

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 21, “Community Colleges,” Iowa Administrative Code.

Following the removal in 2006 of the accreditation rules from this chapter into then-new 281—Chapter 24, this chapter of rules has undergone a general comprehensive review involving the following stakeholder groups: Iowa Association of Community College Presidents (IACCP), Iowa Association of Community College Trustees (IACCT), Community College Chief Academic Officers, Iowa Arts and Sciences Administrators (IASA), Community College Career and Technical Deans/Directors, Iowa State Education Association (ISEA), Community College Continuing Education Deans/Directors, Community College Business Officers, Community College Human Resource Directors, Community College Student Services Administrators (ICSSA), Community College Faculty Advisory Committee, Community College Accreditation Advisory Committee, and Community College Professional Development Advisory Committee.

The proposed amendments update language, provide greater clarity, and align the chapter with statutory changes made to licensure of community college staff and the new Senior Year Plus Program legislation in Iowa Code chapter 261E. The rules in Division VII (rules 281—21.57(260C) to 281—21.63(260C)) and Division VIII (rules 281—21.64(260C) to 281—21.71(260C)) are stricken because of statutory repeals. There are no substantive amendments proposed in this Notice of Intended Action.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before January 12, 2010, at 4:30 p.m. Comments on the proposed amendments should be directed to Colleen Hunt, Bureau Chief, Bureau of Community College Services, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-0319; E-mail [colleen.hunt@iowa.gov](mailto:colleen.hunt@iowa.gov); or fax (515)281-6544.

A public hearing will be held on January 12, 2010, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-3125.

These amendments are intended to implement Iowa Code chapter 260C.

The following amendments are proposed.

ITEM 1. Adopt the following **new** rule 281—21.1(260C):

**281—21.1(260C) Definitions.** For purposes of this chapter, the indicated terms are defined as follows:

“*Department*” means the Iowa department of education.

“*Director*” means the director of the department.

ITEM 2. Amend rule 281—21.2(260C) as follows:

**281—21.2(260C) Administration.**

**21.2(1)** No change.

**21.2(2)** *Administrative staff.* A community college shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career and technical education, college parallel education, and student services.

**21.2(3)** No change.

**21.2(4)** *Certification.* All administrative staff except for the superintendent shall hold certificates as required to authorize service in their respective areas of responsibility.

**21.2(5)** **21.2(4)** *Financial records and reports.* The community college shall maintain accurate financial records and make reports in the form and pursuant to the timeline prescribed by the state department of education and other state agencies.

**21.2(6)** **21.2(5)** *Enrollment.* A community college shall meet minimum enrollment requirements if it offers instruction as authorized in Iowa Code chapter 260C, and if, to the satisfaction of the state board of education, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

**21.2(7)** **21.2(6)** *Catalog.* The catalog shall be the official publication of the ~~area school~~ community college. It shall include accurate information on institutional policies, admissions requirements, procedures and fees, refund policies, residency requirements, program enrollment and degree requirements, due process procedures, affirmative action, and other information as recommended by the state department of education. Students' rights and responsibilities may be included in the catalog or in a separate document.

**21.2(8)** **21.2(7)** *Admission and program/course enrollment requirements.* The community college shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which they are admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be remediated or into programs appropriate to the individual's preparation and objectives. The community college may set reasonable requirements for student enrollment in specified programs and courses. Admissions and program enrollment requirements established by each community college shall be published in the community college catalog.

