

CHAPTER 1272

**APPROPRIATIONS AND OTHER PROVISIONS RELATING TO
EDUCATIONAL AND CULTURAL PROGRAMS**

S.F. 2423

AN ACT relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

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

**DIVISION I
DEPARTMENT OF CULTURAL AFFAIRS**

Section 1.

There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	468,735
.....	FTEs	10

2. ARTS DIVISION

For salaries, support, maintenance, miscellaneous purposes, including funds to match federal grants, and for not more than the following full-time equivalent positions:

.....	\$	1,239,125
.....	FTEs	13

Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in this subsection, to be used as matching funds for federal grant moneys administered by the arts division and remaining on June 30, 1991, shall not revert to the general fund of the state, but shall remain available for expenditure by the arts division for those purposes for the fiscal year beginning July 1, 1991.

As a condition, limitation, and qualification of the appropriation in this subsection, not more than 10 percent of the difference between the moneys appropriated in this subsection and the moneys appropriated in 1989 Iowa Acts, chapter 319, section 1, subsection 2, shall be expended by the arts division for administrative costs.

3. HISTORICAL DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,775,453
.....	FTEs	76

4. LIBRARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,326,277
.....	FTEs	41

As a condition, limitation, and qualification of the funds appropriated in this subsection, the department of cultural affairs shall adopt, by January 1, 1991, rules relating to the copying of library material and the defraying of copying expenses, including, but not limited to, the charging of reasonable fees for the copying of library material for nonresident persons.

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,947,451
.....	FTEs	104

**Item veto; see message at end of the Act*

6. TERRACE HILL COMMISSION

For salaries, support, maintenance, miscellaneous purposes, for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

.....	\$	211,581
.....	FTEs	5.25

7. REGIONAL LIBRARY SYSTEM

a. For state aid:

.....	\$	1,530,655
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*b. For additional state aid:

.....	\$	100,000*
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8. IOWA PEACE INSTITUTE

For allocation to the Iowa peace institute established in chapter 38:

.....	\$	286,600
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9. For planning and programming for the community cultural grants program established under section 303.89:

.....	\$	885,000
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10. For the Iowa town square project:

.....	\$	150,000
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Sec. 2.

Notwithstanding sections 302.1 and 302.1A, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of the principal and interest due on moneys loaned to the historical division under section 303.18.

DIVISION II
COLLEGE AID COMMISSION

Sec. 3.

There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	326,271
.....	FTEs	8.05

As a condition, limitation, and qualification of the appropriation in this subsection, the college aid commission shall conduct a study of the cosmetology and chiropractic programs available to Iowans at both private and public postsecondary institutions. The study shall include the number of students attending the programs, the type of financial aid that is available to the students, a description of the accreditation standards which are required to be met by each program, a listing of those areas in which programs have failed to meet accreditation standards, the number of students placed within 1 year of graduation in professions for which they have been trained, and the number of students who have continued in the professions for which they have been trained 5 years after graduation from a professional program.

2. STUDENT AID PROGRAMS

For payments to students for student aid programs:

.....	\$	2,570,100
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As a condition, limitation, and qualification of the funds appropriated in this subsection, \$1,850,000 shall be expended for an Iowa grant program, with funds to be allocated to institutions in the following manner:

*Item veto; see message at end of the Act

- a. Total allocations to students attending regents' institutions shall be determined by multiplying 72.973 percent of \$1,850,000 by 37.6 percent.
- b. Total allocations to students attending community colleges shall be determined by multiplying 72.973 percent of \$1,850,000 by 25.9 percent and by 2.43.
- c. Total allocations to students attending private colleges and universities shall be determined by multiplying 72.973 percent of \$1,850,000 by 36.5 percent.

3. NATIONAL GUARD LOAN REPAYMENT

For payments to students for the national guard loan payment program in section 261.49:
 \$ 250,000

4. AID FOR DISPLACED WORKERS

For payments to institutions for attendance of displaced workers:
 \$ 500,000

Notwithstanding the purposes for which moneys are appropriated in this subsection, any unobligated or unencumbered funds remaining on March 15, 1991, from the moneys appropriated in this subsection shall be used for the remainder of the fiscal year by the commission to supplement moneys appropriated for an Iowa grant program.

Sec. 4.

There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH SCIENCES

1. For grants to sophomores, juniors, and seniors and for forgivable loans to freshmen, who are Iowa students attending the university of osteopathic medicine and health sciences, under the grant program pursuant to section 261.18 and the forgivable loan program pursuant to section 261.19A:

..... \$ 497,000

2. For the university of osteopathic medicine and health sciences for the admission and education of Iowa students in each of the 4 years of classes at the university of osteopathic medicine and health sciences pursuant to section 261.19:

..... \$ 497,000

Sec. 5.

Notwithstanding section 261.85, from the moneys appropriated to the college aid commission in section 261.85 for the work-study program for the fiscal year commencing July 1, 1990, and ending June 30, 1991, the college aid commission shall retain \$40,000 for allocation to pilot projects of the Iowa heritage corps created in section 261.81A.

Sec. 6.

There is appropriated from the loan reserve account to the college aid commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

For operating costs of the Stafford loan program including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,790,748
 FTEs 32.52

Sec. 7.

Funds appropriated in section 3 of this Act for the Iowa grant program and the graduate student financial assistance program shall be used to supplement, not supplant, funds appropriated for existing programs at the institutions receiving allocations under the sections.

DIVISION III
DEPARTMENT OF EDUCATION

Sec. 8.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

	\$	6,495,093
	FTEs	135.75

As a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to contract with institutions of higher education to provide a summer residence program for gifted and talented elementary and secondary school students and to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education and methodology and substance, and mock trial competitions for junior and senior high school students. The law-related education program shall include the legislative lawmaking process. Educational materials for the legislative lawmaking process segment of the program shall be developed by the law-related education centers in consultation with the legislative council.

As a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to provide funds for the employment resources center administered by the fifth judicial district's department of correctional services to assist clients.

As a condition, limitation, and qualification of the appropriation in this subsection, the bureau of special education of the department of education shall study the impact of student weighting on the appropriateness of student placement in the least restrictive environment. Depending on the results of the study, alternatives to the assignment of student weightings that will encourage the placement of students in the least restrictive appropriate placement shall be developed accordingly. The bureau of special education shall report the findings of the study and any identified alternatives to the state special education advisory panel and the school budget review committee, and the department shall include the findings in a report to the legislative fiscal bureau and the general assembly by December 1, 1990.

*2. SPECIAL PROGRAMS AND PROJECTS

For special programs and projects:

	\$	500,000
	FTEs	2*

3. BOARD OF EDUCATIONAL EXAMINERS

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

	\$	150,007
	FTEs	2

4. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

	\$	931,636
	FTEs	39.6

5. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

To assist a vocational agriculture youth organization sponsored by the schools to support the foundation established by that vocational agriculture youth organization:

	\$	50,000
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*Item veto; see message at end of the Act

6. PENAL INSTITUTION EDUCATION PROGRAM

For educational programs at state penal institutions:

..... \$ 2,293,893

Funds appropriated by this subsection shall be used by the department of education, in coordination with the department of corrections, to provide expanded educational programs to inmates of the Iowa penal institutions and develop education program plans for the offenders and ex-offenders in the community-based corrections system. Educational programs shall emphasize assessment, cognition, literacy, and social skills, and shall provide continuity of instruction as the inmate progresses through the penal system. Educational technology learning systems which would support the continuity of instruction shall be used in combination with an information management system to track student progress. The information tracking system shall be available throughout the state. *An individualized educational plan shall be developed for each inmate, which reflects the inmate's total needs and which can be used to assist in the selection of programs and tracking of the inmate's progress.* An information management system shall be implemented to transmit education information, including the inmate's plan, programs provided, and program outcomes to institutions under whose control the inmate is placed. Evaluation of the results shall be made annually to determine needed changes and to assess results. The department of education, in coordination with the department of corrections, shall investigate, evaluate, and analyze educational technology systems which reflect inmate needs before selection of any system or systems. Funds appropriated in this subsection may be used for individualized, personal development, life management programs established by the general assembly in 1990 Iowa Acts, Senate File 2212,** section 23, under the department of corrections, and to provide the results of the establishment of the individualized, personal development, life management programs to the cochairpersons and ranking members of the joint education appropriations subcommittee and the legislative fiscal bureau.

7. YOUTH LEADERSHIP GRANT PROGRAM

For grants to youth leadership programs:

..... \$ 25,000

Funds appropriated by this subsection shall be used to emphasize and support youth leadership skills for students participating in Iowa activities and students representing Iowa in regional and national activities.

8. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs, which shall be disbursed according to federal regulations and include salaries and support, for not more than the following full-time equivalent positions:

..... \$ 3,200,215
..... FTEs 14

As a condition, limitation, and qualification of the funds appropriated in this subsection, of the \$3,200,215 available, \$25,000 shall be used to develop guidelines for school lunch and breakfast programs and to plan a nutrition pilot project, if a pilot project to establish model nutrition guidelines for school lunch and breakfast programs is established by the general assembly.

9. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1. The funding is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils:

..... \$ 643,053

10. VOCATIONAL REHABILITATION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,998,358
..... FTEs 319.50

*Item veto; see message at end of the Act
**Chapter 1257 herein

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently, including salaries and support, for not more than the following full-time equivalent positions:

.....	\$	19,367
.....	FTEs	1.50

11. CAREER INFORMATION SYSTEM OF IOWA

For the purpose of providing educational information to students in public and nonpublic schools:

.....	\$	84,000
.....	FTEs	5

As a condition, limitation, and qualification of the funds appropriated in this subsection, the educational information to students shall include, but is not limited to, information relating to the likelihood of employment in Iowa in the students' career choice areas.

