2107

1 Amend Senate File 1053, page 3, lines 28 and 29, by
2 striking the words and figure "section two hundred sixty-
3 one point one (261.1) of the Code" and inserting in lieu
4 thereof the words "this Act".

S—2107 Filed
January 30, 1974

By HANSEN

1 Section 1. Chapter two hundred sixty-one (261), Code 1973,
2 is amended by striking section two hundred sixty-one point
3 one (261.1), adding in lieu thereof the following new sec-
4 tions, renumbering the remaining sections of the chapter,
5 and correcting internal references as necessary to conform
6 with this Act:

7 NEW SECTION. GOAL OF IOWA POSTSECONDARY EDUCATION. The
8 commission for Iowa postsecondary education, in performing
9 its duties and exercising its powers under this chapter, shall
10 be guided by the following statement of the goal of Iowa
11 postsecondary education:

12 1. The basic goal of Iowa postsecondary education is to
13 meet the educational needs of the individual student and the
14 society served. Two subsidiary goals originating from the
15 basic goal are:

16 a. To provide postsecondary education that will enable
17 individual students to fulfill their potentialities to the
18 highest extent possible.

19 b. To provide educational and technical services through
20 instruction, research and public service that will undergard,
21 stimulate and enrich the economic, civil and cultural life
22 of society.

23 2. To achieve this basic goal, postsecondary education
24 should incorporate several concepts, as follows:

25 a. WIDESPREAD EDUCATIONAL OPPORTUNITY. Opportunities
26 should be available for interested students who wish to pursue
27 education without restrictions caused by geographic, financial
28 or other barriers.

29 b. DIVERSITY OF PROGRAMS AND SERVICES. Programs and ser-
30 vices offered in diverse forms and settings should be made
31 available to meet the needs, interests and abilities of stu-
32 dents beyond high school age to ensure their appropriate prep-
33 aration for living within an increasingly complex society.

34 c. HIGH QUALITY. All programs and services offered should
35 be of the highest quality in order that students may partici-

1 pate in the best possible educational endeavor incorporating
2 competent instructional personnel with appropriate instruc-
3 tional materials and equipment.

4 d. INSTITUTIONAL INTEGRITY. Institutions should be assured
5 the right to develop and conduct educational programs and
6 services without undue external forces impinging upon the
7 basic integrity of the individual institution that maintains
8 programs and services consistent with the institutional objec-
9 tives and statewide planning and coordination policies and
10 procedures.

11 e. EFFECTIVE OPERATION. All postsecondary educational
12 activity should be conducted in such a manner that the greatest
13 possible educational return for individuals and society be
14 realized in relation to the available resources invested in
15 the activity. The allocation and utilization of economic,
16 personal and institutional resources should be analyzed in
17 terms of effective institutional operations.

18 f. COORDINATION AND COOPERATION. Coordination and cooper-
19 ation between and among individuals and institutions engaged
20 in postsecondary education is essential. In addition, the
21 postsecondary educational sector in the state should seek
22 ways to work in a coordinated and cooperative manner with
23 Iowa's elementary and secondary sector and with other
24 postsecondary institutions in the adjoining states.

25 NEW SECTION. DEFINITIONS. As used in this chapter, unless
26 the context otherwise requires:

27 1. "Commission" means the commission for Iowa postsecondary
28 education established in section two hundred sixty-one point
29 one (261.1) of the Code.

30 2. "Federal law" means the Higher Education Act of 1965,
31 Public Law eighty-nine dash three hundred twenty-nine (89-
32 329), and federal regulations promulgated under it, as amended
33 to January 1, 1974.

34 NEW SECTION. COMMISSION CREATED.

35 1. A commission for Iowa postsecondary education is estab-

1 lished, to serve as successor agency to the higher education
2 facilities commission. The commission shall have eleven
3 members.

4 2. The governor, with the approval of two-thirds of the
5 members of the senate, shall appoint the members of the commis-
6 sion, and shall comply with the requirements of federal law
7 to assure that the membership is broadly and equitably repre-
8 sentative of the general public and public and private non-
9 profit and proprietary institutions of postsecondary education
10 in the state. In making appointments the governor shall take
11 affirmative action to recruit and select commission members
12 without discrimination on the basis of race, color, national
13 origin, or sex, and to include both men and women.