*a. Postsecondary age students.* ~~The community college shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be remedied or into other programs appropriate to the individual's preparation and objectives.~~

*b. High school age students.* ~~High school age students who can be better served by community college programs may be authorized to undertake such work with the cooperative approval of the community college administration and the administration of the local school district.~~

**21.2(9)** **21.2(8)** *School Academic year.* ~~The length of the school academic year of the community college shall provide for the effective use of the physical plant and include a minimum of 48 weeks of operation. The school year may consist of: two semester, terms and one summer term, three trimester terms, or four quarter terms and shall be a period of time beginning with the first day of the fall term and continuing through the day preceding the start of the next fall term as indicated in the official college calendar. A community college may use any one or more of the three school years identified above or may offer instruction in units of length (i.e., days and weeks) keyed to consistent with the identified scope and depth of the instructional content.~~

**21.2(10)** **21.2(9)** *Graduation Award requirements.* The director shall approve all new credit certificate, diploma, and degree award programs in accordance with Iowa Code section 260C.14. Graduation Awards from a community college shall be certified by the issuance of appropriate recognition, pursuant to award approval requirement guidelines issued by the department, indicating

the type of program the student has completed. The minimum number and maximum number of credit hours required for each award type contained within this subrule may be waived pursuant to paragraph 21.2(13)“i.”

*a. Associate in arts or an associate in science.* The degree issued to a person who has satisfied curricular requirements that consist of content equivalent to a two-year college parallel curriculum shall certify that its recipient is either an associate in arts or an associate in science.

*b. Associate in applied arts or an associate in applied science.* The degree issued to a person having satisfied curricular requirements and demonstrated competence for employment in the occupational field for which the program was designed shall certify that its recipient is either an associate in applied arts or an associate in applied science. Typically, these degrees apply to occupations requiring significant amounts of applied scientific and mathematical knowledge or occupations in which the individual will work in direct support of a professional.

*c. Associate in general studies.* The degree issued to a person who has satisfied the curricular requirements of a two-year program other than set forth in subrule 21.2(10) shall certify that its recipient is an associate in general studies.

*d. Diploma.* The recognition granted to a person who has been graduated from a curriculum other than set forth in 21.2(10) but of not less than 12 weeks in length shall be a diploma.

*e. Certificate.* A certificate of completion may be issued to certify that a student has satisfactorily completed a course of instruction other than the above.

*a. Associate of arts (AA).* The degree is awarded upon completion of a college parallel (transfer) course of study that provides a strong general education component to satisfy the lower division general education liberal arts and sciences requirements for a baccalaureate degree. An associate of arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

*b. Associate of science (AS).* The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students to transfer and initiate upper-division work in baccalaureate programs or prepare them for employment. An associate of science degree may also be awarded upon completion of a state-approved associate of science-career option (AS-CO) program of study that includes core technical coursework needed to complete a concentration in a specific field of study. The AS-CO program shall prepare students for entry-level careers and to complete requirements for transfer to a baccalaureate degree. An associate of science degree awarded upon completion of an arts and sciences course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours. An associate of science degree awarded upon completion of an AS-CO course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum number of credit hours stated in program guidelines issued by the department. An associate of science degree awarded upon completion of an AS-CO course of study shall not consist of more than 70 semester (117 quarter) credit hours without an approved waiver pursuant to paragraph 21.2(13)“i.”

*c. Associate of general studies (AGS).* The degree is awarded upon completion of a course of study that is primarily designed for the acquisition of a broad educational background rather than the pursuit of a specific college major or professional/technical program. It is intended as a flexible course of study and may include specific curriculum in lower division transfer, occupational education, or professional-technical education. An associate of general studies degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

*d. Associate of applied science (AAS).* The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for entry-level career and technical occupations. An associate of applied science degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied science degree program shall constitute a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following areas: communications, social science or humanities, and mathematics or science. The technical specialty

component of the associate of applied science degree shall constitute a minimum of 50 percent of the course credits.

e. Associate of applied arts (AAA). The degree is awarded upon completion of a state-approved program of study that is primarily intended for career training in providing students with professional skills for employment in a specific field of work such as arts, humanities, or graphic design. An associate of applied arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied arts degree program shall constitute a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following: communications, social science or humanities, and mathematics or science. The technical specialty component of the associate of applied arts degree shall constitute a minimum of 50 percent of the course credits.