12. MERGED AREA SCHOOLS

For general state financial aid to merged areas as defined in section 280A.2, for vocational education programs in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and for salary increases, the amount of \$86,316,796 to be allocated as follows:

a. MergedArea I	\$	3,936,168
b. MergedArea II	\$	4,909,784
c. MergedArea III	\$	4,646,625
d. MergedArea IV	\$	2,301,829
e. MergedArea V	\$	4,714,422
f. MergedArea VI	\$	4,731,678
g. MergedArea VII	\$	6,656,574
h. MergedArea IX	\$	7,339,996
i. MergedArea X	\$	11,444,016
j. MergedArea XI	\$	12,349,593
k. MergedArea XII	\$	5,144,554
l. MergedArea XIII	\$	5,081,695
m. MergedArea XIV	\$	2,252,941
n. MergedArea XV	\$	6,866,253
o. MergedArea XVI	\$	3,940,668

As a condition, limitation, and qualification of the moneys appropriated in this subsection, the merged area schools shall expend at least \$2,100,000 for additional salary increases for full-time nonadministrative licensed faculty members **and at least \$141,235 for additional salary increases for full-time salaried professional employees other than administrators, faculty, and hourly support staff at each merged area school.** For purposes of this subsection, full-time licensed faculty includes instructors who teach at an area school on a half-time basis or more. Distribution of the moneys for salary increases shall be negotiated pursuant to chapter 20, if the licensed nonadministrative faculty members of the merged area school are organized for collective bargaining purposes. **For purposes of this subsection, professional staff includes employees of an area school such as academic advisors, media specialists, student services staff, financial aid advisors, data processing staff, program coordinators, counselors, librarians who are not licensed faculty members, and other staff members who are funded pursuant to an existing area school foundation formula cost center under chapter 286A.**

As a condition, limitation, and qualification of the moneys appropriated in this subsection, each merged area school shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the merged area school or in conjunction with activities sponsored by a merged area school. Each merged area school shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the merged area school shall provide substance abuse prevention programs for students and employees.

*Item veto; see message at end of the Act

13. MERGED AREA SCHOOL PERSONAL PROPERTY TAX REPLACEMENT

For general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13, the amount of \$828,012 to be allocated as follows:

a.	MergedArea I	.....	\$	65,152
b.	MergedArea II	.....	\$	50,567
c.	MergedArea III	.....	\$	33,891
d.	MergedArea IV	.....	\$	23,204
e.	MergedArea V	.....	\$	60,042
f.	MergedArea VI	.....	\$	34,514
g.	MergedArea VII	.....	\$	57,884
h.	MergedArea IX	.....	\$	69,103
i.	MergedArea X	.....	\$	97,180
j.	MergedArea XI	.....	\$	142,463
k.	MergedArea XII	.....	\$	46,200
l.	MergedArea XIII	.....	\$	40,972
m.	MergedArea XIV	.....	\$	20,826
n.	MergedArea XV	.....	\$	55,026
o.	MergedArea XVI	.....	\$	30,988

*14. PROFESSIONAL DEVELOPMENT

For professional development programs at each of the merged area schools for full-time, part-time, and administrative faculty or staff:

.....	\$	454,216*
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Sec. 9.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For state financial aid to merged areas the amount of \$15,205,373, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1990, and ending June 30, 1991, to be allocated to each area school as follows:

a.	MergedArea I	.....	\$	704,974
b.	MergedArea II	.....	\$	879,444
c.	MergedArea III	.....	\$	832,391
d.	MergedArea IV	.....	\$	379,320
e.	MergedArea V	.....	\$	844,401
f.	MergedArea VI	.....	\$	847,516
g.	MergedArea VII	.....	\$	1,058,390
h.	MergedArea IX	.....	\$	1,314,655
i.	MergedArea X	.....	\$	1,961,430
j.	MergedArea XI	.....	\$	2,211,876
k.	MergedArea XII	.....	\$	921,500
l.	MergedArea XIII	.....	\$	910,137
m.	MergedArea XIV	.....	\$	403,567
n.	MergedArea XV	.....	\$	1,229,954
o.	MergedArea XVI	.....	\$	705,818

*As a condition, limitation, and qualification of the moneys appropriated in this subsection, the merged area schools shall expend at least \$370,588 for additional salary increases for full-time nonadministrative licensed faculty members and at least \$24,922 for additional salary increases for full-time salaried professional employees other than administrators, faculty, and hourly support staff at each merged area school. For purposes of this subsection, full-time licensed faculty includes instructors who teach at an area school on a half-time basis or more. Distribution of the moneys for salary increases shall be negotiated pursuant to chapter 20, if the licensed nonadministrative faculty members of the merged area school are organized for collective bargaining purposes. For purposes of this subsection, professional

*Item veto; see message at end of the Act

staff includes employees of an area school such as academic advisors, media specialists, student services staff, financial aid advisors, data processing staff, program coordinators, counselors, librarians who are not licensed faculty members, and other staff members who are funded pursuant to an existing area school foundation formula cost center under chapter 286A. Payments for salary increases under this subsection shall be accrued as income and used for salary increases for the fiscal year beginning July 1, 1990, and ending June 30, 1991.

2. PROFESSIONAL DEVELOPMENT

For professional development programs at each of the merged area schools for full-time, part-time, and administrative faculty or staff:

..... \$ 80,156

Payments under this subsection shall be accrued as income and used for professional development for the fiscal year beginning July 1, 1990, and ending June 30, 1991.*

3. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1991.

Sec. 10.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts to be used for the purposes designated:

1. For general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13, the amount of \$354,840, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1990, and ending June 30, 1991, to be allocated to each area as follows:

- a. MergedArea I \$ 27,922
- b. MergedArea II \$ 21,671
- c. MergedArea III \$ 14,525
- d. MergedArea IV \$ 9,924
- e. MergedArea V \$ 25,732
- f. MergedArea VI \$ 14,792
- g. MergedArea VII \$ 24,807
- h. MergedArea IX \$ 29,615
- i. MergedArea X \$ 41,649
- j. MergedArea XI \$ 61,056
- k. MergedArea XII \$ 19,800
- l. MergedArea XIII \$ 17,559
- m. MergedArea XIV \$ 8,925
- n. MergedArea XV \$ 23,582
- o. MergedArea XVI \$ 13,281

2. Funds appropriated in subsection 1 shall be allocated pursuant to this section and paid on or about August 15, 1991.

Sec. 11.

Moneys allocated to area schools under section 8, subsections 12 through 14, of this Act, for expenditures incurred during the fiscal year beginning July 1, 1990, and ending June 30, 1991, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The payments received by area schools on or about August 15 under sections 9 and 10 of this Act are accounts receivable for the previous fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

Sec. 12.

Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

*Item veto; see message at end of the Act

For the educational excellence program:

..... \$ 92,007,985

Sec. 13.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for expenditures incurred by school districts during the previous fiscal year the following amount, or so much thereof as is necessary, for vocational education aid to secondary schools:

..... \$ 3,666,666

Funds appropriated by this subsection shall be used for aid to school districts for the development and the conducting of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapters 258 and 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools.

DIVISION IV
STATE BOARD OF REGENTS

Sec. 14.

There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, during the fiscal year beginning July 1, 1990, and ending June 30, 1991, and for not more than the following full-time equivalent positions:

..... \$ 1,136,134
..... FTEs 19.63

As a condition, limitation, and qualification of the moneys appropriated in this paragraph, the state board of regents shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by an institution or in conjunction with activities sponsored by an institution governed by the board. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the institutions shall provide substance abuse prevention programs for students and employees.

As a condition, limitation, and qualification of the moneys appropriated in this paragraph, the state board of regents shall not use reimbursements from the institutions under the control of the state board of regents for funding the office of the state board of regents.

b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 17,338,340

c. For funds to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 21:

..... \$ 75,000

d. For funds to conduct a study for the development of a graduate center in Council Bluffs:

..... \$ 40,000

e. For funds to be allocated to the quad-cities graduate studies center:

..... \$ 145,000

*Item veto; see message at end of the Act

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory:

(1) For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	164,663,389
.....	FTEs	4,413.65

As a condition, limitation, and qualification of moneys appropriated in this subparagraph, from moneys available to the state university of Iowa, \$550,000 shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

Of the \$550,000 available for teaching excellence awards, \$50,000 shall be awarded to faculty members and teaching assistants who have been recognized for exceptional teaching. An exceptional teaching recognition award is for a one-year period and is in addition to the faculty member or teaching assistant's salary. Not later than December 15, 1990, the state board of regents shall report the names of recipients of teaching excellence awards, and the amounts of the awards granted, to the joint education appropriations subcommittee and to the legislative fiscal bureau.

(2) Agricultural health and safety programs:

.....	\$	355,000
.....	FTEs	7

b. Minority and women educators enhancement program:

From the moneys appropriated in paragraph "a", subparagraph (1), \$80,000 shall be used for implementing the minority and women educators enhancement program.

