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SENATE FILE 376
BY COMMITTEE ON EDUCATION
Substituted for HF 558
4-8-93
(SUCCESSOR TO SSB 210)

Passed Senate, Date ^(p888) 3/30/93 Passed House, Date _____
Vote: Ayes 44 Nays 6 Vote: Ayes _____ Nays _____
Approved May 3, 1993

A BILL FOR

1 An Act relating to community college athletic programs, delaying
2 the establishment and funding of the community college
3 excellence 2000 account and the submission of an annual report
4 on community college quality instructional centers, and
5 repealing community college approval and accreditation
6 standards, community college staff development plans and
7 programs, and certain studies related to community colleges,
8 and other related matters.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 376

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

3 Sec. 2. Section 260C.25, subsection 11, Code 1993, is
4 amended by striking the subsection.

5 Sec. 3. Section 260C.39, unnumbered paragraphs 3 and 4,
6 Code 1993, are amended to read as follows:

7 Any merged area which combines with another merged area
8 under this section for purposes of combining community
9 colleges under the control of the boards shall be eligible to
10 receive additional state funds from the community college
11 excellence 2000 account under section ~~286A.14A~~ 260D.14A, if
12 funds are appropriated for that purpose, in an amount which
13 equals ten percent of the state general aid received by each
14 of the colleges during the first year of merger, in addition
15 to any state general aid received, based upon the availability
16 of funds. Community colleges which intend to merge under this
17 section shall submit applications to the department describing
18 the merger proposal and plans developed to implement the
19 merger. Any application which results in a merger of colleges
20 shall be subject to the review and approval of the department
21 before the merger is eligible to receive funds for the merger.

22 In years succeeding the first year of merger, if funds are
23 appropriated for that purpose, the merged colleges shall
24 receive additional funds in an amount which is two percent
25 less than the percent received during the previous year.

26 Sec. 4. Section 260C.45, unnumbered paragraphs 3 and 5,
27 Code 1993, are amended to read as follows:

28 A community college with an approved quality instructional
29 center shall receive funds from the community college
30 excellence 2000 account under section 260D.14A, if funds are
31 appropriated for that purpose.

32 A If funds are appropriated for that purpose, a community
33 college with an approved quality instructional center shall
34 annually submit a report indicating how funds received during
35 the past year were spent and the projections of the next

1 year's funding needs. The department shall review the reports
2 to determine which centers will continue to be identified as
3 quality instructional centers and the next year's funding
4 levels for each approved center.

5 Sec. 5. Section 260C.46, Code 1993, is amended to read as
6 follows:

7 260C.46 PROGRAM AND ADMINISTRATIVE SHARING.

8 By September 1, 1990, the department shall establish
9 guidelines and an approval process for program sharing
10 agreements and for administrative sharing agreements entered
11 into by two or more community colleges or by a community
12 college and a higher education institution under the control
13 of the board of regents. Guidelines established shall be
14 designed to increase student access to programs, enhance
15 educational program offerings throughout the state, and
16 enhance interinstitutional cooperation in program offerings.
17 A community college must submit an application and obtain
18 approval from the department in order to become eligible to
19 receive funds from the community college excellence 2000
20 account under section 260D.14A, if funds are appropriated for
21 that purpose, for an administrative sharing or program sharing
22 agreement. The application shall describe the sharing
23 agreement, costs, and benefits associated with the sharing
24 proposal.

25 Sec. 6. Section 260D.14A, unnumbered paragraphs 1 and 5,
26 Code 1993, are amended to read as follows:

27 The If funds are appropriated for that purpose, the
28 department of education shall provide for the establishment of
29 a community college excellence 2000 account in the office of
30 the treasurer of state for deposit of moneys appropriated to
31 the account for purposes of funding quality instructional
32 centers and program and administrative sharing agreements
33 under sections 260C.45 and 260C.46. There-is-appropriated If
34 funds become available, the general assembly shall appropriate
35 from the general fund of the state to the department of

1 education for-the-fiscal-year-beginning-July-1,-1993, an
2 amount equal to two and five-tenths percent of the total state
3 general aid generated for all community colleges during the
4 budget year under this chapter for deposit in the community
5 college excellence 2000 account. In the next succeeding two
6 fiscal years, the percent multiplier shall be increased in
7 equal increments until the multiplier reaches seven and one-
8 half percent of the total state general aid generated for all
9 community colleges during the budget year.