f. Diploma. The diploma is awarded upon completion of a state-approved program of study that is a coherent sequence of courses consisting of a minimum of 15 semester (22.5 quarter) credit hours and a maximum of 48 semester (72 quarter) credit hours including at least 3 semester (4.5 quarter) credit hours of general education. The general education component shall be from any of the following areas: communications, social science or humanities, and mathematics or science. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

g. Certificate. The certificate is awarded upon completion of a state-approved program of study that is designed for entry-level employment and shall consist of a maximum of 48 semester (72 quarter) credit hours. A certificate may be a component of and apply toward subsequent completion of a diploma or associate of applied science or associate of applied arts degree and may be developed in rapid response to the needs of business and industry. A certificate may consist of only career and technical courses and no general education course requirements.

~~21.2(11)~~ **21.2(10)** Academic records. The community college shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. An official transcript must be created at the time of course enrollment. The credit hour(s) and grade must be recorded on the student's official transcripts upon completion of a community college course. These records should shall be kept in fire-resistant disaster-resistant storage, unless other equivalent safeguards are used, such as maintaining a duplicate file files (microfilm electronic or otherwise) in a separate building facilities. The method of storage shall be consistent with current technology to ensure the ability to retrieve records. The community college shall implement a security plan that ensures the confidentiality of student records.

~~21.2(12)~~ **21.2(11)** Resident policy. There shall be adopted for all community colleges a uniform policy for the determination of permanent residence for tuition purposes.

~~21.2(13)~~ **21.2(12)** Credit hour# hours. Credit hours shall be determined ~~in line~~ consistent with the following procedures.

a. No change.

b. ~~Instruction~~ Conventional instruction is subdivided into four instructional methods as herein defined.

(1) to (3) No change.

(4) Work experience — work employment-related experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer.

~~e. Structured culminating activity(ies) for each course offering is above and beyond the minimal instructional requirements. Appropriate activities for structured culminating activity(ies) include but are not limited to:~~

~~(1) Written final examinations.~~

~~(2) Oral final examinations.~~

~~(3) Skill performance evaluations.~~

~~(4) Other structured activities deemed supplementary to the instructional process.~~

~~d. c.~~ No registration or orientation hours may be included when determining credit hours.

~~e. d.~~ Institutions shall take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work experience sessions. However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.

~~f.~~ A fractional unit of credit may be awarded in a manner consistent with the specific minimal credit course requirements.

~~g. e.~~ Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.

~~h. f.~~ Credit hours shall be identified for self-paced courses or programs in accordance with the credit hours that would have been assigned if the program had been taught by conventional methods. Each community college must establish a policy that defines its methods of equating alternative instruction to credit hours and the process for evaluating the effectiveness of the alternative instruction to meet or exceed the expected student outcomes as if the course were taught utilizing conventional methods in paragraph 21.2(12) "b." Colleges will be held accountable for evaluating and maintaining high-quality programs, and their evaluations may be subject to department review. Students shall be expected to meet all approved course requirements and shall be expected to demonstrate the acquisition of knowledge and competencies/outcomes at the same level as those obtained in traditional classroom settings, in the time frames set by the institution. Alternative courses or programs of study must be approved by the college's review processes including faculty review and input. Courses shall be listed in the college catalog. Instructional formats for which alternative methods of determining credit hours are applicable include the following:

(1) Accelerated courses (study, programs). Courses or programs of study that allow students to complete courses or programs at a faster pace than if offered by conventional methods. Courses and programs shall be tailored to involve more student participation and self-directed study. Instructors may teach in traditional classroom settings or by alternative methods specified in this subrule.

(2) Distance education. Courses or programs of study taught over the Internet, Iowa Communications Network (ICN), or other electronic means that allow students to receive instruction in the classroom or other sites, over personal computers, television, or other electronic means. Courses may or may not be interactive with direct communication between the teacher and students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

1. Correspondence courses. Courses offered outside the classroom setting in which the instruction is delivered indirectly to the student. Instruction is provided through another medium, such as written material, computer, television, or electronic means. Course materials are sent to a student who follows a detailed syllabus to complete assignments. Students correspond with and transmit assignments to the instructor by telephone, computer, mail, or electronic means. A third party may administer tests.

