

## ACCELERATED CAREER EDUCATION PROGRAM

### **260G.1 Title.**

This chapter shall be known and may be cited as the "*Accelerated Career Education Program Act*".

99 Acts, ch 179, §1, 12

### **260G.2 Definitions.**

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

1. "*Accelerated career education program*" means a program established pursuant to section 260G.3.
2. "*Agreement*" means a program agreement referred to in section 260G.3 between an employer and a community college.
3. "*Board of directors*" means the board of directors of a community college.
4. "*Community college*" means a community college established under chapter 260C or a consortium of two or more community colleges.
5. "*Employee*" means a person employed in a program job.
6. "*Employer*" means a business or consortium of businesses engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, construction, conducting research and development, or providing services in interstate or intrastate commerce, but excludes retail services.
7. "*Highly skilled job*" means a job with a broadly based, high performance skill profile including advanced computation and communication skills, technology skills, and workplace behavior skills, and for which an applied technical education is required.
8. "*Participant*" means an individual who is enrolled in an accelerated career education program at a community college.
9. "*Participant position*" means the individual student enrollment position available in an accelerated career education program.
10. "*Program capital costs*" includes, but is not limited to, costs related to any or all of the following:
  - a. Classroom and laboratory renovation.
  - b. New classroom and laboratory construction.
  - c. Site acquisition or preparation.
  - d. Instructional equipment and technology.
11. "*Program costs*" means all necessary and incidental costs of providing program services.
12. "*Program job*" means a highly skilled job available from an employer pursuant to a program agreement.
13. "*Program job credit*" means the credit as provided in section 260G.4A.

14. "*Program job position*" means a job position which is planned or available for an employee by the employer pursuant to a program agreement.

15. "*Program services*" includes, but is not limited to, all of the following provided they are pursuant to a program agreement:

- a. Program needs assessment and development.
- b. Job task analysis.
- c. Curriculum development and revision.
- d. Instruction.
- e. Instructional materials and supplies.
- f. Computer software and upgrades.
- g. Instructional support.
- h. Administrative and student services.
- i. Related school-to-career training programs.
- j. Skill or career interest assessment services and testing.
- k. Contracted services.

99 Acts, ch 179, §2, 12; 2000 Acts, ch 1196, §2, 10

### **260G.3 Program agreements.**

1. A community college may enter into an agreement with an employer in the community college's merged area to establish an accelerated career education program. The program shall be developed by an employer, a community college, and any employee of an employer who represents a program job. If a bargaining agreement is in place, a representative of the employee bargaining unit shall also take part in the development of the program.

2. An agreement may include reasonable and necessary provisions to implement the accelerated career education program. If an agreement that utilizes program job credits is entered into, the community college and the employer shall notify the department of revenue as soon as possible. The community college shall also file a copy of the agreement with the department of economic development as required in section 260G.4B. The agreement shall provide for program costs, including deferred costs, which may be paid from any of the following sources:

- a. Program job credits which the employer receives based on the number of program job positions agreed to by the employer to be available under the agreement.
- b. Cash or in-kind contributions by the employer toward the program cost. At a minimum, the employer contribution shall be twenty percent of the program costs.
- c. Tuition, student fees, or special charges fixed by the board of directors to defray program costs.

- d. Guarantee by the employer of payments to be received under paragraphs "a" and "b".
- e. Moneys from a workforce training and economic development fund created in section 260C.18A, based on the number of program job positions agreed to by the employer to be available under the agreement, the amount of which shall be calculated in the same manner as the program job credits provided for in section 260G.4A.
3. An agreement shall include a provision which specifies the type and amount of funding sources which shall be used to pay for program costs.
  4. An agreement shall describe program services and schedules for implementation.
  5. The term of an agreement shall not exceed five years from the date of the agreement. However, the agreement may be renewed.
  6. As part of the agreement, the employer shall agree to interview graduating participants for full-time positions with the employer and to provide future hiring preferences to graduates of the accelerated career education program provided for in the agreement.
  7. As part of an agreement, if an employer has more than four sponsored participants in the program, the employer shall agree to offer a program job position of full-time employment to at least twenty-five percent of those participants who successfully complete the program.
  8. An agreement shall provide for a wage level of no less than two hundred percent of the federal poverty level for a family of two as defined by the most recently revised poverty income guidelines as published by the United States department of health and human services at the time the agreement is entered into. The wage level shall be recertified for each year provided in the agreement on the anniversary of the effective date of the agreement.
  9. An agreement shall allow an employer to decline to satisfy any provisions in the agreement relating to subsections 6 and 7 if an employer experiences an economic downturn. For purposes of this subsection, "*economic downturn*" may include a layoff of existing employees, reduced employment levels, increased inventories, or reduced sales, if specified in the agreement.
  10. Participants shall agree to interview with the employer following completion of the accelerated career education program.
  11. An agreement shall provide for employer default procedures.

99 Acts, ch 179, §3, 12; 2000 Acts, ch 1196, §3, 10; 2003 Acts, ch 145, §286; 2003 Acts, 1st Ex, ch 2, §79, 209

For future repeal of 2003 amendments to subsection 2 effective June 30, 2010, see 2003 Acts, 1st Ex, ch 2, §93

#### **260G.4 Program eligibility and designation.**

1. Any of the following community college programs are eligible for designation and approval as an accelerated career education program by the board of directors:
  - a. A credit career, vocational, or technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree, which increases program capacity to enroll added participants.