Notwithstanding section 8.33, as a condition, limitation, and qualification of the allocation in this paragraph, unobligated and unencumbered funds remaining on June 30, 1991, from the allocation for use under this paragraph, shall not revert to the general fund of the state, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, for the same purpose or for other minority recruitment programs.

c. College-bound voucher program:

From the moneys appropriated in paragraph "a", subparagraph (1), \$100,000 shall be used for implementing the college-bound voucher program.

d. Iowa minority academic grants for economic success program:

From the moneys appropriated in paragraph "a", subparagraph (1), \$480,000 shall be used for the Iowa minority academic grants for economic success program.

e. For salary annualization:

.....	\$	323,000
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f. For inflation costs:

.....	\$	1,319,000
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g. For utility and debt service:

.....	\$	423,000
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h. For enhancing undergraduate education:

.....	\$	1,889,000
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i. For enhancing medical education:

.....	\$	446,000
.....	FTEs	10

j. For the statewide tumor registry:

.....	\$	190,500
.....	FTEs	5.05

k. University hospitals:

(1) For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions for medical and surgical treatment of indigent patients as provided in chapter 255:

.....	\$	28,021,398
.....	FTEs	5,251.76

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	1,738,142
.....	FTEs	174.19

(3) For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	399,945
.....	FTEs	12.55

l. As a condition, limitation, and qualification of the appropriation made in paragraph "k", subparagraph (1), the county quotas for indigent patients for the fiscal year commencing July 1, 1990, shall not be lower than the county quotas for the fiscal year commencing July 1, 1989. Before a patient is eligible for the indigent patient program, the county general relief director shall first ascertain from the local office of human services if the applicant would qualify for medical assistance or the medically needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical assistance and shall not be counted under chapter 255. Transportation shall be provided at no charge to a patient who is certified for medical assistance under chapter 249A.

m. As a condition, limitation, and qualification of the appropriation made in paragraph "k", subparagraph (1), funds appropriated in that subparagraph shall not be allocated to the university hospitals until the superintendent has filed with the department of revenue and finance and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include the information required in section 255.24 for patients by the type of service provided.

n. As a condition, limitation, and qualification of the appropriation made in paragraph "k", subparagraph (1), funds appropriated in that subparagraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

o. Psychiatric hospital:

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions and for the care, treatment, and maintenance of committed and voluntary public patients:

.....	\$	6,635,852
.....	FTEs	286.76

p. State hygienic laboratory:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,877,214
.....	FTEs	117.26

q. Hospital-school:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,179,650
.....	FTEs	184.22

r. Oakdale campus:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,833,505
.....	FTEs	73.60

*s. Center for simulation and design:

For planning and development of funding sources related to the creation of the university of Iowa driving simulation center:

.....	\$	200,000*
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3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university:

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	133,589,728
.....	FTEs	3,740.48

As a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to Iowa state university, \$550,000 shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

Of the \$550,000 available for teaching excellence awards, \$50,000 shall be awarded to faculty members and teaching assistants who have been recognized for exceptional teaching. An exceptional teaching recognition award is for a one-year period and is in addition to the faculty member or teaching assistant's salary. Not later than December 1, 1990, the state board of regents shall report the names of recipients of teaching excellence awards, and the amounts of the awards granted, to the joint education appropriations subcommittee and to the legislative fiscal bureau.

b. Minority and women educators enhancement program:

From the moneys appropriated in paragraph "a", \$80,000 shall be used for implementing the minority and women educators enhancement program.

Notwithstanding section 8.33, as a condition, limitation, and qualification of the allocation in this paragraph, unobligated and unencumbered funds remaining on June 30, 1991, from the allocation for use under this paragraph, shall not revert to the general fund of the state, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, for the same purpose or for other minority recruitment programs.

c. College-bound voucher program:

From the moneys appropriated in paragraph "a", \$100,000 shall be used for implementing the college-bound voucher program.

d. Iowa minority academic grants for economic success program:

From the moneys appropriated in paragraph "a", \$480,000 shall be used for the Iowa minority academic grants for economic success program.

e. Agricultural experiment station:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	17,200,167
.....	FTEs	473

*Item veto; see message at end of the Act

f. Comprehensive agricultural research:	
For conducting the comprehensive agricultural research program:	
.....	\$ 4,000,000
g. Leopold center:	
For agricultural research grants awarded under section 266.39B:	
.....	\$ 600,000
h. Cooperative extension service in agriculture and home economics:	
For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 15,878,812
.....	FTEs 480
i. Fire service education, including salaries and support, and for not more than the following full-time equivalent positions:	
.....	\$ 417,000
.....	FTEs 11
j. For salary annualization:	
.....	\$ 261,000
k. For inflation costs:	
.....	\$ 993,000
l. For utility and debt service costs:	
.....	\$ 724,000
m. For enhancing undergraduate education:	
.....	\$ 1,317,000
n. For opening new buildings:	
.....	\$ 63,000

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 53,563,012
.....	FTEs 1,385.83

As a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to the university of northern Iowa, \$275,000 shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

Teaching excellence awards shall be granted to faculty members and teaching assistants for excellence in the quality of classroom instruction. An award shall be built into the faculty member's or teaching assistant's base salary. Moneys appropriated for teaching excellence awards shall not result in a negative impact upon a collective bargaining agreement between an employee organization and the university. Not later than December 1, 1990, the state board of regents shall report the names of recipients of teaching excellence awards, and the amounts of the awards granted, to the joint education appropriations subcommittee and to the legislative fiscal bureau.

As a condition, limitation, and qualification of the appropriation in this subsection, \$50,000 shall be expended for the Iowa academy of science and no more than 20 percent of the funds shall be used for administrative purposes or for publication of the Iowa academy of science journal. The remainder of the \$50,000 shall be expended for grants for research projects and studies awarded by the Iowa academy of science.

As a condition, limitation, and qualification of the appropriation for the Iowa academy of science in this subsection, the Iowa academy of science shall permit all grant recipients to publish the results of the recipients' research projects and studies in the Iowa academy of science journal at no cost to the grant recipient.

b. Minority and women educators enhancement program:

From the moneys appropriated in paragraph "a", \$40,000 shall be used for implementing the minority and women educators enhancement program.

Notwithstanding section 8.33, as a condition, limitation, and qualification of the allocation in this paragraph, unobligated and unencumbered funds remaining on June 30, 1991, from the allocation for use under this paragraph, shall not revert to the general fund of the state, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, for the same purpose or for other minority recruitment programs.

c. College-bound voucher program:

From the moneys appropriated in paragraph "a", \$80,000 shall be used for implementing the college-bound voucher program.

d. Iowa minority academic grants for economic success program:

From the moneys appropriated in paragraph "a", \$240,000 shall be used for the Iowa minority academic grants for economic success program.

e. For salary annualization:

..... \$ 130,000

f. For inflation costs:

..... \$ 359,000

g. For utility and debt service costs:

..... \$ 54,000

h. For opening new buildings:

..... \$ 216,000

i. For enhancing undergraduate education:

..... \$ 1,130,000

*j. For leadership for teacher education:

..... \$ 475,000

..... FTEs 7*

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,770,768

..... FTEs 133.24

**As a condition, limitation, and qualification of the funds appropriated in this subsection, in cases where a resident student of the school for the deaf or the Braille and sight-saving school is physically or sexually abused or assaulted and is physically removed from the school by a court order pursuant to a finding by the court that the child has been sexually or physically abused or assaulted, payment for placement of the student in another facility for the deaf or blind, either in state or out of state, shall be made by the school from which the student is removed out of funds allocated for the operation of the school.*

*Before a student is placed at another facility, the school from which the student is removed shall be consulted, and the placement shall reflect, as nearly as possible, comparable education, accessibility, and cost. Students placed at another facility under this paragraph shall not be returned to the school for the deaf or the Braille and sight-saving school until the court rules that the student will not be adversely affected if returned to the school. If the student is counted by the Iowa school for the deaf or the Braille and sight-saving school, for the purpose of generating school foundation aid for the student, those funds generated by the student shall be forwarded to the facility in which the student is placed and the school for the deaf or the Braille and sight-saving school shall pay the difference between the funds generated by the student and the cost of tuition, room, and board at the other facility.**

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,197,141

..... FTEs 92.45

Sec. 15.

Moneys appropriated in section 14, subsection 2, paragraph "a", subparagraph (1); section 14, subsection 3, paragraph "a"; and section 14, subsection 4, paragraph "a", of this Act and

*Item veto; see message at end of the Act

designated for the minority and women educators enhancement program under paragraph "b" of those subsections shall be used solely for the purposes for which they have been designated and not for general university purposes.

Sec. 16.

Moneys appropriated in section 14, subsection 2, paragraph "a", subparagraph (1); section 14, subsection 3, paragraph "a"; and section 14, subsection 4, paragraph "a", of this Act and designated for the Iowa minority academic grants for economic success program under paragraph "d" of those subsections shall be used solely for the purposes for which they have been designated and not for general university purposes.

Sec. 17.

Reallocations of sums received under section 14, subsections 2, 3, 4, 5, and 6, including sums received for salaries, shall be reported on a quarterly basis to the co-chairpersons and ranking members of both the legislative fiscal committee and the education appropriations joint subcommittee.

*Sec. 18.

*As a condition, limitation, and qualification of the appropriations made to the state board of regents and regents' institutions under this Act, for the fiscal years beginning July 1, 1990, and July 1, 1991, the state board of regents shall use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of 6 years.**

Sec. 19.

There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to conduct the elderlaw education program under section 249D.54:

..... \$ 75,000

Sec. 20.

There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for purposes of administering a graduate nursing grant program at accredited private colleges or universities:

..... \$ 225,000

As a condition, limitation, and qualification of the funds appropriated in this paragraph, the moneys appropriated shall be used specifically for instructor salaries, equipment, student services, or rural recruitment. At least 80 percent of the students enrolled in the program shall be Iowa residents. All program participants shall be licensed to practice nursing in Iowa. The Iowa department of public health shall be responsible for the oversight and administration of the program.

As a condition, limitation, and qualification of the funds appropriated in this section the Iowa department of public health shall adopt rules for administration of the graduate nursing grant program.

Sec. 21.

Notwithstanding sections 8.33 and 18.137, unencumbered and unobligated funds remaining from any appropriation made to the state communications network fund shall not revert to the general fund of the state but shall remain in the state communications network fund and are available for expenditure.

*Item veto; see message at end of the Act

Sec. 22.

Notwithstanding section 267.5, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, there is appropriated to and the college of veterinary medicine at Iowa state university of science and technology shall use \$25,000 from the livestock disease research fund, established pursuant to section 267.8, for research into the causes of and available treatment for an unknown reproductive and neonatal disease, generally known as "mysterious pig disease", currently afflicting swine in this state.