14 3. Seven members of the commission shall be public members
15 who are residents of the state, who possess appropriate knowl-
16 edge, experience, and ability for commission membership, and
17 who are not paid officials or employees of any postsecondary
18 educational institution in the state. In making appoint-
19 ments the governor shall give consideration to representation
20 of consumer interests, including but not limited to the inter-
21 ests of students, parents, employers, and employees.

22 4. Four members of the commission shall be educational
23 members who are residents of the state, and who reflect a
24 diversity of perspectives, experiences and skills within the
25 postsecondary educational community. One of the educational
26 members shall be appointed to represent the universities gov-
27 erned by the state board of regents, one to represent the
28 area schools, one to represent the private colleges and uni-
29 versities, and one to represent the private specialized or
30 proprietary schools.

31 5. Members of the commission shall serve for four-year
32 terms, beginning on July first of the year of appointment,
33 except that of the initial appointments, three of the public
34 members and two of the educational members, to be selected
35 by lot, shall serve for two-year terms. No member shall be

1 appointed for more than two successive terms.

2 6. A vacancy occurs when a member ceases to act in the
3 capacity which qualified him for appointment, or upon the
4 resignation or death of a member. A vacancy shall be filled
5 within sixty days for the unexpired term, in the same manner
6 as the original appointment was made.

7 NEW SECTION. EXECUTIVE DIRECTOR. The governor, with the
8 approval of two-thirds of the members of the senate, shall
9 appoint an executive director of the commission, who shall
10 serve at the pleasure of the governor. The executive director
11 shall be selected primarily for administrative ability and
12 knowledge in the field of postsecondary education, without
13 regard to political affiliation. The executive director
14 shall not, directly or indirectly, exert influence to induce
15 any other officers or employees of the state to adopt a politi-
16 cal view, or to favor a political candidate for office.

17 The executive director shall advise the commission on
18 matters relating to postsecondary education, carry out all
19 directives from the commission, and hire and supervise the
20 commission's staff pursuant to its directions.

21 Sec. 2. Section two hundred sixty-one point two (261.2),
22 Code 1973, is amended by striking subsections one (1), two
23 (2), and three (3).

24 Sec. 3. Section two hundred sixty-one point two (261.2),
25 subsection five (5), unnumbered paragraph two (2), Code 1973,
26 is amended to read as follows:

27 Said fund shall be allotted to students for not more than
28 three years of study and shall be in the nature of a loan.
29 Such loan shall have as one of its terms that fifty percent
30 thereof shall be canceled at the end of five years of the
31 general practice in Iowa with an additional ten percent to
32 be canceled each year thereafter until the entire loan may
33 be canceled. No interest shall be charged on any part of
34 the loan thus canceled. Additional terms and conditions of
35 said loan shall be established by the ~~higher-education~~

1 ~~facilities~~ commission so as to facilitate the purpose of this
2 section.

3 Sec. 4. Section two hundred sixty-one point two (261.2),
4 Code 1973, is amended by adding the following new subsections:

5 NEW SUBSECTION. Develop and recommend to the governor
6 and to the general assembly a comprehensive ongoing plan for
7 all segments of Iowa postsecondary education. The plan must
8 be consistent with the goal of Iowa postsecondary education
9 as provided in section one (1) of this Act.

10 NEW SUBSECTION. Perform the following duties and exercise
11 the following powers only when funds are available under the
12 federal law, the Education Amendments of 1972, Public Law
13 ninety-two dash three hundred eighteen (92-318), or the General
14 Education Provisions Act, Public Law ninety dash two hundred
15 forty-seven (90-247), to assist in administration and imple-
16 mentation of the programs:

17 a. Serve as the state commission required under section
18 one thousand two hundred two (1202) of the federal law, and
19 have authority to establish committees and task forces as
20 provided for in that section, comply with all federal require-
21 ments for the state commission under that section and other
22 sections of the federal law, and apply for funds to enable
23 it to expand the scope of the studies and planning required
24 in title ten (X) of the federal law, through comprehensive
25 inventories of, and studies with respect to, all public and
26 private postsecondary educational resources in the state,
27 as provided for in section one thousand two hundred three
28 (1203) of the federal law.