2. Television courses. Courses or programs delivered primarily via broadcast television such as Iowa Public Television, digital video disc, or other media allowing students to receive instruction in a classroom or equipped remote location.

3. Video conference courses. Courses or programs delivered via a closed synchronous audio-video conferencing system such as the Iowa Communications Network or similar system which allows students to receive instruction in a classroom or any equipped remote location via an audio-video feed to a television, computer, or other electronic device.

4. Internet courses. Courses or programs delivered via the Internet. Courses may be taken using computers in a classroom setting or using personal computers or other electronic devices from the student's home or other location using an online content management system or mixed-media methods. Students may be linked at times directly with the instructor or with other students electronically. Interaction may be direct (synchronous) or indirect (asynchronous) allowing students to participate during their own time frames.

5. In-class hybrid courses. Courses or programs that combine traditional classroom and computer-based instruction. In-class sessions are offered with online instructional activities to promote independent learning and reduce seat-time.

(3) Self-paced instruction. Courses or programs that permit a student to enter at variable times or progress at the student's own rate of speed. Start and end dates may or may not correspond to the official college calendar. Contact or credit hours for self-paced programs or courses shall be computed by assigning to each registration the total number of credit or contact hours the student would have received if the student enrolled in a conventional program or course with stipulated beginning and ending dates.

(4) Arranged study. Instruction offered to students at times other than stated or scheduled class times to accommodate specific scheduling or program needs of students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

(5) Multiformat nontraditional instruction. Instruction utilizing a variety of nontraditional methods that may incorporate self-paced learning, text, video, computer instructional delivery, accelerated training, independent study, Internet delivery, or other methods that do not follow standard classroom work guidelines. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

*g.* Individualized learning experiences for which an equivalent course is not offered shall have the program length computed from records of attendance using such procedures as a time clock or sign-in records. Individualized learning experiences means independent study courses in which an equivalent course is not offered by the college or listed in the college catalog. Independent study permits in-depth or focused learning on special topics of particular interest to the student.

*h.* Each course must have a minimum length of one credit hour. A fractional unit of credit may be awarded provided the course exceeds the minimum length of one credit hour.

*i.* Each credit hour shall consist of a minimum number of contact hours as defined in paragraphs 21.2(12) "h" to "m." One contact hour equals 50 minutes.

*j.* Classroom work.

(1) The minimal ~~requirements~~ requirement for one semester hour of credit shall be 800 minutes (16 contact hours) of scheduled instruction ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal ~~requirements~~ requirement for one quarter hour of credit shall be 533 minutes (10.7 contact hours) of scheduled instruction ~~plus (when applicable) a scheduled culminating activity.~~

*k.* Laboratory work.

(1) The minimal requirement for one semester hour of credit shall be 1,600 minutes (32 contact hours) of scheduled laboratory work ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 1,066 minutes (21.3 contact hours) of scheduled laboratory work ~~plus (when applicable) a scheduled culminating activity.~~

*l.* Clinical practice.

(1) The minimal ~~requirements~~ requirement for one semester hour of credit shall be 2,400 minutes (48 contact hours) of scheduled clinical practice ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 1,599 minutes (32 contact hours) of scheduled clinical practice ~~plus (when applicable) a scheduled culminating activity.~~

*m.* Work experience.

(1) The minimal requirement for one semester hour of credit shall be 3,200 minutes (64 contact hours) of scheduled work experience ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 2,132 minutes (42.6 contact hours) of scheduled work experience ~~plus (when applicable) a scheduled culminating activity.~~

This rule will be effective in the fall term of 1987-1988 school year.

**21.2(13) Career and technical program length.**

*a.* Program length for the associate of applied science (AAS) degree in career and technical education and for the associate of applied arts (AAA) degree shall consist of an academic program not to exceed two academic years. All required course offerings are to be available within two academic years. All required offerings in AAS and AAA degree programs shall not exceed a maximum of 86 semester (129 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13) "i." Programs shall not exceed an average of 19 credit hours per regular term.

b. All credit-bearing courses required for program admittance or graduation, or both, must be included in the 86 semester (129 quarter) credit hour maximum, with the exception of developmental credit hours. Prerequisites that provide an option to students for either credit or noncredit shall be counted toward the program maximum of 86 semester (129 quarter) credit hours. Prerequisite options that are only offered for noncredit will not be counted toward the 86 semester (129 quarter) credit hour maximum.

c. Associate of applied science (AAS) and associate of applied arts (AAA) programs that receive accreditation from nationally recognized accrediting bodies may appeal maximum credit hour length requirements to the department for consideration of a waiver. All AAS and AAA degree programs over the 86 semester (129 quarter) credit hour maximum must have approved program-length waivers pursuant to paragraph 21.2(13)“i.”

d. Program length for the state-approved associate of science degree shall consist of an academic program that includes core technical coursework needed to complete a concentration in a specific field of study. The associate of science-career option program may prepare students for entry-level careers or allow students to complete requirements for a transfer to a baccalaureate degree. The associate of science-career option program shall not exceed the credit hour limit stated in department guidelines. To facilitate the transfer of students enrolling in associate of science-career option programs and awarded the associate of science transfer degree, each program shall have articulation agreements with baccalaureate degree programs meeting the articulation agreement requirements stated in department guidelines. The associate of science-career option program shall under no circumstances exceed a maximum of 70 semester (117 quarter) credit hours unless the department has granted a waiver pursuant to paragraph 21.2(13)“i.”

e. All credit certificate and diploma programs as defined in subrule 21.2(9) shall not exceed 48 semester (72 quarter) credit hours.

f. Each course offered in the area of career and technical education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

g. A full-time student in career and technical education shall be defined as a student enrolling in 12 or more semester credit hours or the equivalent in career and technical education.

h. Curricula in full-time career and technical education programs shall ordinarily be offered on the basis of student workload of 20 to 30 contact hours per week.

i. Waiver process. A college may petition the department to suspend in whole or in part a program-length requirement contained in paragraphs 21.2(12)“h” to “m” as applied to a specific program on the basis of the particular circumstances of that program.

(1) Waivers shall be issued at the director’s sole discretion. Waivers shall be narrowly tailored and granted for a period no longer than two academic years, after which reapplication is required. A waiver may be granted on a long-term basis not to exceed ten years if issuing the waiver for a shorter period is not practical.

(2) All petitions for waiver must be submitted in writing to the department. A petition shall include the following information: specific waiver request including scope and duration, the relevant facts that the petitioner believes would justify a waiver, a detailed statement of the impact on student achievement, any information known regarding the department’s treatment of similar cases, and any additional information deemed relevant by the petitioner. The department shall acknowledge a petition upon receipt.

(3) The department shall ensure that, within 30 calendar days, notice of pendency of the petition and a concise summary of its contents have been provided to a committee consisting of the chief academic officers of each community college. In addition, the department may give notice to other persons.

(4) A committee consisting of the chief academic officers of a majority of community colleges shall review the waiver request and provide a recommendation to the department regarding whether approval should be granted. Within 90 calendar days of receiving the recommendation, the department shall review the petition and issue a ruling. Failure of the department to grant or deny a petition within the required time period shall be deemed a denial of that petition. If a waiver is issued, the department shall provide a description of the precise scope and operative period to all interested parties.

21.2(14) Faculty organization. The faculty shall be organized in such a way as to promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

21.2(15) Faculty salary allocation plan. Pursuant to the appropriation of funds from the state general fund to the department for the purpose of supplementing community college faculty salaries, the department follows the formula herein when distributing such funds to community colleges.

a. For purposes of this subrule, the following definitions apply.

(1) "Full-time faculty" means those nonadministrative instructors, counselors, and librarians who are classified as full-time employees as defined in the college's collective bargaining agreement or written policy.

(2) "Part-time faculty" means those nonadministrative instructors, counselors, and librarians who are employed less than full-time as defined in the college's collective bargaining agreement and who are covered by the college's collective bargaining agreement. For purposes of the definition of "eligible full-time equivalent instructor," each part-time faculty person shall be counted as a fraction that accurately reflects the person's percentage of employment by the college when compared to a full-time faculty person.

(3) "Temporary/seasonal faculty" means those nonadministrative instructors, counselors, and librarians who are employed, full-time or part-time, by the college for short periods of time for specific purposes.

(4) "Adjunct faculty" means those nonadministrative instructors, counselors, and librarians who are employed without a continuing contract, whose teaching load does not exceed one-half time for two full semesters or three full quarters per calendar year.

(5) "Eligible full-time equivalent instructor" means the total of full-time faculty and part-time faculty where each full-time faculty counts as one, and each part-time faculty counts as a fraction that accurately reflects the person's percentage of employment by the college when compared to a full-time faculty person.

b. The appropriation shall be distributed to the community colleges based on their proportional share of eligible full-time equivalent instructors.

c. Moneys distributed to each community college pursuant to this subrule shall be rolled into the funding allocation for all future years. The use of the funds shall remain as described herein for all future years. The appropriation will be distributed to the community colleges in equal monthly payments made on or about the fifteenth of each month.

d. Moneys appropriated and distributed to community colleges pursuant to this subrule shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds herein. Eligible expenditures for the moneys appropriated are for salary expenditures and the required college contribution to FICA and IPERS or an alternative retirement benefits system. These moneys shall then be considered as part of the instructor's salary in future years.

e. Moneys distributed to a community college pursuant to this subrule shall be allocated to all full-time faculty and shall include part-time faculty covered by a collective bargaining agreement. The moneys shall be allocated pursuant to any existing negotiated agreements according to Iowa Code chapter 20. If no language exists to specify the method of allocation, the moneys shall be allocated equally to all full-time faculty with part-time faculty who are covered by a collective bargaining agreement receiving a prorated share.

f. A community college receiving funds distributed pursuant to this subrule shall determine the amount to be paid to instructors in accordance with Iowa Code section 260C.18D, subsection 4, and the amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

This rule is intended to implement Iowa Code section 260C.33.



ITEM 3. Rescind and reserve rule **281—21.3(260C)**.

ITEM 4. Amend rule 281—21.4(260C) as follows:

**281—21.4(260C) Curriculum and evaluation.**

**21.4(1)** *General education.* General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education tends to emphasize oral and written communication, critical analysis of information, knowledge and appreciation of diverse cultures, ways of knowing and human expression, knowledge of mathematical processes and natural sciences investigations, and ethics. General education courses are not intended to be developmental in nature. Each community college is responsible for clarifying, articulating, publicizing, and assessing its general education program.

**21.4(1) 21.4(2)** *College parallel or transfer.*

a. This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; and specialized courses required to provide career options within the college parallel or transfer program. College parallel or transfer programs are associate of arts and associate of science degree programs. General education courses in college parallel or transfer programs are required to be college transfer courses. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

b. Courses of a developmental or remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog ~~and on transcripts~~. Developmental courses on the transcript shall be identifiable through the adoption of the community college common course numbering system.