10 It is the intent of the general assembly that the general
11 assembly enact legislation by July-1,-1995 the fiscal year
12 that begins two years after the enactment of the initial
13 appropriation, that will increase the maximum percent
14 multiplier established in this section from seven and five-
15 tenths percent to ten percent.

16 Sec. 7. Sections 260C.33, 260C.47 through 260C.49, and
17 260C.51 through 260C.54, Code 1993, are repealed.

18 Sec. 8. 1990 Iowa Acts, chapter 1253, sections 115 through
19 117, are repealed.

20 Sec. 9. 1992 Iowa Acts, chapter 1040, section 2, is
21 repealed.

22 Sec. 10. The state board of education shall not adopt
23 rules under chapter 17A to implement sections 260C.47 and
24 260C.48.

25 EXPLANATION

26 This bill repeals the community college approval standards
27 and the accreditation process and standards that were to
28 replace the approval standards on July 1, 1994. The bill also
29 repeals the community college staff development program, plan,
30 report, and fund reversion sections of the Code. The
31 establishment of a community college excellence 2000 account,
32 the implementation of a standing appropriation for that
33 account, and the ability of eligible community colleges to
34 receive funds from the account are delayed under the bill
35 until funds become available and the general assembly

1 appropriates the available funds for purposes of the account.

2 Under the bill, the state board of education is prohibited
3 from adopting rules to implement the accreditation process and
4 standards sections that under the current Code are scheduled
5 to be in place by July 1, 1994.

6 The current approval standards are to be repealed on July
7 1, 1993, because of the enactment of 1990 Iowa Acts, chapter
8 1253. Chapter 1253 of the 1990 Iowa Acts also provided for
9 the enactment of a new accreditation process and new
10 accreditation standards for community colleges to be in place
11 by July 1, 1993. Chapter 1040 of the 1992 Iowa Acts delayed
12 the repeal of the approval standards and the implementation of
13 the new process and standards until July 1, 1994.

14 The bill strikes a provision of the Code that requires the
15 director of the department of education to adopt rules to
16 prohibit a community college from adding intercollegiate
17 athletics to its program.

18 A requirement that a community college with an approved
19 quality instructional center annually submit a report is made
20 contingent, under the bill, upon funds being appropriated for
21 that purpose.

22 The bill includes a provision to delay an increase in the
23 multiplier of the community college excellence 2000 account
24 standing appropriation scheduled to take place July 1, 1995,
25 until two years after the initial appropriation is enacted.

26 The bill also repeals sections from 1990 Iowa Acts, chapter
27 1253, that require, if funds are appropriated for the purposes
28 described, the department of education to conduct the
29 following: (1) a study of the job and career information
30 programs available through the public education system and
31 state agencies; (2) a study of the child care needs of
32 students, faculty, and staff at each of the community
33 colleges; and (3) a study of offering special programs at the
34 community colleges versus initiating tuition reciprocity or
35 subvention agreements with similar higher education

1 institutions in surrounding states.

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SENATE FILE 376

S-3284

1 Amend the amendment, S-3257, to Senate File 376, as
2 follows:
3 1. Page 4, by striking lines 27 and 28 and
4 inserting the following:
5 "Sec. ____ . Section 260C.48, subsection 2,
6 unnumbered paragraph 1, and paragraphs a and b, and
7 paragraph c, unnumbered paragraph 1, Code 1993, are
8 amended by striking the unnumbered paragraph, lettered
9 paragraphs, and unnumbered paragraph."
10 2. By renumbering as necessary.

By JOHN P. KIBBIE

S-3284 FILED MARCH 29, 1993

*adopted 3/30/93**(P.888)*

SENATE FILE 376

S-3293

1 Amend the amendment, S-3257, to Senate File 376, as
2 follows:
3 1. Page 3, by striking line 17 and inserting the
4 following: "is amended to read as follows:
5 11. Adopt rules prohibiting the last area
6 vocational school to become a comprehensive community
7 college that does not provide intercollegiate
8 athletics as a part of its program on July 17, 1987,
9 from adding intercollegiate athletics to its program
10 after that date."