29 b. Develop and submit a statewide plan for the expansion
30 or improvement of postsecondary education programs in community
31 colleges and establish an advisory council on community col-
32 leges as required under section one thousand one (1001) of
33 the federal law, and perform all functions required of the
34 state commission in order for the state to participate in
35 the program to improve educational opportunities available

1 through community colleges, as contained in part A, title
2 ten (X) of the federal law.

3 c. Apply for funds to strengthen the advisory council
4 on vocational education and initiate and conduct a comprehen-
5 sive program of planning for the establishment of a program
6 designed to promote and encourage occupational education,
7 as provided in section one thousand fifty-six (1056) of the
8 federal law, have authority to request technical assistance
9 in planning, designing, and carrying out the program, and
10 perform all functions required of the state commission in
11 order for the state to participate in the program contained
12 in part B, title ten (X) of the federal law. However, the
13 state board of public instruction shall serve as the state
14 agency which will have sole responsibility for fiscal manage-
15 ment and administration of the program in accordance with
16 the plan, as provided in section one thousand fifty-five
17 (1055) of the federal law.

18 d. Serve as the state agency required under section six
19 hundred three (603) of the federal law, submit a state plan
20 for participation in the program of grants for instructional
21 equipment, administer the program, and have authority to
22 comply with all federal requirements and perform all functions
23 required of the state agency in order for the state to partici-
24 pate in the program contained in part A, title six (VI) of
25 the federal law.

26 e. Serve as the state commission required under sections
27 seven hundred four (704) and seven hundred sixty-five (765)
28 of the federal law, submit a state plan for participation
29 in the program of grants for the construction of academic
30 facilities, administer the program, and have authority to
31 perform all functions required of the state commission in
32 order for the state to participate in the program contained
33 in part A, title seven (VII) of the federal law.

34 f. Serve as the state agency required to make findings
35 in relation to applications for emergency assistance by public

1 and nonpublic institutions, as provided in section one hundred
2 twenty-two (122) of the Education Amendments of 1972, Public
3 Law ninety-two dash three hundred eighteen (92-318).

4 g. Have authority to serve as the state agency to submit
5 applications for incentive grants to assist the state in pro-
6 viding grants to eligible students in attendance at
7 institutions of higher education, serve as the single state
8 agency for administering the grant program, and take part
9 in hearings if an application is disapproved, as provided
10 in sections four hundred fifteen A (415A) through four hundred
11 fifteen D (415D) of the federal law.

12 h. Review projects or programs for the improvement of
13 postsecondary educational opportunities which are developed
14 by institutions of postsecondary education and submitted for
15 funding under section four hundred four (404) of the General
16 Education Provisions Act, Public Law ninety dash two hundred
17 forty-seven (90-247), as amended by section three hundred
18 one (301) of the Education Amendments of 1972, Public Law
19 ninety-two dash three hundred eighteen (92-318), and have
20 authority to submit its comments and recommendations as
21 provided for in that section.

22 NEW SUBSECTION. Provide assistance to the general assem-
23 bly or any of its committees, when requested.

24 NEW SUBSECTION. Submit a report to the governor and the
25 general assembly not later than December thirty-first of each
26 year, based upon the fiscal year ending on the last preceding
27 June thirtieth. In addition to a statement of the commission's
28 activities and a financial statement, the report shall include
29 the commission's recommendations for and an evaluation of
30 the effectiveness of the comprehensive ongoing plan and other
31 commission activities in guiding the development of Iowa
32 postsecondary education.

33 NEW SUBSECTION. Be authorized to:

34 a. Make recommendations to the state board of regents,
35 the board of public instruction, the governing bodies or

1 representatives of private nonprofit or proprietary postsec-
2 ondary institutions, the governor, and the general assembly,
3 on matters relating to Iowa postsecondary education, including
4 but not limited to the following:

5 (1) Existing and new programs, and voids or duplications
6 in programs.

7 (2) Budgets, and the desirability of greater uniformity
8 in budgeting and accounting procedures.

9 (3) Facilities, space utilization, and capital construc-
10 tion plans.

11 (4) Student admission standards, transfer policies, tuition
12 and fees, and aid programs.

13 b. Conduct studies as needed for preparing and revising
14 the comprehensive ongoing plan, or as requested by the general
15 assembly, and establish advisory committees as needed to study
16 particular areas.