Sec. 23.

Notwithstanding the allocation of phase III moneys under sections 294A.14 and 294A.25, for the fiscal year beginning July 1, 1990, prior to the allocation to school districts and area education agencies, \$125,000 of the moneys allocated for phase III shall be retained by the department of education to contract with the regional educational laboratory for this state to establish and monitor an independent evaluation of the operation of phase III of the educational excellence program. The regional educational laboratory shall determine the scope of the evaluation, including a methodology for the evaluation; the evaluation techniques; the sampling size for numbers of different plans to evaluate; the sampling size for numbers of interviews to be conducted with teachers, school administrators, school board members, members of the general public, and others; and the process for oversight of the evaluation. The laboratory, in consultation with the department, shall select a consortium consisting of Iowa teachers participating in phase III programs and a public or private institution of higher education offering a graduate program of teacher education to work with the laboratory in the conduct of the evaluation. The results of the evaluation shall be reported to the department of education and to the general assembly by January 1, 1992.

**The evaluation shall be conducted using the following timetable:*

1. *By July 15, 1990, an advisory committee shall be selected by the department of education.*
2. *By August 31, 1990, the determination of the evaluation methodology and oversight process must be completed and members of the consortium selected.*
3. *By September 30, 1990, the advisory committee shall review the evaluation methodology, the laboratory shall finalize the evaluation methodology, and the laboratory shall begin training the teacher members of the consortium and consulting with the faculty of the institution of higher education.*
4. *By December 15, 1990, the first phase of the evaluation design must be implemented.*
5. *By January 15, 1991, the advisory committee shall review progress and the next phase of the evaluation design.*
6. *By May 31, 1991, the advisory committee shall review a progress report of the evaluation.*
7. *By September 30, 1991, the laboratory, with the assistance of the consortium, shall write the evaluation report.*
8. *By October 31, 1991, the advisory committee shall review the evaluation report and may suggest revisions.*
9. *By December 15, 1991, the evaluation report must be completed and prepared for distribution.**

Moneys allocated in this section may be paid to the regional educational laboratory and to the consortium. Boards of directors of school districts and area education agencies shall allow their teachers to be members of a consortium and shall be reimbursed under the terms of the contract for the cost of salaries and benefits of each participating teacher.

**Sec. 24. SUPPLEMENTAL ENROLLMENT PAYMENTS.*

1. *There is appropriated from the general fund of the state to the school budget review committee for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the amount of \$150,000, or so much thereof as is necessary to make supplemental enrollment payments to school districts, for compensation for enrollment losses which are greater than 5 percent of the district's certified enrollment for the previous year due to enrollment of the district's resident children in another school district during the school year beginning July 1, 1990, under*

1990 Iowa Acts, Senate File 2306, section 2, if Senate File 2306 is enacted by the general assembly.

A supplemental enrollment payment for a child under this section is equal to the state aid transmitted to the receiving district for that child for that fiscal year.

A school district eligible for supplemental enrollment payments under this section shall make application for payment to the school budget review committee not later than September 1, 1990. If the moneys appropriated in this section are insufficient to make all supplemental payments, the school budget review committee shall prorate the payments to school districts.

*2. If moneys appropriated exceed the amount required to make supplemental enrollment payments to school districts under subsection 1, school districts receiving supplemental enrollment payments under subsection 1, and school districts which have experienced losses of less than 5 percent of the district's certified enrollment for the previous year but have experienced enrollment loss due to enrollment of the district's resident children in another school district during the school year beginning July 1, 1990, under Senate File 2306, section 2, shall be eligible to receive supplemental enrollment payments under this section, if the district applies for the payments to the school budget review committee by October 15, 1990. If necessary, the school budget review committee shall prorate the payments to school districts under this subsection.**

Sec. 25.

Notwithstanding 1990 Iowa Acts, Senate File 2306,** if Senate File 2306 is enacted by the general assembly, parents filing requests for open enrollment under the good cause exception provisions of that Act shall file the request for open enrollment by June 30, 1990.

**Sec. 26. DEPARTMENTAL STUDY.*

*The department of education shall conduct a study relating to the costs associated with extended year special education based on reteaching periods for acquired critical skills of varying lengths. The department, in conducting the study, shall solicit testimony from experts and review national studies and data relating to extended year special education. The department shall submit its findings, along with any recommendations, in a report to the general assembly by December 1, 1990.**

**Sec. 27.*

*The department of education shall conduct a study of and develop recommendations for an administrators' excellence program. The department's recommendations shall include components which address issues relating to recruitment, skill enhancement, and retention of administrators. In developing recommendations, the department shall consult with education associations or organizations which have developed recommendations relating to an administrators' excellence program. The department shall submit its recommendations in a report to the general assembly by January 1, 1991.**

Sec. 28.

Notwithstanding section 8.33, funds appropriated in 1989 Iowa Acts, chapter 319, section 19, subsection 1, paragraph "b", remaining unencumbered or unobligated on June 30, 1990, shall not revert to the general fund of the state but shall be available for expenditure for the purposes listed in section 14, subsection 1, paragraph "b", of this Act during the fiscal year beginning July 1, 1990, and ending June 30, 1991.

Sec. 29.

Notwithstanding section 282.10, boards of school districts with existing whole grade sharing agreements which wish to include sixth grade as one of the grades in which the pupils of the districts may attend school in other districts under the agreement, but which have failed to meet the February 1, 1990, deadline for the signing of agreements for sharing during the 1990-1991 school year, shall be permitted to amend the existing whole grade sharing agreements to include the sixth grade, provided that the school districts meet all of the other requirements contained in chapter 282 relating to the signing of whole grade agreements and the

*Item veto; see message at end of the Act

**Chapter 1182 herein

addition of the sixth grade to the current agreement is signed by the board, under chapter 282, by July 1, 1990.

Sec. 30.

Notwithstanding the amounts of the budgets approved under section 273.3, subsection 12, in addition to the moneys available to area education agencies under section 442.7, subsection 7, paragraphs "g" and "h", for special education support services, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, the amount of \$225,000, or as much thereof as may be necessary, to be paid to area education agencies that have fewer than 3.5 public school pupils per square mile, to be expended for special education support services of the applicable area education agencies during the fiscal year beginning July 1, 1990.

Sec. 31. 1989 Iowa Acts, chapter 135, section 130, is amended to read as follows:

SEC. 130. The department of education is directed to conduct a survey of school districts to determine the academic, cocurricular, and extracurricular fees charged to students as a requirement for enrollment in the schools, or participation in an activity, of the school district. Both districtwide and building fees shall be included in the survey. The survey shall include the procedures used by the district for payment of fees for low-income pupils. The survey shall provide information listing the total of fees collected and of fees waived. The department of education shall report the results of the survey to the chairpersons and members of the house and senate committees on education by January 15 July 1, 1990.

Sec. 32. 1989 Iowa Acts, chapter 278, sections 1 and 2, are amended to read as follows:
SECTION 1. Section 256.11, subsection 4, Code 1989, is amended to read as follows:

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; human growth and development, family, consumer, career, and technology education; physical education; music; and visual art. The health curriculum shall include the characteristics of sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, family, consumer, career, and technology education are not required to be taught in nonpublic schools which do not offer vocational education programs.

SEC. 2. Section 256.11, subsection 5, paragraph h, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

h. A minimum of three sequential units in at least four of the following six vocational service areas: agriculture, business or office occupations, health occupations, consumer and family sciences or home economics occupations, industrial technology or trade and industrial education, and marketing education. Instruction shall be competency-based, articulated with post-secondary programs of study, and include field, laboratory, or on-the-job training. Each sequential unit shall include instruction in a minimum set of competencies established by the department of education that relate to the following: new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills. The instructional programs shall also comply with the provisions of chapter 258 relating to vocational education. However, this subsection does not apply to nonpublic schools which do not offer vocational education programs.

The department of education shall permit school districts, in meeting the requirements of this section, to use vocational core courses in more than one vocational service area and to use multi-occupational courses to complete a sequence in more than one vocational service area.

Sec. 33. 1989 Iowa Acts, chapter 322, section 7, is amended to read as follows:

SEC. 7. Notwithstanding the funding restrictions, requirements relating to the development of a request for proposal, and certification by the department of management, contained in under section 18.136, if 1989 Iowa Acts, House File 774, is enacted by the general assembly,

of the moneys appropriated in section 18.137, if 1989 Iowa Acts, House File 774, is enacted by the general assembly, notwithstanding the certification requirement, \$600,000 may be used, if necessary, by the public broadcasting division of the department of cultural affairs, to match federal funds awarded prior to the enactment date of 1989 Iowa Acts, House File 774, for the implementation of an educational telecommunications system, and \$650,000 shall be allocated to merged area VII for use as state matching funds for federal funds applied for prior to June 5, 1989, for technology equipment. Moneys allocated to merged area VII shall be counted as part of the state match for the state communications network under section 18.136, subsection 3.

Sec. 34. Section 18.136, subsection 7, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The narrowcast system advisory committee shall review all requests for grants for educational telecommunications applications, if they are a part of the state communications network, to ensure that the educational telecommunications application is consistent with the telecommunications plan. If the narrowcast system advisory committee finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed.

**Sec. 35. Section 19A.9, subsection 1, unnumbered paragraph 1, and subsection 2, Code 1989, are amended to read as follows:*

For the preparation, maintenance, and revision of a position classification plan from a schedule by separate department for each position and type of employment not otherwise provided for by law in state government for all positions in the executive branch, excluding positions under the state board of regents, based upon duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class, in the same geographical area. However, in establishing classifications and allocating positions to classifications, with respect to positions within the division of area schools in the department of education, the department shall ensure that classifications are designed to attract persons with superior qualifications in the field of higher education to that division. After the classification has been approved by the commission, the director shall allocate the position of every employee in the executive branch, excluding employees of the state board of regents and employees of the division of area schools in the department of education, to one of the classes in the plan. Any employee or agency officials affected by the allocation of a position to a class shall, after filing with the director a written request for reconsideration in the manner and form the director prescribes, be given a reasonable opportunity to be heard by the director. An appeal may be made to the commission or to a qualified classification committee appointed by the commission. An allocation or reallocation of a position by the director to a different classification shall not become effective if the allocation or reallocation may result in the expenditure of funds in excess of the total amount budgeted for the department of the appointing authority until approval has been obtained from the director of the department of management.