*b.* A credit equivalent career, vocational, or technical educational program consisting of not less than five hundred forty contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential, which increases program capacity to enroll added participants.

2. Program costs shall be calculated or recalculated on an annual basis based on the required program services and for a specific number of participant positions.

99 Acts, ch 179, §4, 12

#### **260G.4A Program job credits from withholding.**

In order to develop and retain program jobs within the state, an agreement entered into under section 260G.3 may include a provision for program job credits based on program jobs identified in the agreement. If a program provides that part of the program costs are to be met by receipt of program job credits, the method to be used shall be as follows:

1. Program job credits shall be based upon the program job positions identified and agreed to in the agreement.

2. Eligibility for program job credits shall be based on certification of program job positions and program job wages by the employer at the time established in the agreement. An amount up to ten percent of the gross program job wage as certified by the employer in the agreement shall be credited from the total payment made by an employer pursuant to section 422.16. The employer shall receive a credit against all withholding taxes due by the employer regardless of whether or not the withholding from the employer of current program job wages is less than ten percent. The employer shall remit the amount of the credit quarterly in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and when collected paid into a special fund of the community college to pay, in part, the program costs. When the program costs have been paid, the employer credits shall cease and any moneys received after the program costs have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

3. The employer shall certify to the department of revenue that the program job credit is in accordance with the agreement and shall provide other information the department may require.

4. A community college shall certify to the department of revenue that the amount of the program job credit is in accordance with an agreement and shall provide other information the department may require.

5. Employees from an employer participating in an agreement shall receive full credit for the amount withheld as provided in section 422.16.

6. Pursuant to an agreement or a statement of intent to enter into an agreement dated on or after July 1, 2000, program job credits may be allocated retroactively to program costs incurred on or after July 1, 2000.

2000 Acts, ch 1196, §4, 10; 2001 Acts, ch 99, §1, 2; 2003 Acts, ch 145, §286

#### **260G.4B Maximum statewide program job credit.**

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed the sum of three million dollars in the fiscal year beginning July 1, 2000, three million dollars in the fiscal year beginning July 1, 2001, three million dollars in the fiscal year beginning July 1, 2002, four million dollars in the fiscal year beginning July 1, 2003, and six million dollars in the fiscal year beginning July 1, 2004, and every fiscal year thereafter. Any

increase in program job credits above the six-million-dollar limitation per fiscal year shall be developed, based on recommendations in a study conducted by the department of economic development, pursuant to this section, Code Supplement 2003, of the needs and performance of approved programs in the fiscal years beginning July 1, 2000, and July 1, 2001. A community college shall file a copy of each agreement with the department of economic development. The department shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the department shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

2. For the fiscal years beginning July 1, 2000, and July 1, 2001, the department of economic development shall allocate eighty thousand dollars of the first one million two hundred thousand dollars of program job credits authorized and available for that fiscal year to each community college. This allocation shall be used by each community college to provide funding for approved programs. For the fiscal year beginning July 1, 2002, and for every fiscal year thereafter, the department of economic development shall divide equally among the community colleges thirty percent of the program job credits available for that fiscal year for allocation to each community college to be used to provide funding for approved programs. If any portion of the allocation to a community college under this subsection has not been committed by April 1 of the fiscal year for which the allocation is made, the uncommitted portion is available for use by other community colleges. Once a community college has committed its allocation for any fiscal year under this subsection, the community college may receive additional program job credit allocations from those program job credits authorized and still available for that fiscal year.

2000 Acts, ch 1196, §5, 10; 2001 Acts, ch 176, §35; 2002 Acts, ch 1175, §30; 2003 Acts, ch 179, §35; 2004 Acts, ch 1101, §31

#### **260G.4C Facilitator.**

The department of economic development shall administer the statewide allocations of program job credits to accelerated career education programs. The department shall collect data related to the programs and prepare an annual report regarding the activities of the programs during the previous fiscal year. The report shall be submitted to the governor and the general assembly by December 31 of each year.

2000 Acts, ch 1196, §6, 10

#### **260G.5 Customer tracking system.**

All participants in an accelerated career education program shall be included in the customer tracking system implemented by the department of workforce development pursuant to section 84A.5 following program completion.

99 Acts, ch 179, §8, 12

#### **260G.6 Program capital funds allocation.**

If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated according to rules adopted by the department of economic development pursuant to chapter 17A. In order to receive such moneys a program agreement approved by the community college board of directors must be in place, program capital cost requests shall be approved by the Iowa economic development board

created in section 15.103, program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development, and employer contributions toward program capital costs shall be certified and agreed to in the agreement.

99 Acts, ch 179, §9, 12; 2000 Acts, ch 1154, §19

#### **260G.7 Future program discontinuance.**

The general assembly shall act on or before March 1, 2006, to discontinue the program job credits from withholding provided for in section 260G.4A.

2000 Acts, ch 1196, §7, 10

**260G.8 and 260G.9** Reserved.

#### **260G.10 Reporting.**

A community college entering into an agreement pursuant to this chapter shall submit an annual written report by the end of each calendar year with the grow Iowa values board created in section 15G.102.\* The report shall provide information regarding how the agreement affects the achievement of the goals and performance measures provided in section 15G.107.\*

2003 Acts, 1st Ex, ch 2, §80, 209

For future repeal of this section effective June 30, 2010, see 2003 Acts, 1st Ex, ch 2, §93

\*Provisions of 2003 Acts, 1st Ex, ch 1, including §15G.102 and 15G.107, stricken pursuant to *Rants v. Vilsack*, 684 N.W.2d 193