Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 21
"Community Colleges"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 260C.73
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 260C

Public Hearing

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

November 19, 2024 8 to 9:30 a.m.	Room B100 Grimes State Office Building Des Moines, Iowa

Public Comment

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

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Purpose and Summary

This proposed rulemaking removes obsolete or duplicative language, as well as assigns greater weight to successful student outcomes in the community college accreditation process.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Community college programs will bear the cost of compliance with this rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Community colleges will benefit from the increased simplicity in this rulemaking.

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

- **Quantitative description of impact:**

There is no known quantitative impact.

- **Qualitative description of impact:**

The clarity that the proposed rulemaking provides is anticipated to have a qualitative benefit of unknown magnitude.

3. **Costs to the State:**

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

The Department will bear routine enforcement costs as part of accreditation and support of community colleges.

- **Anticipated effect on state revenues:**

None were noted.

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

The statute requires rules, so no comparison is necessary.

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

The statute requires rules, so no determination is necessary.

6. **Alternative methods considered by the agency:**

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

The statute requires rules, so no alternatives were considered.

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

The statute requires rules, so no alternatives were considered.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

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

There is no known impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Full-time equivalent enrollment" in rule **281—21.1(260C)**:

"Full-time equivalent enrollment" or *"FTEE"* equals twenty-four credit hours for credit courses or 600 contact hours for noncredit courses generated by all eligible students enrolled in eligible courses.

ITEM 2. Amend paragraphs **21.2(9)"d"**, **21.2(9)"e"** and **21.2(9)"g"** as follows:

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 consists 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 consists of a minimum of 15 semester (22.5 quarter) credit hours of general education and include at least one course from each of the following areas: communications, social science or humanities, and mathematics or science. A maximum of 3 semester (4.5 quarter) credit hours of the required 15 general education credits may be ~~documented through an integrated, e~~mbedded~~, and interdisciplinary model adopted by the chief academic officers of the 15 community colleges in consultation with the department~~ within an existing

course in the technical core. The technical core of the associate of applied science degree will 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 consists 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 will consist of a minimum of 15 semester (22.5 quarter) credit hours of general education and include at least one course from each of the following: communications, social science or humanities, and mathematics or science. A maximum of 3 semester (4.5 quarter) credit hours of the required 15 general education credits may be ~~documented through an integrated,~~ embedded~~, and interdisciplinary model adopted by the chief academic officers of the 15 community colleges in consultation with the department~~ within an existing course in the technical core. The technical core of the associate of applied arts degree will constitute a minimum of 50 percent of the course credits.

g. 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 may be embedded within an existing course in the technical core and will be from any of the following areas: communications, social science or humanities, and mathematics or science. The technical core of the diploma will constitute a minimum of 70 percent of the course credits. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

ITEM 3. Amend rule 281—21.62(260C), introductory paragraph, as follows:

281—21.62(260C) Accreditation components and criteria—additional state standards. To be granted accreditation by the state board of education, an Iowa community college will also meet additional standards pertaining to minimum or quality assurance standards for faculty (Iowa Code section 260C.48(1)); faculty load (Iowa Code section 260C.48(2)); special needs and protected classes (Iowa Code section 260C.48(3)); career and technical education program evaluation (Iowa Code section 256.130(7)); facilities, parking lots and roads; ~~strategic planning;~~ institutional effectiveness and outcomes-based planning; quality faculty plan (Iowa Code section 260C.36); senior year plus programs (Iowa Code chapter 261E); and student services; as well as any other items referenced in this chapter.

ITEM 4. Amend paragraph **21.62(1)"c"** as follows:

c. Developmental education ~~and noncredit~~ instructors ~~are not subject to standards under this subrule~~ will possess a minimum of a bachelor's degree. Noncredit instructors are not subject to the standards in this subrule.

ITEM 5. Rescind paragraph **21.62(1)"f"**.

ITEM 6. Amend subrule 21.62(4) as follows:

21.62(4) *Career and technical education evaluation.* ~~The director of the department shall ensure that Iowa's community colleges annually review at least 20 percent of approved career and technical education programs.~~ The community college career and technical program review and evaluation system must ensure that the programs meet requirements as specified in 281—Chapter 46.

ITEM 7. Amend subrule 21.62(5) as follows:

21.62(5) *Facilities, parking lots and roads.*

a. ~~*Facilities*~~ *Infrastructure and facilities master planning.* Each community college shall present evidence of adequate planning, including a board-approved ~~facilities~~ plan that includes facilities, technology, and campus safety. At a minimum, the plan will include scheduling periodic maintenance,

planning for facilities and infrastructure expansions and renovations, major equipment upgrades, and processes for continuity of service and instruction. ~~Planning includes tentative program approval, a master campus plan, written educational specifications, site plot showing location of proposed and existing facilities, elevations and floor plans.~~

b. Adequate facilities. The site, buildings and equipment of the community college will be well maintained and in good condition. The physical plant and technological infrastructure will be adequate in size and properly equipped for the program offered. All remodeling of existing facilities will comply with Iowa Code chapter 104A and the federal Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

~~*b.*~~ *c.* *Accessibility and safety.* All new or remodeled facilities (buildings and programs offered in such facilities) and services in such facilities shall be made functional and usable for persons with special needs, comply with Iowa Code chapter 104A and the Americans With Disabilities Act, 42 U.S.C. §12101, and address issues of campus safety and security as required by Iowa Code chapter 260C and by the federal Clery Act, 20 U.S.C. §1092(f). All parking areas and roads will comply with all state and federal rules and regulations dealing with roads, parking ramps, and accessibility requirements.

~~*c. Adequate facilities.* All administrative facilities, classrooms, laboratories, and related facilities will be educationally adequate for the purpose for which they are designed.~~

d. *Library or learning resource center.* A library or learning resource center will be planned as part of the master campus plan and space made for library or learning resource center services within the initial construction.

(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 shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, setting, and technology of the facility used to house the collection and learning resources.

(2) Staffing. The library or learning resource center will be adequately staffed with qualified professionals and skilled nonprofessional personnel.

(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 will 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 will contain a range and number of print and nonprint materials and appropriate electronic information resources.~~

(4) No change.

e. and *f.* No change.

~~*g. Physical plant.* The site, buildings and equipment of the community college will be well maintained and in good condition. At a minimum, a five-year ongoing, systematic maintenance and facilities plan approved by the local community college board will be in evidence. The physical plant will be adequate in size and properly equipped for the program offered. All remodeling of existing facilities will comply with Iowa Code chapter 104A and the federal Americans with Disabilities Act, 42 U.S.C. §12101 et seq.~~

ITEM 8. Rescind subrule 21.62(6) and adopt the following **new** subrule in lieu thereof:

21.62(6) *Institutional effectiveness and outcomes-based planning.*

a. Institutional effectiveness. The community college will prepare a high-quality, board-approved strategic plan that is regularly reviewed and revised, at least once every five years. The plan will guide the college and its decision-making. It will contain a list of goals, objectives and metrics and will be developed with input from internal and external stakeholders. The college should regularly track and communicate progress towards meeting plan goals.

b. Outcomes-based planning. The community college will review outcomes data regularly provided by the department. As a part of the accreditation process, the college will complete a self-assessment based on this review of data, and will determine long range goals and action plans to address opportunities for improvement and progress toward achieving statewide initiatives. Results of outcomes-based planning will be incorporated into the institutional strategic planning.

ITEM 9. Rescind subrule 21.62(7) and adopt the following **new** subrule in lieu thereof:

21.62(7) *Quality faculty plan.* The community college will establish a quality faculty committee consisting of instructors and administrators to develop and maintain a plan for hiring and developing quality faculty. Each college will comply with the appropriate standards defined in Iowa Code section 260C.36.

ITEM 10. Rescind subrule 21.62(9) and adopt the following **new** subrule in lieu thereof:

21.62(9) *Student services.* A program of student services will be provided to meet the needs of students in the community college. The program of student services, at a minimum, will include the following functional areas:

a. A systematic onboarding process that includes recruitment, assessment of college readiness, orientation to college processes and policies, and initial program and course selection.

b. A comprehensive program for financing college and understanding access to federal, state and local financial aid to facilitate community college enrollment.

c. A student-centered advising program related to career and academic goals focused on persistence, retention, completion, and transition to further education or employment.

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

e. Opportunities for students to participate in co-curricular experiences and programs that supplement classroom learning experiences and provide an optimal climate for social and academic development.

f. A plan for the assessment, evaluation and improvement of the student services program.

ITEM 11. Amend paragraph **21.63(1)"b"** as follows:

b. The department will conduct a comprehensive on-site accreditation evaluation of each community college on a ten-year interval. An interim evaluation midway between comprehensive evaluations will also be conducted. The format, length and scope of the interim evaluation will be determined by the department based on the results of the most recent comprehensive evaluation and an analysis of desk review materials and annual outcomes data prepared by the department. The department will prepare a staggered evaluation schedule that sets no more than three comprehensive or interim evaluations in any one year. No comprehensive or interim evaluation will be required for continued accreditation prior to a community college's first evaluation under the schedule. The department has the authority to conduct focused evaluation visits as needed.

ITEM 12. Amend paragraph **21.63(4)"e"** as follows:

e. Failure to correct deficiencies. If the deficiencies have not been corrected in a program of a community college, ~~the community college board of directors will take one of the following actions within 60 days from removal of accreditation:~~ the provisions of Iowa Code section 260C.47(5) apply.

~~(1) Merge the deficient program or programs with a program or programs from another accredited community college.~~

~~(2) Contract with another accredited postsecondary educational institution for purposes of program delivery at the community college.~~

~~(3) Discontinue the program or programs that have been identified as deficient.~~