*2. For pay plans within the purview of an appropriation made by the general assembly and not otherwise provided by law for all employees in the executive branch of state government, excluding employees of the state board of regents, after consultation with the governor and appointing authorities with due regard to the terms of collective bargaining agreements negotiated under chapter 20 and after a public hearing held by the commission. Pay plans for positions in the division of area schools, department of education, shall be designed to attract persons with superior qualifications in the field of higher education to that division. Review of the pay plan for revisions shall be made in the same manner at the discretion of the director, but not less than annually. The annual review by the director shall be made available to the governor a sufficient time in advance of collective bargaining negotiations to permit its recommendations to be considered during the negotiations. Each employee in the executive branch, excluding employees of the state board of regents, shall be paid at one of the rates set forth in the pay plan for the class of position in which employed and, unless otherwise designated by the commission, shall begin employment at the first step of the established range for the employee's class.**

*Item veto; see message at end of the Act

Sec. 36. Section 255.16, Code 1989, is amended to read as follows:

255.16 COUNTY QUOTAS.

Subject to subsequent qualifications in this section, there shall be treated at the university hospital during each fiscal year a number of committed indigent patients from each county which ~~shall bear~~ bears the same relation to the total number of committed indigent patients admitted during the year as the population of ~~such~~ the county shall bear bears to the total population of the state according to the last preceding official census. This standard shall apply to indigent patients, the expenses of whose commitment, transportation, care and treatment shall be borne by appropriated funds and shall not govern the admission of ~~either~~ obstetrical patients under chapter 255A, ~~or~~ obstetrical or orthopedic patients under this chapter in accordance with eligibility standards pursuant to section 255A.5. If the number of patients admitted from any county ~~shall exceed~~ exceeds by more than ten percent the county quota as fixed and ascertained under the first sentence of this section, the charges and expenses of the care and treatment of such patients in excess of ten percent of the quota shall be paid from the funds of such county at actual cost; but if the number of excess patients from any county ~~shall~~ does not exceed ten percent, all costs, expenses, and charges incurred in their behalf shall be paid from the appropriation for the support of the hospital. Notwithstanding the quota established for a county under this section, the governor, upon a finding of necessity due to a regional or statewide economic emergency, may increase a county's quota of the number of committed indigent patients admitted to the university hospital.

Sec. 37. Section 256.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Adopt rules which require each area school which establishes a new jobs training project or projects and receives funds derived from or associated with the project or projects to establish a separate account to act as a repository for any funds received and to report annually, by January 15, to the general assembly on funds received and disbursed during the preceding fiscal year in the form required by the department.

**Sec. 38. Section 256.9, Code Supplement 1989, is amended by adding the following new subsection:*

NEW SUBSECTION. 39. *Review and consider defining the disorders of autism and attention deficit in the rules of special education; eliminating autism from the category of behaviorally disordered; establishing broad general categories in which other individuals who are members of special populations, such as autistic persons and the attention deficit disordered could be grouped; and developing a system for the identification of individuals with autism and with attention deficit disorders.**

Sec. 39. Section 256.11, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by schools and school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be incorporated into all levels of the educational program.

Sec. 40. Section 256.11, subsection 9, and subsection 9A, Code Supplement 1989, are amended to read as follows:

9. a. Effective July 1, 1989, through June 30, ~~1990~~ 1992, to facilitate the implementation and economical operation of the educational program defined in subsections 4 and 5, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall meet the media center requirements specified in section 256.11, subsection 9, paragraph "a", Code Supplement 1987.

b. Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the licensing standards prescribed by the board of educational examiners and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day. However, in determining the requirements for nonpublic schools, the department shall evaluate the schools on a school system basis rather than on an individual school basis.

9A. Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, ~~1991~~ 1992, a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the licensing standards of the board of educational examiners. However, in determining the requirements for nonpublic schools, the department shall evaluate the schools on a school system basis rather than on an individual school basis.

Sec. 41. Section 256.11A, subsections 3 and 4, Code Supplement 1989, are amended to read as follows:

3. Schools and school districts unable to meet the standard adopted by the state board under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9A, effective July 1, 1989, requiring that on July 1, 1989, each board operating a kindergarten through grade twelve program provide an articulated sequential elementary-secondary guidance program may, not later than January 1, 1989, for the school year beginning July 1, 1989, file a written request to the department of education that the department waive the requirement for that school or school district. The procedures specified in subsection 5 apply to the request. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board or authorities may request a one-year extension of the waiver. Not later than January 1, 1991, for the school year beginning July 1, 1991, the board or authorities may request an additional one-year extension of the waiver.

If a waiver is approved under subsection 5, the school or school district shall meet the requirements of section 256.11, subsection 9, paragraph "b", Code Supplement 1987, for the period for which the waiver is approved.

4. Schools and school districts are not required to meet the standard adopted by the state board of education under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9, paragraph "b", effective July 1, 1990, that requires the board to establish and operate a media services program to support the total curriculum until July 1, 1990, except as otherwise provided in this subsection. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board of directors of a school district, or authorities in charge of a nonpublic school, may file a written request with the department of education that the department waive the requirement for that district or school. The procedures specified in subsection 5 apply to the request. Not later than January 1, 1991, for the school year beginning July 1, 1991, the board of directors of a school district, or authorities in charge of a nonpublic school, may file a request for a one-year extension of the waiver.

If a waiver is approved under subsection 5, the school district or school shall meet the requirements of section 256.11, subsection 9, paragraph "a", Code Supplement 1987, for the period for which the waiver is approved.

Sec. 42. NEW SECTION. 256.35 REGIONAL AUTISM ASSISTANCE PROGRAM.

The department shall establish a regional autism assistance program, to be administered by the child health specialty clinic of the university of Iowa hospitals and clinics. The program shall be designed to coordinate educational, medical, and other human services for persons with autism, their parents, and providers of services to persons with autism. The function of the program shall include, but is not limited to, the coordination of diagnostic and assessment services, the maintaining of a research base, coordination of in-service training, providing technical assistance, and providing consultation.

Sec. 43. NEW SECTION. 256.43 AMBASSADOR TO EDUCATION.

The department of education shall establish within the department the position of ambassador to education to act as an education liaison to primary and secondary schools in this state. The ambassador to education position shall be filled by the educator selected as teacher of the year by the governor, but only if that person agrees to fill the ambassador to education position.

The ambassador to education's duties shall be established by the director of the department and shall be tailored to the relative skills and educational background of the person designated as ambassador. Duties of the ambassador may include, but are not limited to, providing seminars and workshops in the subject matter area in which the ambassador possesses expertise, accompanying the director of the department of education in the exercise of the director's duties in the state, and speaking at public gatherings in the state.

The ambassador to education shall receive, in lieu of compensation from the district in which the ambassador is regularly employed, a salary which is equal to the amount of salary received by the person during the previous school year or thirty thousand dollars, whichever amount is greater. The ambassador shall also be compensated for actual expenses incurred as a result of the performance of duties under this section.

The district which employs the person selected as the ambassador to education shall grant the person a one-year sabbatical in order to allow the person to be the ambassador to education. The person selected as the ambassador to education shall be entitled to return to the person's same or a comparable position without loss of accrued benefits or seniority.

Sec. 44. Section 257.10, subsection 4, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the special education support services district cost per pupil for the budget year beginning July 1, 1991, calculated under subsection 3, for area education agencies that have fewer than three and five-tenths public school pupils per square mile, the special education support services district cost per pupil for the budget year beginning July 1, 1991, is one hundred forty-seven dollars.

Sec. 45. Section 261.2, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Adopt rules relating to the administration of a displaced workers financial aid program under section 261.5.

Sec. 46. NEW SECTION. 261.5 DISPLACED WORKERS FINANCIAL AID PROGRAM.

A displaced workers financial aid program is established to provide aid for attendance of displaced workers at Iowa-based programs, colleges, or universities.

The commission shall establish an application process for the program. Displaced workers eligible for receipt of moneys under this section shall receive financial aid from the commission to be applied to educational expenses at the institution of higher education in which the displaced worker is enrolled.

Any displaced worker making application for financial aid under this section shall apply for and accept any student aid or job training program aid available to the displaced worker.

The college aid commission shall determine the level of assistance to which the displaced worker is entitled. In making the determination of the amount of the financial aid award to a displaced worker, the commission shall take into account any student aid or job training program aid available and other financial resources. For purposes of this section, "other financial resources" does not include income received by a displaced worker from a person who slaughtered live hogs, who ceased slaughtering operations between January 1, 1989, and December 31, 1990, if that person employed five hundred or more workers at any time during the six-month period immediately preceding the date on which the person ceased slaughtering operations.

The moneys paid for a displaced worker for an academic term shall not exceed the lesser of the tuition at the institution of higher education in which the individual is enrolled or the highest tuition at any area community college or area vocational school.

Institutions of higher education shall receive the financial aid moneys from the college aid commission for eligible students.

For the purpose of this section, "displaced worker" means an unemployed individual who was formerly employed by a person who slaughtered live hogs if that person employed five hundred or more workers at any time during the six-month period immediately preceding the date on which the person ceased slaughtering operations and if the person ceased slaughtering operations between January 1, 1989, and December 31, 1990.