17 c. Review the objectives of the segments of Iowa post-
18 secondary education in their relationship to the comprehensive
19 ongoing plan.

20 d. Establish and develop the following:

21 (1) A data gathering and reporting system.

22 (2) Cooperative relationships between the segments of
23 Iowa postsecondary education, the commission, the governor,
24 and the general assembly.

25 (3) Suggestions for educational priorities which are
26 compatible with the comprehensive ongoing plan.

27 e. Make recommendations to the governor and the general
28 assembly on methods of implementing the comprehensive ongoing
29 plan, including proposed legislation as needed.

30 Sec. 5. Section two hundred sixty-one point six (261.6),
31 subsection one (1), Code 1973, is amended to read as follows:

32 1. Contract, sue and be sued, and promulgate rules and
33 regulations necessary to carry out the provisions of ~~sections~~
34 ~~261.5 through 261.8~~ this chapter. but the commission shall
35 not in any manner directly or indirectly pledge the credit

1 of the state of Iowa.

2 Sec. 6. Section two hundred sixty-one point six (261.6),
3 Code 1973, is amended by striking subsection two (2).

4 Sec. 7. Section two hundred sixty-one point nine (261.9),
5 Code 1973, is amended by striking subsection six (6).

6 Sec. 8. Section two hundred sixty-one point twelve
7 (261.12), subsection one (1), Code 1973, is amended to read
8 as follows:

9 1. The total tuition and mandatory fees for that student
10 for two semesters or the trimester equivalent, less the base
11 amount determined annually by the ~~higher-education-facilities~~
12 commission, which base amount shall be within ten dollars
13 of the average tuition for two semesters or the trimester
14 equivalent of undergraduate study at the state universities
15 under the board of regents, but in any event the base amount
16 shall not be less than four hundred dollars; or

17 Sec. 9. Section two hundred sixty-one point fifteen
18 (261.15), unnumbered paragraph one (1), Code 1973, is amended
19 to read as follows:

20 The ~~higher-education-facilities~~ commission shall administer
21 this program and shall:

22 Sec. 10. Acts of the Sixty-fifth General Assembly, 1973
23 Session, chapter one hundred one (101), section two (2), sub-
24 section six (6), is amended to read as follows:

25 6. The ~~higher-education-facilities~~ commission shall
26 administer this program and shall:

27 a. Provide application forms for distribution to students
28 by Iowa high schools and area schools.

29 b. Adopt rules and regulations for determining financial
30 need, defining residence for the purposes of this Act,
31 processing and approving applications for grants and deter-
32 mining priority for grants.

33 c. Approve and award grants on an annual basis.

34 d. Make an annual report to the governor and general
35 assembly.

1 Sec. 11. Section seventeen point four (17.4), Code 1973,
2 is amended by striking subsection eight (8).

3 Sec. 12. On the effective date of this Act, supplies,
4 files, records, equipment, and all other property in the
5 possession of the higher education facilities commission shall
6 be transferred to the commission, office space assigned to
7 the higher education facilities commission shall be assigned
8 to the commission, and the status of employees of the higher
9 education facilities commission shall be continued as provided
10 under chapter nineteen A (19A) of the Code.

11 The state comptroller, pursuant to section eight point
12 thirty-nine (8.39) of the Code, shall determine what portion
13 of the appropriation made to the higher education facilities
14 commission will be in excess of need, if any, because of the
15 transfer of duties, property and personnel as provided in
16 this Act, and shall transfer such amounts to the account of
17 the commission. The comptroller also shall determine what
18 other funds or accounts, including reserves, are held in the
19 name or for the benefit of the higher education facilities
20 commission and shall transfer all assets and liabilities to
21 the account of the commission.

22

EXPLANATION

23 This bill adopts a statement of the goal of Iowa post-
24 secondary education, and establishes a commission for Iowa
25 postsecondary education. The commission consists of eleven
26 members appointed by the governor, seven to be public members
27 and four to be educational members. An executive director
28 will also be appointed by the governor. The commission will
29 replace the present higher education facilities commission
30 and administer the programs now handled by that agency.

31 A major duty of the commission is to develop and recom-
32 mend to the governor and the general assembly a comprehen-
33 sive ongoing plan, compatible with the statement of the goal
34 of Iowa postsecondary education, for all segments of post-
35 secondary education in Iowa. Another duty which will assist