**21.4(2) 21.4(3)** *Vocational Career and technical education.* Instruction shall be offered in vocational career and technical education programs in no less than five different occupational fields as defined by the state department of education. College parallel or transfer courses may be offered as needed in career and technical education programs. Career and technical education programs, including associate of science-career option programs, must meet program approval requirements set by the state board of education. The director shall approve new career and technical education programs. Instruction shall be offered in ~~vocational~~ career and technical education programs, ensuring that they are competency-based, contain all minimum competencies required by the department of education, articulate with local school ~~districts~~ vocational districts' career and technical education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

**21.4(3) 21.4(4)** *Adult and continuing education.* Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel or transfer, high school completion, supplementary and preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

**21.4(4)** *Programs for the handicapped.* ~~Surveys shall be conducted in each merged area to determine the educational needs of persons who, due to academic, socioeconomic, or other handicaps, are prevented from succeeding in regular educational programs. These surveys would then serve as a basis for appropriate modifications in facilities, materials, and instructional arrangements. The modifications would then make it possible for those whose abilities and interests warrant it to enroll in such programs.~~

**21.4(5)** No change.

**21.4(6) Vocational education.**

*a.*—Each course offered in the area of vocational education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

*b.*—A full-time student in vocational education shall be defined as one who is taking 12 or more credit hours or the equivalent in vocational education.

*c.*—Curricula in full-time vocational education programs shall ordinarily be offered on the basis of a workload of 20 to 30 contact hours per week.

ITEM 5. Amend rule 281—21.5(260C) as follows:

**281—21.5(260C) Library or learning resource center.**

**21.5(1) Facilities.** Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and ~~should~~ shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, ~~and~~ setting, and technology of the facility used to house the collection and learning resources.

**21.5(2) Staffing.** The library or learning resource center shall be adequately staffed with qualified ~~and certified~~ professionals and skilled nonprofessional personnel.

**21.5(3) Collection.** The library and learning resource center materials collection of a community college shall be accessible and adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled, including distance and satellite sites. The library and learning resource center materials collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The library and learning resource center materials collection shall contain ~~an appropriate~~ a range and number of print and nonprint materials, ~~effectively organized and quartered in a manner which maximizes use~~ and appropriate electronic information resources.

**21.5(4)** No change.

ITEM 6. Amend rule 281—21.6(260C) as follows:

**281—21.6(260C) Student services.** A program of student services shall be provided to meet the needs of students in the community college. The program of student services shall include, but not be limited to, the following ~~seven~~ functional areas:

*a.* to *g.* No change.

*h.* Campus safety and security as required by Iowa Code chapter 260C and the federal Clery Act, 20 U.S.C. Section 1092(f), 34 CFR Section 668.46.

ITEM 7. Amend rule 281—21.7(260C) as follows:

**281—21.7(260C) Laboratories, shops, equipment and supplies.** Laboratories, ~~shops,~~ equipment and supplies shall be comparable with that those used in the occupations for which instruction is offered ~~shall be provided in accordance with the conditions of the most recent state plan for vocational education.~~ Similarly, college parallel or transfer courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

ITEM 8. Amend rule 281—21.8(260C) as follows:

**281—21.8(260C) Physical plant.** The site, buildings and equipment of the community college shall be well maintained and in good repair condition. ~~A consistent plan of systematic maintenance~~ At a minimum, a five-year ongoing, systematic maintenance and facilities plan approved by the local community college board shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered ~~and shall conform to Iowa Code chapter 104A.~~ All remodeling of existing facilities shall comply with the “American Standard Specifications for Making Building and

Facilities Accessible to and Usable by the Physically Handicapped.” Iowa Code chapter 104A and the federal Americans With Disabilities Act, 42 U.S.C. Section 12101 et seq.

ITEM 9. Rescind rule 281—21.9(260C) and adopt the following **new** rule in lieu thereof:

**281—21.9(260C) Nonreimbursable facilities.** No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities, other than physical education, shall be constructed with state-appropriated funds.

ITEM 10. Rescind and reserve rules **281—21.10(260C)** to **281—21.12(260C)**.

ITEM 11. Rescind subrules **21.45(1)** to **21.45(8)**.

ITEM 12. Adopt the following **new** subrules 21.45(1) to 21.45(3):

**21.45(1)** Distribution formula. Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department according to the provisions of Iowa Code section 260C.18C.

**21.45(2)** Each community college shall provide student and financial information in the manner and form as determined by the department and before the deadline announced by the department. If the community college fails to provide the student or financial information as required, the department shall estimate the full-time equivalent enrollment (FTEE) of that college that will be used in the state general aid distribution formula.