**Sec. 47.*

Notwithstanding the allocation of moneys under the community economic betterment account in section 99E.32, for the fiscal year commencing July 1, 1989, and ending June 30, 1990, \$250,000 shall be allocated from unobligated moneys in the community economic betterment account to the department of economic development, to be used for services to displaced workers for the following programs and services:

- 1. Financial counseling for workers eligible to receive benefits under the Economic Dislocation and Workers Adjustment Assistance Act, Pub. L. No. 100-418, 102 Stat. 1107 to be conducted to the extent possible at either the location of the worker's former place of employment or the site of the worker's labor union headquarters.*
- 2. Continued operation of the merged area X dislocated worker center.*
- 3. Payment to the college aid commission for the displaced workers financial aid program under section 261.5.**

Sec. 48. Section 261.9, subsection 5, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Which adopts a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the institution or in conjunction with activities sponsored by the institution. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, an institution shall provide substance abuse prevention programs for students and employees.

Sec. 49. Section 261.12, subsection 1, paragraph b, Code Supplement 1989, is amended to read as follows:

b. For the fiscal year beginning July 1, 1989, and for each following fiscal year, two thousand five six hundred fifty dollars.

Sec. 50. Section 261.17, subsections 2 and 3, Code Supplement 1989, are amended to read as follows:

2. A qualified student may receive vocational-technical tuition grants for not more than four semesters, eight quarters or the equivalent of two full years of study. However, if a student resumes study after at least a two-year absence, the student may again be eligible for the specified amount of time, except that the student shall not receive assistance for courses for which credit was previously received.

3. The amount of a vocational-technical tuition grant shall not exceed the lesser of five six hundred dollars per year or the amount of the student's established financial need.

Sec. 51. Section 261.19, Code Supplement 1989, is amended to read as follows:

261.19 PAYMENT OF SUBVENTION.

A subvention program for the university of osteopathic medicine and health sciences is established. The subvention program shall provide funds to the university for Iowa resident students. The total amount of moneys appropriated to the college aid commission for the subvention program shall be paid to the university if the university certifies to the college aid commission not later than September 15 and January 15 of each fiscal year that at least twenty percent of the total students enrolled are Iowa residents. The certification shall contain the number, names, and addresses of all students enrolled, by class, and shall indicate which students are resident students.

Sec. 55.

Of the \$32,912,800 appropriated for tuition grants, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, \$400,000 shall be expended by the college aid commission for the Iowa minority academic grants for economic success program for grants to independent colleges and universities under sections 261.101 through 261.105.

Sec. 56. Section 261.44, Code Supplement 1989, is amended to read as follows:

261.44 GUARANTEED LOAN PAYMENT PROGRAM.

A guaranteed loan payment program is established to be administered by the commission. The purpose of the program is to assist individuals to enter professions in areas of employment critical to the welfare of the citizens of the state. The commission shall adopt rules pursuant to chapter 17A to provide for the administration of the program. Moneys appropriated for the program shall be used to repay loans to students demonstrating the greatest financial need and shall not be prorated among all qualified applicants. ~~If moneys appropriated are insufficient to repay loans to all qualified applicants, priority shall be given to repayment of debts under the Iowa guaranteed student loan program.~~

Sec. 57. Section 261.50, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, an "eligible community" means a community which agrees to provide an eligible physician with a first year income guarantee, malpractice insurance coverage for four years, family health insurance, reimbursement for moving expenses, two weeks of vacation for each of the first four years, and one week of continuing medical education per year for four years.

Sec. 58. Section 261.85, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

There is appropriated from the general fund of the state to the commission for each fiscal year the sum of three million two hundred ten thousand dollars for the work-study program.

Sec. 59. NEW SECTION. 261.92 DEFINITIONS.

When used in this division, unless the context otherwise requires:

1. "Accredited higher education institution" means a public institution of higher learning located in Iowa which is accredited by the north central association of colleges and secondary schools accrediting agency based on their requirements as of April 1, 1969, or an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state, and which meets the following requirements:

a. Is accredited by the north central association of colleges and secondary schools accrediting agency based on their requirements as of April 1, 1969, and,

b. Promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution. In carrying out this responsibility the institution shall do all of the following:

(1) Designate a position as the affirmative action coordinator.

(2) Adopt affirmative action standards.

(3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.

(4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.

(5) Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

(6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.

(7) Address equal opportunity and affirmative action training needs by doing all of the following:

(a) Providing appropriate training for managers and supervisors.

(b) Insuring that training is available for all staff members whose duties relate to personnel administration.

(c) Investigating means for training in the area of career development.

(8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.

(9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

(10) File annual reports with the college aid commission of activities under this paragraph.

2. "Commission" means the college student aid commission.

3. "Financial need" means the difference between the student's financial resources available, including those available from the student's parents as determined by a completed parents' confidential statement, and the student's anticipated expenses while attending the accredited higher education institution. Financial need shall be redetermined at least annually.

4. "Full-time resident student" means an individual resident of Iowa who is enrolled at an accredited higher education institution in a course of study including at least twelve semester hours or the trimester equivalent of twelve semester hours or the quarter equivalent of twelve semester hours. "Course of study" does not include correspondence courses.

5. "Grant" means an award by the state of Iowa to an accredited higher education institution for a qualified resident student under the Iowa grant program.

6. "Part-time resident student" means an individual resident of Iowa who is enrolled at an accredited higher education institution in a course of study including at least three semester hours or the trimester or the four quarter equivalent of three semester hours. "Course of study" does not include correspondence courses.

7. "Qualified student" means a resident student who has established financial need and who is making satisfactory progress toward graduation.

Sec. 60. NEW SECTION. 261.93 PROGRAM ESTABLISHED — WHO QUALIFIED.

An Iowa grant program is established.

A grant may be awarded to a resident of Iowa who is admitted and in attendance as a full-time or part-time resident student at an accredited higher education institution and who establishes financial need. Grants awarded shall be distributed to the appropriate accredited higher education institution for payment of educational expenses, including tuition, room, board, and mandatory fees, with any balance to be distributed to the student for whom the grant is awarded.

Sec. 61. NEW SECTION. 261.94 EXTENT OF GRANT.

A qualified full-time resident student may receive grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified part-time resident student may receive grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

Sec. 62. NEW SECTION. 261.95 AMOUNT OF GRANT.

1. The amount of a grant to a qualified full-time student for an academic year shall be the lesser of the student's financial need for that period or up to one thousand dollars.

2. The amount of a grant to a qualified part-time student enrolled in a course of study shall be equal to the average amount of a grant to a full-time student times a number which represents twenty-four semester hours, or the trimester or quarter equivalent, divided by the number of hours in which the part-time student is actually enrolled.

3. A grant may be made annually for both the fall and spring semesters or the trimester equivalent. Payments under the grant shall be allocated equally among the semesters or trimesters and shall be paid at the beginning of each semester or trimester, upon certification by the accredited higher education institution that the student is admitted and in attendance. If the student discontinues attendance before the end of the semester or trimester after receiving payment under the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the accredited higher education institution to the state.

4. If a student receives financial aid under any other program except a federal, state, or institutional work-study program, the full amount of the other financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period. In no case may the total financial aid for the student's education, including financial aid under any other state program, exceed the student's financial need at the institution which the student attends.

Sec. 63. NEW SECTION. 261.96 ADMINISTRATION BY COMMISSION — RULES.

The commission shall administer this program and shall:

1. Provide application forms and parents' confidential statement forms.
2. Adopt rules and regulations for determining financial need, defining tuition and mandatory fees, defining residence for the purposes of the Iowa grant program, determining grant award amounts on the basis of student need, processing and approving applications for grants, and determining priority of grants. If resources are insufficient to award grants to all eligible applicants, the commission shall give priority to students who have the greatest demonstrated financial need. In determining who is a resident of Iowa, the commission's rules shall be at least as restrictive as those of the board of regents.
3. Approve and award grants.
4. Make an annual report to the governor and general assembly, and evaluate the Iowa grant program for the period. The commission may require the accredited higher education institution to promptly furnish any information which the commission may request in connection with the Iowa grant program.

Sec. 64. NEW SECTION. 261.97 APPLICATION FOR GRANTS.

Each applicant, in accordance with the rules of the commission, shall:

1. Complete and file an application for a grant.
2. Be responsible for the submission of the parents' confidential statement for processing, the processed information to be returned both to the commission and to the accredited higher education institution in which the applicant is enrolling.
3. Report promptly to the commission any information requested.
4. File a new application and parents' confidential statement annually on the basis of which the applicant's eligibility for a renewed grant will be evaluated and determined.

Sec. 65. NEW SECTION. 261.98 ACCESS TO EDUCATION PROGRAM.

An access to education program is established for the fiscal year beginning July 1, 1990, and ending June 30, 1991, for purposes of providing grants to resident students who attend community colleges in this state. Students whose financial resources are up to twenty percent over the eligibility level for a PELL grant are eligible to receive grants under this program. Students meeting the eligibility level may receive a grant of up to two hundred fifty dollars.

The program shall be administered by the college student aid commission. The commission shall allocate, from the amount allocated for community colleges under the Iowa grant program, five hundred thousand dollars for purposes of awarding grants under this program. Community colleges which have students receiving grants under the program shall provide the commission with information as to the income levels and age of grant recipients and the length of time since grant recipients have enrolled in an educational program. The commission shall tabulate and submit the information in a report to the general assembly by January 1, 1991.

The commission shall adopt rules for the administration of this program.

**Sec. 66. Section 262.12, Code 1989, is amended to read as follows:*

262.12 COMMITTEES AND ADMINISTRATIVE OFFICES UNDER BOARD.

The board of regents shall also have and exercise all the powers necessary and convenient for the effective administration of its office and of the institutions under its control, and to this end may create such committees, offices and agencies from its own members or others, and employ persons to staff the same, fix their compensation and tenure and delegate thereto,

*or to the administrative officers and faculty of the institutions under its control, such part of the authority and duties vested by statute in the board, and shall formulate and establish such rules, outline such policies and prescribe such procedures therefor, all as may be desired or determined by the board as recorded in their minutes. However, the powers, rules, policies, and procedures of the board of regents shall not include a power to or a provision for the funding of the board of regents' board office by reimbursements from the institutions under its control.**

Sec. 67. NEW SECTION. 262.54 COMPUTER SALES.