By JIM LIND
HARRY SLIFE

S-3293 FILED MARCH 30, 1993

ADOPTED

SENATE FILE 376

S-3257

1 Amend Senate File 376 as follows:
2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:
4 "Section 1. Section 256.7, subsection 18, Code
5 1993, is amended by striking the subsection.
6 Sec. 2. Section 260C.22B, Code 1993, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 4. Adopt the following interim
9 annual approval process, which shall be in effect for
10 community colleges until the implementation of section
11 260C.47.
12 a. For purposes of this section, "approval
13 standards" shall include standards for administration,
14 qualifications and assignment of personnel,
15 curriculum, facilities and sites, requirements for
16 awarding of diplomas and other evidence of educational
17 achievement, guidance and counseling, support services
18 for students with special needs, instruction,
19 instructional materials, maintenance, and library.
20 b. The department of education shall supervise and
21 evaluate the educational program in the several
22 community colleges of the state for the purpose of the
23 improvement and approval of such institutions.
24 c. The director of the department of education
25 shall make recommendations and suggestions in writing
26 to each community college if the department
27 determines, after due investigation, that deficiencies
28 exist.
29 d. The director of the department of education
30 shall maintain a list of approved community colleges,
31 and the director shall remove from the approved list
32 for cause, after due investigation and notice, a
33 community college which fails to comply with the
34 approval standards. A community college which is
35 removed from the approved list pursuant to this
36 section is ineligible to receive state financial aid
37 during the period of removal. The director shall
38 allow a reasonable period of time, which shall be at
39 least one year, for compliance with approval standards
40 if a community college is making a good faith effort
41 and substantial progress toward full compliance or if
42 failure to comply is due to factors beyond the control
43 of the board of directors of the merged area operating
44 the institution. In allowing time for compliance, the
45 director shall follow consistent policies, taking into
46 account the circumstances of each case. The
47 reasonable period of time for compliance may be, but
48 need not be, given prior to the one-year notice
49 requirement that is provided in this section.
50 e. The director of the department of education

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Page 2

1 shall give a community college which is to be removed
2 from the approved list at least one year's notice.
3 The notice shall be given by registered or certified
4 mail addressed to the superintendent of the community
5 college and shall specify the reasons for removal.
6 The notice shall also be sent by ordinary mail to each
7 member of the board of directors of the community
8 college, and to the news media which serve the merged
9 area where the school is located; but any good faith
10 error or failure to comply with this sentence shall
11 not affect the validity of any action by the director.
12 If, during the year, the community college remedies
13 the reasons for removal and satisfies the director
14 that it will thereafter comply with the laws and
15 approval standards, the director shall continue the
16 community college on the approved list and shall
17 transmit to the community college notice of the action
18 by registered or certified mail.

19 f. At any time during the year after notice is
20 given, the board of directors of the community college
21 may request a public hearing before the director of
22 the department of education, by mailing a written
23 request to the director by registered or certified
24 mail. The director shall promptly set a time and
25 place for the public hearing, which shall be either in
26 Des Moines or in the affected merged area. At least
27 thirty days' notice of the time and place of the
28 hearing shall be given by registered or certified mail
29 addressed to the superintendent of the community
30 college. At least ten days before the hearing, notice
31 of the time and place of the hearing and the reasons
32 for removal shall also be published by the department
33 in a newspaper of general circulation in the merged
34 area where the community college is located.

35 g. At the hearing the community college may be
36 represented by counsel and may present evidence. The
37 director of the department of education may provide
38 for the hearing to be recorded or reported. If
39 requested by the community college at least ten days
40 before the hearing, the director shall provide for the
41 hearing to be recorded or reported at the expense of
42 the community college, using any reasonable method
43 specified by the community college. Within ten days
44 after the hearing, the director shall render a written
45 decision, and shall affirm, modify, or vacate the
46 action or proposed action to remove the community
47 college from the approved list. The board of
48 directors of the community college may request a
49 review of the decision of the director by the state
50 board. The state board may affirm, modify, or vacate

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Page 3

1 the decision, or may direct a rehearing before the
2 director.

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

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

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

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

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

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

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

48 a. The first component consists of submission of
49 required data by the community colleges and annual
50 monitoring by the department of education of all

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Page 4

1 community colleges for compliance with state program
 2 evaluation requirements adopted by the state board.
 3 b. The second component consists of the use of an
 4 accreditation team appointed by the director of the
 5 department of education, to conduct an evaluation,
 6 including an on-site visit of each community college,
 7 with a comprehensive evaluation to occur during the
 8 same year as the evaluation by the north central
 9 association of colleges and schools, and an interim
 10 evaluation midway between comprehensive evaluations.
 11 The number and composition of the accreditation team
 12 shall be determined by the director, but the team
 13 shall include members of the department of education
 14 staff and community college staff members from
 15 community colleges other than the community college
 16 that conducts the programs being evaluated for
 17 accreditation.

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

20 1. The state board shall develop standards and
 21 rules for the accreditation of community college
 22 programs. Standards developed shall be general in
 23 nature so as to apply to more than one specific
 24 program of instruction. ~~However, the state board may~~
 25 ~~develop additional, specific criteria where appro-~~
 26 ~~priate to the accreditation process.~~

27 Sec. 8. Section 260C.48, subsection 2, Code 1993,
 28 is amended by striking the subsection.

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

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

41 Sec. 10. 1990 Iowa Acts, chapter 1253, sections
 42 115 through 117 and 127, are repealed.

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

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

46 2. Title page, by striking lines 1 through 8 and
 47 inserting the following: "An Act relating to
 48 community college athletic programs, community college
 49 approval and accreditation standards, repealing
 50 provisions for certain studies related to community

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Page 5

1 colleges, and providing for other related matters."

By JOHN P. KIBBIE
MIKE CONNOLLY

ADOPTED 3/30/93

(A 888)

S-3257 FILED MARCH 25, 1993

SENATE FILE **376**

BY COMMITTEE ON EDUCATION

Substituted for HF 558
4-8-93
(SUCCESSOR TO SSB 210)

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1993)

ALL New Language by the Senate

R. 1259
Passed Senate, Date 4/21/93 Passed House, Date 4/19/93
Vote: Ayes 49 Nays 0 Vote: Ayes 86 Nays 10
Approved May 3, 1993 (*P. 1397*)

A BILL FOR

1 An Act relating to community college athletic programs, community
2 college approval and accreditation standards, repealing
3 provisions for certain studies related to community colleges,
4 and providing for other related matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 376

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

3 Sec. 2. Section 260C.22B, Code 1993, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 4. Adopt the following interim annual
6 approval process, which shall be in effect for community
7 colleges until the implementation of section 260C.47.

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

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

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

23 d. The director of the department of education shall
24 maintain a list of approved community colleges, and the
25 director shall remove from the approved list for cause, after
26 due investigation and notice, a community college which fails
27 to comply with the approval standards. A community college
28 which is removed from the approved list pursuant to this
29 section is ineligible to receive state financial aid during
30 the period of removal. The director shall allow a reasonable
31 period of time, which shall be at least one year, for
32 compliance with approval standards if a community college is
33 making a good faith effort and substantial progress toward
34 full compliance or if failure to comply is due to factors
35 beyond the control of the board of directors of the merged

1 area operating the institution. In allowing time for
2 compliance, the director shall follow consistent policies,
3 taking into account the circumstances of each case. The
4 reasonable period of time for compliance may be, but need not
5 be, given prior to the one-year notice requirement that is
6 provided in this section.

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

24 f. At any time during the year after notice is given, the
25 board of directors of the community college may request a
26 public hearing before the director of the department of
27 education, by mailing a written request to the director by
28 registered or certified mail. The director shall promptly set
29 a time and place for the public hearing, which shall be either
30 in Des Moines or in the affected merged area. At least thirty
31 days' notice of the time and place of the hearing shall be
32 given by registered or certified mail addressed to the
33 superintendent of the community college. At least ten days
34 before the hearing, notice of the time and place of the
35 hearing and the reasons for removal shall also be published by

1 the department in a newspaper of general circulation in the
2 merged area where the community college is located.

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

18 h. This subsection is void and shall be stricken from the
19 Code effective June 30, 1995, except as provided in section
20 260C.47.

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

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

30 Sec. 4. Section 260C.25, subsection 11, Code 1993, is
31 amended to read as follows:

32 11. Adopt rules prohibiting the last area vocational
33 school to become a comprehensive community college ~~that does~~
34 ~~not-provide-intercollegiate-athletics-as-a-part-of-its-program~~
35 ~~on-July-17-1987~~, from adding intercollegiate athletics to its

1 program ~~after-that-date~~.

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

5 The state board of education shall establish an
6 accreditation process for community college programs by July
7 1, 1994. The process shall be jointly developed and agreed
8 upon by the department of education and the community
9 colleges. The state accreditation process shall be integrated
10 with the accreditation process of the north central
11 association of colleges and schools, including the evaluation
12 cycle, the self-study process, and the criteria for
13 evaluation, which shall incorporate the standards for
14 community colleges developed under section 260C.48; and shall
15 identify and make provision for the needs of the state that
16 are not met by the association's accreditation process. If a
17 joint agreement has not been reached by July 1, 1994, the
18 approval process provided under section 260C.22B, subsection
19 4, shall remain the required accreditation process for
20 community colleges. For the academic year commencing July 1,
21 1995, and in succeeding school years, the department of
22 education shall use a two-component process for the continued
23 accreditation of community college programs.

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

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

32 b. The second component consists of the use of an
33 accreditation team appointed by the director of the department
34 of education, to conduct an evaluation, including an on-site
35 visit of each community college, with a comprehensive

1 evaluation to occur during the same year as the evaluation by
2 the north central association of colleges and schools, and an
3 interim evaluation midway between comprehensive evaluations.
4 The number and composition of the accreditation team shall be
5 determined by the director, but the team shall include members
6 of the department of education staff and community college
7 staff members from community colleges other than the community
8 college that conducts the programs being evaluated for
9 accreditation.

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

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

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

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

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

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

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

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

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SENATE FILE 376

H-3612

1 Amend Senate File 376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 3, line 31 through page 4,
4 line 1, and inserting the following: "amended by
5 striking the subsection."

By SHOULTZ of Black Hawk
IVERSON of Wright

H-3612 FILED APRIL 1, 1993

*adopted
4-19-93
(P. 1397)*

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HOUSE AMENDMENT TO
SENATE FILE 376

S-3526

1 Amend Senate File 376, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 3, line 31 through page 4,
4 line 1, and inserting the following: "amended by
5 striking the subsection."

RECEIVED FROM THE HOUSE

S-3526 FILED APRIL 20, 1993

Senate Concurred 4/21/93 (P. 1259)

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KIBBIE, CH.
CONNOLLY
KRAMER

SSB 210
EDUCATION

SENATE FILE 376
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

1 An Act relating to community college athletic programs, delaying
2 the establishment and funding of the community college
3 excellence 2000 account and the submission of an annual report
4 on community college quality instructional centers, and
5 repealing community college approval and accreditation
6 standards, community college staff development plans and
7 programs, and certain studies related to community colleges,
8 and other related matters.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 Sec. 2. Section 260C.25, subsection 11, Code 1993, is
4 amended by striking the subsection.

5 Sec. 3. Section 260C.39, unnumbered paragraphs 3 and 4,
6 Code 1993, are amended to read as follows:

7 Any merged area which combines with another merged area
8 under this section for purposes of combining community
9 colleges under the control of the boards shall be eligible to
10 receive additional state funds from the community college
11 excellence 2000 account under section ~~286A-14A~~ 260D.14A, if
12 funds are appropriated for that purpose, in an amount which
13 equals ten percent of the state general aid received by each
14 of the colleges during the first year of merger, in addition
15 to any state general aid received, based upon the availability
16 of funds. Community colleges which intend to merge under this
17 section shall submit applications to the department describing
18 the merger proposal and plans developed to implement the
19 merger. Any application which results in a merger of colleges
20 shall be subject to the review and approval of the department
21 before the merger is eligible to receive funds for the merger.

22 In years succeeding the first year of merger, if funds are
23 appropriated for that purpose, the merged colleges shall
24 receive additional funds in an amount which is two percent
25 less than the percent received during the previous year.

26 Sec. 4. Section 260C.45, unnumbered paragraphs 3 and 5,
27 Code 1993, are amended to read as follows:

28 A community college with an approved quality instructional
29 center shall receive funds from the community college
30 excellence 2000 account under section 260D.14A, if funds are
31 appropriated for that purpose.

32 A If funds are appropriated for that purpose, a community
33 college with an approved quality instructional center shall
34 annually submit a report indicating how funds received during
35 the past year were spent and the projections of the next

1 year's funding needs. The department shall review the reports
2 to determine which centers will continue to be identified as
3 quality instructional centers and the next year's funding
4 levels for each approved center.

5 Sec. 5. Section 260C.46, Code 1993, is amended to read as
6 follows:

7 260C.46 PROGRAM AND ADMINISTRATIVE SHARING.

8 By September 1, 1990, the department shall establish
9 guidelines and an approval process for program sharing
10 agreements and for administrative sharing agreements entered
11 into by two or more community colleges or by a community
12 college and a higher education institution under the control
13 of the board of regents. Guidelines established shall be
14 designed to increase student access to programs, enhance
15 educational program offerings throughout the state, and
16 enhance interinstitutional cooperation in program offerings.
17 A community college must submit an application and obtain
18 approval from the department in order to become eligible to
19 receive funds from the community college excellence 2000
20 account under section 260D.14A, if funds are appropriated for
21 that purpose, for an administrative sharing or program sharing
22 agreement. The application shall describe the sharing
23 agreement, costs, and benefits associated with the sharing
24 proposal.

25 Sec. 6. Section 260D.14A, unnumbered paragraphs 1 and 5,
26 Code 1993, are amended to read as follows:

27 ~~The~~ If funds are appropriated for that purpose, the
28 department of education shall provide for the establishment of
29 a community college excellence 2000 account in the office of
30 the treasurer of state for deposit of moneys appropriated to
31 the account for purposes of funding quality instructional
32 centers and program and administrative sharing agreements
33 under sections 260C.45 and 260C.46. ~~There is appropriated~~ If
34 funds become available, the general assembly shall appropriate
35 from the general fund of the state to the department of

1 education ~~for the fiscal year beginning July 1, 1993~~, an
2 amount equal to two and five-tenths percent of the total state
3 general aid generated for all community colleges during the
4 budget year under this chapter for deposit in the community
5 college excellence 2000 account. In the next succeeding two
6 fiscal years, the percent multiplier shall be increased in
7 equal increments until the multiplier reaches seven and one-
8 half percent of the total state general aid generated for all
9 community colleges during the budget year.

10 It is the intent of the general assembly that the general
11 assembly enact legislation by ~~July 1, 1995~~ the fiscal year
12 that begins two years after the enactment of the initial
13 appropriation, that will increase the maximum percent
14 multiplier established in this section from seven and five-
15 tenths percent to ten percent.

16 Sec. 7. Sections 260C.33, 260C.47 through 260C.49, and
17 260C.51 through 260C.54, Code 1993, are repealed.

18 Sec. 8. 1990 Iowa Acts, chapter 1253, sections 115 through
19 117, are repealed.

20 Sec. 9. 1992 Iowa Acts, chapter 1040, section 2, is
21 repealed.

22 Sec. 10. The state board of education shall not adopt
23 rules under chapter 17A to implement sections 260C.47 and
24 260C.48.

25 EXPLANATION

26 This bill repeals the community college approval standards
27 and the accreditation process and standards that were to
28 replace the approval standards on July 1, 1994. The bill also
29 repeals the community college staff development program, plan,
30 report, and fund reversion sections of the Code. The
31 establishment of a community college excellence 2000 account,
32 the implementation of a standing appropriation for that
33 account, and the ability of eligible community colleges to
34 receive funds from the account are delayed under the bill
35 until funds become available and the general assembly

1 appropriates the available funds for purposes of the account.

2 Under the bill, the state board of education is prohibited
3 from adopting rules to implement the accreditation process and
4 standards sections that under the current Code are scheduled
5 to be in place by July 1, 1994.

6 The current approval standards are to be repealed on July
7 1, 1993, because of the enactment of 1990 Iowa Acts, chapter
8 1253. Chapter 1253 of the 1990 Iowa Acts also provided for
9 the enactment of a new accreditation process and new
10 accreditation standards for community colleges to be in place
11 by July 1, 1993. Chapter 1040 of the 1992 Iowa Acts delayed
12 the repeal of the approval standards and the implementation of
13 the new process and standards until July 1, 1994.

14 The bill strikes a provision of the Code that requires the
15 director of the department of education to adopt rules to
16 prohibit a community college from adding intercollegiate
17 athletics to its program.

18 A requirement that a community college with an approved
19 quality instructional center annually submit a report is made
20 contingent, under the bill, upon funds being appropriated for
21 that purpose.

22 The bill includes a provision to delay an increase in the
23 multiplier of the community college excellence 2000 account
24 standing appropriation scheduled to take place July 1, 1995,
25 until two years after the initial appropriation is enacted.

26 The bill also repeals sections from 1990 Iowa Acts, chapter
27 1253, that require, if funds are appropriated for the purposes
28 described, the department of education to conduct the
29 following: (1) a study of the job and career information
30 programs available through the public education system and
31 state agencies; (2) a study of the child care needs of
32 students, faculty, and staff at each of the community
33 colleges; and (3) a study of offering special programs at the
34 community colleges versus initiating tuition reciprocity or
35 subvention agreements with similar higher education

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1 institutions in surrounding states.

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SENATE FILE 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.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 376, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1993

TERRY E. BRANSTAD
Governor