**21.45(3)** Each community college shall be required to hire an auditing firm to complete and submit the schedule of credit-hour and contact-hour enrollment and a letter certifying that specified department of education procedures were followed. These schedules will be used in calculating the college’s FTEE utilized in the community college state general aid distribution formula.

ITEM 13. Amend rule **281—21.45(260C)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections 260C.14(21) and 260C.49~~ section 260C.18C.

ITEM 14. Rescind and reserve rules **281—21.57(260C)** to **281—21.71(260C)**.

ITEM 15. Amend rule 281—21.73(260C), introductory paragraph, as follows:

**281—21.73(260C) Definitions.** For the purpose of Division IX, the following definitions shall apply:

ITEM 16. Amend rule **281—21.73(260C)**, definitions of “Apprenticeship program,” “Registration agency,” “Registration of an apprenticeship agreement” and “Related instruction,” as follows:

“*Apprenticeship program*” shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as ~~the requirement~~ required under 29 CFR Parts 29 and 30, including the requirement for a written apprenticeship agreement.

“*Registration agency*” shall mean the ~~Bureau~~ Office of Apprenticeship.

“*Registration of an apprenticeship agreement*” shall mean the acceptance and recording ~~thereof~~ of an apprenticeship agreement by the Bureau Office of Apprenticeship as evidence of the participation of the apprentice ~~apprentice’s participation~~ in a particular registered apprenticeship program.

“*Related instruction*” or “*related technical instruction*” shall mean an organized and systematic form of instruction designed to provide the apprentice with the core knowledge of the theoretical and technical subjects related to the trade or occupation apprentice’s occupation. Such instruction may be given in a classroom through occupational or industrial courses, by correspondence courses of equivalent value, by electronic media, or by other forms of self study approved by the registration agency.

ITEM 17. Rescind the definitions of “Bureau” and “Certification” in rule **281—21.73(260C)**.

ITEM 18. Adopt the following **new** definitions in rule **281—21.73(260C)**:

“*Apprenticeship instructor*” shall mean an instructor who delivers related and technical instruction in apprenticeship programs and who must meet the department’s requirements for career and technical

instructors or be recognized as a subject matter expert. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Certification*” or “*certificate*” shall mean documentary evidence that at least one of the following has been met:

1. The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, or policy or guideline used by local affiliates, as conforming to the standards of apprenticeship set forth in 29 CFR Section 29.5;

2. A registration agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program.

3. A registration agency has registered an apprenticeship program as evidenced by a Certificate of Registration or other written indicia;

4. A registration agency has determined that an apprenticeship has successfully met the requirements to receive an interim credential; or

5. A registration agency has determined that an individual has successfully completed an apprenticeship.

“*Competency*” shall mean the attainment of manual or technical skill and knowledge as specified by an occupational standard.

“*Journeyworker*” shall mean a worker who has attained a level of skill and competency recognized within an industry as having mastered the skills and competencies required for the occupation.

“*Office of Apprenticeship*” shall mean the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

“*Supplemental instruction*” shall mean instruction in non-core-related requirements: for example, job site management, leadership, communications, first aid/CPR, field trips, and new technologies.

ITEM 19. Amend rule 281—21.74(260C) as follows:

**281—21.74(260C) Apprenticeship programs.** For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department of Labor, ~~Bureau~~ Office of Apprenticeship and Training, and meet all requirements outlined in ~~Title 29, Part 29,~~ of the National Apprenticeship Act, 29 U.S.C. Section 50, 29 CFR Parts 29 and 30..

ITEM 20. Amend **281—Chapter 21**, Division IX, implementation sentence, as follows:

The rules in this division are intended to implement Iowa Code section 260C.44 and ~~Title 29, Part 29,~~ of the National Apprenticeship Act, 29 U.S.C. Section 50 and 29 CFR Parts 29 and 30.