Sales, by an institution under the control of the board of regents, of computer equipment, computer software, and computer supplies to students and faculty at the institution are retail sales under chapter 422, division IV.

Sec. 68. Section 279.10, subsection 1, Code 1989, is amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 69. Section 279.51, subsection 1, paragraph d, Code Supplement 1989, is amended to read as follows:

d. For the fiscal year beginning July 1, 1990, three million dollars, and for each fiscal year thereafter, four million dollars of the funds appropriated shall be allocated as grants to school districts that have elementary schools that demonstrate the greatest need for programs for at-risk students with preference given to innovative programs for the early elementary school years. Of the amount allocated under this paragraph for each fiscal year, seventy-five thousand dollars shall be allocated to school districts which have an actual student population of ten thousand or less and have an actual non-English speaking student population which represents greater than five percent of the total actual student population for grants to elementary schools in those districts.

Sec. 70. Section 279.51, subsection 1, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 256A.3, subsection 6, of the amount appropriated for the fiscal year beginning July 1, 1990, less the amount allocated under paragraph "a", three and thirty-three hundredths percent may be used for administrative costs.

Sec. 71. Section 282.28, Code 1989, is amended to read as follows:

282.28 CHILDREN AT ELDORA AND TOLEDO.

Annually, the area education agency in which the state training school and the Iowa juvenile home are located and the department of human services on behalf of the training school and juvenile home shall submit an annual joint application by January 1 for the next succeeding school year to the department of education describing the proposed special education instructional and support programs and service improvements for the training school and juvenile home. The department of education shall review and approve or modify the program and proposed budget by February 1 and shall notify the department of revenue and finance, the area education agency, and the department of human services of the approved budget amount. The moneys for the approved budget shall supplement and not supplant moneys equal to the moneys expended for education for the fiscal year beginning July 1, 1986 by the department of human services. The moneys for the approved budget shall be used to ensure that the training school and juvenile home comply with appropriate administrative rules relating to special education adopted by the department of education. Beginning with the fiscal year commencing July 1, 1990, and ending June 30, 1991, and in succeeding years, the department of revenue and finance

*Item veto; see message at end of the Act

shall pay the approved budget amount for an area education agency in monthly installments beginning on September 15 and ending on June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state's resources. The department of revenue and finance shall transfer the approved budget amount for an area education agency from the moneys appropriated under section 442.26 or section 257.16 and make the payment to the area education agency.

The area education agency shall submit a claim an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided at the training school and juvenile home. The department shall review and approve or modify the claims accounting by September 1 and shall notify the department of revenue and finance of the approved claim accounting amount. ~~The total amount of the approved claim shall be paid by the department of revenue and finance to the area education agency by October 1. The total amount~~ The department of revenue and finance shall adjust the September payment to the area education agency for the next fiscal year by the difference between the amount of the proposed budget paid to the area education agency and the amount of the actual costs as reflected in the area education agency's accounting. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 442.26 or section 257.16 during the remainder of that fiscal year to all school districts in the state. The portion of the total amount of the approved claim accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year. The department of revenue and finance shall transfer the total amount of the approved claim from the moneys appropriated under section 442.26 for payment to the area education agency.

Sec. 72. Section 282.31, subsection 1, Code 1989, is amended to read as follows:

1. a. A child who lives in a facility pursuant to section 282.30, subsection 1, paragraph "a", and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The area education agency shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the department of revenue and finance and the area education agency of its action by February 1. ~~The area education agency shall submit a claim to the department of education by August 1 following the school year for the actual cost of the program.~~ Beginning with the fiscal year commencing July 1, 1990, and ending June 30, 1991, and in succeeding years, the department of revenue and finance shall pay the approved budget amount for an area education agency in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state's resources. The department of revenue and finance shall transfer the approved budget amount for an area education agency from the moneys appropriated under section 442.26 or section 257.16 and make the payment to the area education agency. The area education agency shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines pursuant to section 256.7, subsection 12, and shall notify the department of revenue and finance of the approved claim accounting amount by September 1. The total amount of the approved claim accounting amount shall be compared with any amounts paid by the department of revenue and finance to the area education agency by October 1 and any differences added to or subtracted from the October payment made under this paragraph for the next school year. The total amount Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 442.26 or section 257.16 during the remainder of that fiscal year to all school districts in the state. The portion

of the total amount of the approved claims budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year. ~~The department of revenue and finance shall transfer the total amount of the approved claims from the moneys appropriated under section 442.26 for payment to the area education agencies.~~

b. A child who lives in a facility or home pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or home is located.

However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district on the third Friday of September of that school year is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of revenue and finance to the school district by October 1 ~~in the same manner as the claims are paid under paragraph "a".~~ The department of revenue and finance shall transfer the total amount of the approved claim of a school district from the moneys appropriated under section 442.26 or under section 257.16 and the amount paid shall be deducted monthly from the state foundation aid paid during the remainder of that fiscal year to all school districts in the state in the manner provided in paragraph "a".

Sec. 73. Section 294A.25, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Commencing with the fiscal year beginning July 1, 1990, the amount of sixty thousand dollars for the ambassador to education program under section 256.43.

Sec. 74. Section 298.20, Code 1989, is amended to read as follows:

298.20 FUNDING OR REFUNDING BONDS.

For the purpose of providing for the payment of any indebtedness of any school corporation represented by judgments or bonds, the board of directors of such school corporation, at any time or times, may provide by resolution for the issuance of bonds of such school corporation, to be known as funding or refunding bonds. ~~The proceeds derived from the negotiation public or private sale of such funding or refunding bonds shall be applied in payment of such indebtedness; or said the funding bonds or refunding bonds may be issued in exchange for the evidences of such indebtedness, par for par.~~

Sec. 75. Section 301.30, unnumbered paragraph 4, Code Supplement 1989, is amended to read as follows:

Claims for reimbursement shall be made to the department of education by the public school district providing textbook services during a school year on a form prescribed by the department, and the claim shall state the services provided and the actual costs incurred. Claims shall be accompanied by an affidavit of an officer of the public school district affirming the accuracy of the claim. By February 1 and by July 15 of each year the department shall certify to the director of revenue and finance the amounts of approved claims to be paid, and the director of revenue and finance shall draw warrants payable to school districts which have established claims. ~~The public school district in which the pupil resides may contract with the public school district of attendance to have the latter school shall furnish the services and shall receive reimbursement for the payment of said contract; however, said from the state.~~ However, the services must be comparable to the services of the district of residencee attendance and cannot exceed the per pupil cost of the program of the district of residencee attendance.

Sec. 76. Section 303.18, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The historical division shall repay a portion of the amount of the loan together with annual interest payments due on the balance of the loan over a ten-year period commencing with the fiscal year beginning July 1, 1987. Payments shall be made from gross receipts and other moneys available to the historical division. The historical division shall solicit voluntary contributions on behalf of the historical division, at the entrance and other locations throughout the state historical building and collect entrance fees for the Montauk governor's mansion for purposes of raising funds for making payments under this section. Annual payments shall not be less than the amount of interest on the permanent school fund required to be transferred to the first in the nation in education foundation under section 302.1A or seventy-five percent of the gross receipts, whichever is greater. Payments of both principal and interest made by the state historical division under this section shall be paid quarterly and shall be considered interest earned on the permanent school fund to the extent necessary for payment of interest to the first in the nation in education foundation under section 302.1A.

Sec. 77. **NEW SECTION. 303.89 CULTURAL GRANT PROGRAMS.**

1. The department shall establish a grant program for cities and nonprofit, tax-exempt community organizations for the development of community programs that provide local jobs for Iowa residents and also promote Iowa's historic, ethnic, and cultural heritages through the development of festivals, music, drama, cultural programs, or tourist attractions. A city or nonprofit, tax-exempt community organization may submit an application to the department for review. The department shall establish criteria for the review and approval of grant applications. The amount of a grant shall not exceed fifty percent of the cost of the community program. Each application shall include information demonstrating that the city or nonprofit, tax-exempt community organization will provide matching funds of fifty percent of the cost of the program. The matching funds requirement may be met by substituting in-kind services, based on the value of the services, for actual dollars.

2. The department shall establish a grant program which provides general operating budget support to major, multidisciplinary cultural organizations which demonstrate cultural and managerial excellence on a continuing basis to the citizens of Iowa. Applicant organizations must be incorporated under chapter 504A, be exempt from federal taxation, and not be attached or affiliated with an educational institution. Eligible organizations shall be operated on a year-round basis and employ at least one full-time, paid professional staff member. The department shall establish criteria for review and approval of grant applications. Criteria established shall include, but are not limited to, a matching funds requirement. The matching funds requirement shall permit an applicant to meet the matching requirement by demonstrating that the applicant's budget contains funds, other than state and federal funds, in excess of the grant award.

3. Unobligated or unencumbered funds appropriated to the department for purposes of awarding and administering grants under this section and remaining on June 30, 1991, shall not revert to the general fund of the state under section 8.33, but shall remain available for expenditure by the department for the purposes specified in this section during the fiscal year commencing July 1, 1991.

Sec. 78. Section 442.4, subsection 8, Code 1989, is amended to read as follows:

8. Notwithstanding the procedure prescribed for the calculation of budget enrollment under subsections 3 and 5, if during the first for the budget year following the effective date of a school district reorganization commencing July 1, 1990, a reorganized school district's budget enrollment is less than the combined total of the budget enrollments of the districts involved in the reorganization calculated as if the school districts had not reorganized for that budget year, the budget enrollment of the reorganized district shall be calculated under this subsection for that budget year. The budget enrollment is the total of the budget enrollments of the districts involved in the reorganization calculated as if those districts had not reorganized minus the number of pupils residing in territory not included in the reorganized school

district. For the purpose of this section, a reorganized school district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1988.

**Sec. 79.*

*Notwithstanding section 8.33, moneys appropriated under 1988 Iowa Acts, chapter 1284, section 33, subsection 2, which are unencumbered or unexpended on June 30, 1990, shall not revert to the general fund of the state, but shall remain available for expenditure for the purposes designated under section 256.33, to continue a consultant position and salary support in connection with the special projects and programs, and for special projects and programs designed to strengthen clinical experiences, student teacher programs, and technology in teacher education.**

Sec. 80. 1989 Iowa Acts, Chapter 135, sections 88, 89, and 90 are repealed.

Sec. 81.

Sections 21, 25, 28, 29, 31, 33, 34, 46, 47, 78, and 79 of this Act take effect immediately upon enactment.

Sec. 82.

All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

Approved May 8, 1990, except the items which I hereby disapprove and which are designated as that portion of section 1, subsection 2 which is herein bracketed in ink and initialed by me; that portion of section 1, subsection 7 which is herein bracketed in ink and initialed by me; section 8, subsection 2 in its entirety; that portion of section 8, subsection 6 which is herein bracketed in ink and initialed by me; those portions of section 8, subsection 12 which are herein bracketed in ink and initialed by me; section 8, subsection 14 in its entirety; that portion of section 9, subsection 1 which is herein bracketed in ink and initialed by me; section 9, subsection 2 in its entirety; that portion of section 14, subsection 1 which is herein bracketed in ink and initialed by me; section 14, subsection 2, lettered paragraph s in its entirety; section 14, subsection 4, lettered paragraph j in its entirety; that portion of section 14, subsection 5 which is herein bracketed in ink and initialed by me; section 18 in its entirety; that portion of section 23 which is herein bracketed in ink and initialed by me; section 24 in its entirety; section 26 in its entirety; section 27 in its entirety; section 35 in its entirety; section 38 in its entirety; section 47 in its entirety; section 66 in its entirety; and section 79 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam Secretary:

I hereby transmit Senate File 2423, an Act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Senate File 2423 continues Iowa's commitment to providing access to quality education programs. Overall expenditures for education will increase by \$140 million in the 1990-91 fiscal year. This includes a \$94 million increase in funding for elementary and secondary schools

*Item veto; see message at end of the Act

through the school foundation formula, and a \$13 million increase in formula funding for community colleges. This is in addition to future enhancements to community college funding that were made in Senate File 2410, which I have previously approved.

One of the highlights of Senate File 2423 is a substantial increase in funds for tuition assistance at Iowa's institutions of higher education. This includes a \$1.85 million appropriation for a new need-based Iowa Grant program, a \$1.1 million expansion of the Iowa Minority Academic Grants program, a \$1.8 million increase for tuition grants for students attending independent colleges, a \$580,000 increase for vocational-technical grants, and an appropriation of \$500,000 for tuition replacement for certain displaced workers.

Other provisions of Senate File 2423 are a \$2.3 million increase in funding for agricultural research, \$1.9 million in additional funds to improve undergraduate education programs at the state universities, \$2.1 million for the improvement of faculty salaries at community colleges, \$1 million in additional funds to provide education programs at correctional institutions, and \$225,000 for graduate nursing programs at private colleges in Iowa.

Senate File 2423 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 2. This provision would authorize the Arts Division of the Department of Cultural Affairs to retain funds that had been allocated to the division to be used as matching funds for federal grant monies. The department has advised me that the project associated with these funds has been completed and that the authorization to retain the funds is no longer needed.

I am unable to approve the designated portion of Section 1, subsection 7. This item would provide an additional \$100,000 to the Department of Cultural Affairs for support of the Regional Library System. By taking this action, the regional libraries will receive the amount which I recommended to the General Assembly. Given the financial constraints of the state, the additional funding cannot be provided. Overall, I have approved nearly \$1 million in additional funds for the Department of Cultural Affairs.

I am unable to approve the item designated as Section 8, subsection 2, in its entirety. This item would provide \$500,000 for special projects to be administered by the Iowa Department of Education. This appropriation exceeds my recommendations by \$450,000. While the projects that would have been funded by this appropriation may be worthwhile, I am unable to approve this item due to the financial constraints of the state. I have been assured that the Iowa-Japan Cultural Alliance can be funded from other sources.

I am unable to approve the designated portion of Section 8, subsection 6. This provision would require that an individualized education program be developed for each inmate. Because the amount of funds provided by this appropriation is not sufficient to provide an educational program for all inmates in the correctional system, it would be inappropriate to approve this requirement.

I am unable to approve the designated portions of Section 8, subsection 12. This item would provide \$141,235 for salary increases for professional employees at the community colleges other than administrators, faculty, and hourly support staff. The appropriation provided for salary increases and professional development exceeds my revised recommendations by over \$1 million. Additionally, the amount of this appropriation would provide relatively small salary increases for individual professional staff members at the community colleges. Because additional funds have been provided through the community college funding formula, and given the financial constraints of the state, I am unable to approve this provision.

I am unable to approve the item designated as Section 8, subsection 14, in its entirety. This item would provide \$454,216 for professional development programs at the merged area schools.

While I recommended the establishment of professional development programs at the community colleges, I cannot approve this item given the amount by which the General Assembly exceeded my budget recommendations. I will review this issue in preparation for the 1991 legislative session and will recommend the appropriation of funds for this purpose if sufficient funds are available. I have authorized the establishment of this program in Senate File 2410.

I am unable to approve the designated portion of Section 9, subsection 1, and the item designated as Section 9, subsection 2, in its entirety. These items would have provided \$395,510 for salary increases for faculty and professional staff at the community colleges, and \$80,156 for professional development programs in the 1991-92 fiscal year. Given the projected financial condition of the state in fiscal year 1992, and my concerns about the practice of deferring appropriations into future years, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 1, and the item designated as Section 66, in its entirety. These provisions would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. The board should continue to be authorized to seek appropriate reimbursements from the universities. A similar provision in 1990 Acts, Senate File 2410, was disapproved earlier this year.

I am unable to approve the items designated as Section 14, subsection 2, lettered paragraph s, and Section 14, subsection 4, lettered paragraph j, in their entirety. These items would appropriate \$200,000 to the State University of Iowa for the center for simulation and design and \$475,000 to the University of Northern Iowa for the leadership for teacher education program. Given the financial constraints of the state, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 5. This provision would require the Iowa School for the Deaf or the Iowa Blind and Sight Saving School to pay for the transfer of a student who has been sexually or physically abused at those institutions to another facility. Physical or sexual abuse of students attending those institutions cannot be tolerated. However, decisions about the placement of a student in other institutions, and about the payment of costs associated with the transfer of a student, are appropriately left to the judicial system, and should not be specified by statute.

I am unable to approve the item designated as Section 18, in its entirety. This provision would require the State Board of Regents to issue bonds to finance energy-saving projects at the institutions which are governed by the Board. The Board has undertaken the initiative to implement energy-saving measures at the institutions under their control, and this requirement is not necessary.

I am unable to approve the designated portion of Section 23. This provision would establish a specific timetable for the Department of Education to conduct an evaluation of the use of Phase III moneys under the Educational Excellence program. I support the proposal to conduct an evaluation of the Phase III program, and the Department of Education will complete the study prior to the January 1, 1992, deadline.

I am unable to approve the item designated as Section 24, in its entirety. This provision would appropriate \$150,000 to the School Budget Review Committee to assist school districts which are affected by the open enrollment law, as amended by 1990 Acts, Senate File 2306, which I have previously approved. It would be prudent to wait until the financial impact on Iowa schools is known before special financial assistance is appropriated to schools affected by the open enrollment law.

I am unable to approve the items designated as Sections 26, 27, and 38, in their entirety. I am concerned about the cost associated with the studies which have been required of the Department of Education. Because the Department of Education and other state agencies are being asked to restrict hiring and limit expenditures for travel and equipment, it would be inappropriate to require the Department of Education to undertake these additional activities.

I am unable to approve the item designated as Section 35, in its entirety. This provision would establish a separate classification system for the division of area schools within the Department of Education. Any change in classifications should be reviewed by the Department of Education in cooperation with the Department of Personnel. While I am interested in classifying employees in a manner which will attract qualified individuals into state government, it is inappropriate to reclassify groups of employees through statute.

I am unable to approve the item designated as Section 47, in its entirety. This provision would provide financial counseling services to dislocated workers, allocate funds to the dislocated worker center in Merged Area X, and provide funds for the displaced workers financial aid program, which I have approved under Section 3 of this Act. Funding for this program would be provided by a transfer of \$250,000 from the Community Economic Betterment Account. These funds should be retained in the Community Economic Betterment Account, to create a climate for new jobs in Iowa. Furthermore, assistance to displaced workers is currently available from the U.S. Department of Labor under the Economic Dislocation and Workers Adjustment Assistance Act and from other student aid and training programs.

I am unable to approve the item designated as Section 79, in its entirety. This provision would prevent the reversion of \$290,000 previously appropriated to and unused by the Department of Education. Given the financial constraints of the state, I am unable to approve this provision.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2423 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD, *Governor*

CHAPTER 1273

BOARD OF REGENTS TEN-YEAR BUILDING PROGRAM

S.C.R. 133

A CONCURRENT RESOLUTION relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects.

WHEREAS, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-third General Assembly of the State of Iowa, Second Session, submitted to the Seventy-third General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal period beginning July 1, 1990, and ending June 30, 1992; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the general assembly and approval by the governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects