



**LEGISLATIVE  
SERVICES AGENCY**

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# LEGISLATIVE GUIDE

*Legal Services Division*



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## COMMUNITY COLLEGES

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## I. Introduction

The purpose of this Legislative Guide is to provide an overview of the community college system in Iowa, including its history, mission, governance structure, and scope. Unless otherwise stated, citations to Iowa law within this memorandum incorporate both the 2009 Iowa Code and 2009 Iowa Code Supplement.

## II. Overview

Chances are good that nearly every family living in Iowa has at least one family member who has attended one of Iowa's 15 community colleges. By accepting "virtually everyone who applies," Iowa's community college system is the most egalitarian of Iowa's postsecondary educational programs.<sup>1</sup> Iowa residents in 2008 made up 93.2 percent of the students enrolling in Iowa community colleges.<sup>2</sup> Iowa residents make up 90 percent of students taking courses online, but the number of out-of-state students enrolling online is increasing.<sup>3</sup> Iowa's combined community college enrollment for Fall 2008, which is at "a record high of 88,104 unduplicated students," exceeded the combined Fall 2008 enrollment at Iowa's three regents' universities (70,325) and at Iowa's private, nonprofit colleges (54,605) and private, for-profit colleges (73,539), and community college enrollment is projected to grow through 2013.<sup>4</sup>

The system provides adult education, vocational and technical, and associate of arts and sciences programs for Iowa's traditional and nontraditional students alike. Community colleges collaborate with Iowa's high schools to provide advanced educational opportunities for Iowa's high school students; reach articulation agreements with postsecondary institutions within and outside of Iowa to provide better access to students; and enter into agreements with local businesses to provide employee training and professional development opportunities.

The national junior college movement had its experimental beginnings in Illinois in 1901. Iowa's first junior college was established in 1918 by the Mason City School District. In 1949, the state began providing supplemental state aid to Iowa's junior colleges or, as they later became known, community colleges. In 1965, the General Assembly established the diverse yet familiar system that today covers all of the state's 99 counties and is divided into 15 regions (see listing and map in the appendices).<sup>5</sup> In that first year of the modern community college system, legal ties to school districts were severed, though community college instructors were still required to maintain teaching licenses and their elected boards of directors were given the same powers as school boards. Community colleges have the legal status of school corporations and may determine tuition rates, issue bonds, and levy taxes.

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<sup>1</sup> Bureau of Community Colleges, Iowa Department of Education, *Condition of Iowa Community Colleges: 2002*, p. vii.

<sup>2</sup> Division of Community Colleges and Workforce Preparation, Iowa Department of Education, *The Annual Condition of Iowa's Community Colleges: 2008*, p. 42.

<sup>3</sup> *Id.* at 53.

<sup>4</sup> *Id.* at 7, 10, and 19.

<sup>5</sup> 1965 Iowa Acts ch. 247.



## Community Colleges

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Though each of Iowa's community colleges has established its own mission statement, the universal mission for the system can be found in the policy statement in Code Section 260C.1, which directs community colleges to offer, to the greatest extent possible, educational opportunities and services for the first two years of college work, vocational and technical training, programs for in-service training and retraining of workers, programs for high school completion for students of post-high school age, vocational and technical training for those still enrolled in high school as well as those who have not completed high school, advanced college placement courses if such courses are not taught at a high school student's high school, student personnel services, community services, vocational education for persons who have disabilities which prevent them from succeeding in regular vocational education programs, training and retraining for productive employment of all citizens, and developmental education for persons who are academically or personally underprepared to succeed in their program of study.

Given this mission, community colleges provide a stable core of opportunities, yet must be responsive to the changing nature of local, technological, and global communities. It would be easier to list what community colleges are not involved in than to list the educational and economic development services and programs they offer. A number of community colleges have articulation agreements with other colleges and universities within and outside of the state; have contracts and agreements with small and large businesses for assessments and educational services; and are working with schools, colleges, and universities in an effort to provide the state with a seamless prekindergarten through grade 16 (P-16) educational system.



## Quick Facts 2008:<sup>6</sup>

- Enrollment grew to 128,146 students.
- Full-time Equivalent Enrollment (FTEE) was 89,512.99 in fiscal year 2008, a 1.2 percent increase over the prior year.
- Year-to-year growth was 1.7 percent, which is below the typical rate of growth.
- The typical community college student was under 26, female, white, and a resident of Iowa.
- Nearly 29 percent of all community college students enrolled in one or more online courses during the fiscal year.
- Students in their late 20s to early 40s enrolled in online coursework at higher rates than older or younger age groups.
- Joint enrollment, meaning students who are enrolled in both high school and community college, increased 4.5 percent to 31,450 students.
- A majority, 78 percent, of joint enrollees enrolled through contractual agreements.
- Fifty-eight percent of joint enrollees were seniors and 34 percent were juniors.
- Joint enrollees had a higher ACT score than the Iowa and national averages.
- Colleges awarded 14,384 certificates, degrees, and other awards in 2008 — 1.6 percent fewer than 2007.
- The Associate of Arts was the largest degree type, followed closely by the Associate of Applied Science.
- Fifty-two percent of community college students either graduate or transfer to a four-year institution within three years of enrolling.
- Community college students typically take 2.4 years to complete a degree.
- Enrollment in noncredit programs increased 3.7 percent after several years of decline.
- Enrollment was highest in programs designed to enhance employability and increase academic success.
- Enrollment in adult literacy declined 2.7 percent to 29,007 students.
- Seventy-two percent of adult literacy participants continue onto postsecondary education.
- Community colleges increased the number of employees to 12,676, mostly adding instructors.
- Forty-eight percent of all community college employees were instructors.
- Instructor salaries increased 10.5 percent since 2007 to \$49,606 in 2008.
- Most instructors are nearing retirement age: The median age is 51 years old.
- The median age for administrators is 53 years old.

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<sup>6</sup> Division of Community Colleges and Workforce Preparation, Iowa Department of Education, *The Annual Condition of Iowa's Community Colleges Report: Executive Summary 2008*, pp. 1-2.



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## III. History and Mission

### A. Overview

The nation's first community college, Joliet Junior College of Joliet, Illinois, was established in 1901 as an experimental postgraduate high school program designed to permit students to remain in their community while earning their college degrees.<sup>7</sup> The experiment was validated in 1917, when the North Central Association of Colleges and Schools accredited the college.<sup>8</sup> Iowa's first community college, Mason City Junior College, was established in 1918 by the Mason City School District.<sup>9</sup> By 1919, it too was accredited by the North Central Association of Colleges and Schools.<sup>10</sup> Over the next 35 years, Iowa's school districts would establish 35 more public junior colleges.<sup>11</sup>

### B. State Aid

The Iowa General Assembly in 1949 established the precedent of providing state aid to community colleges by allocating from the general school aid provided to school districts, "25 cents per day of attendance for each student enrolled for 12 or more hours."<sup>12</sup> By 1965 the number of junior colleges operated by school districts had dwindled to 16, chiefly because after 1959 teachers were required to hold four-year degrees, leading to the closure of the two-year elementary teacher education programs, and because as "extensions of local school district[s], they did not have a large enough tax base for adequate funding" and often did not have their own facilities.<sup>13</sup> The Iowa junior colleges offered liberal arts programs, but few offered occupational programs until 1958, when Congress passed Title VIII of the National Defense Education Act, which included financial support for vocational-technical training.<sup>14</sup>

### C. Statewide System

The drive and design for a statewide system was impelled and facilitated by a number of actions:

- The General Assembly in 1959 directed "the Legislative Research Bureau to conduct a comprehensive study of higher education needs and facilities in Iowa." The report was submitted to the General Assembly in 1961.<sup>15</sup>
- The General Assembly in 1961 directed "the [Iowa Department of Public Instruction] to prepare a detailed statewide plan for the development of public area community colleges and to investigate the availability of vocational-technical

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<sup>7</sup> Joliet Junior College, "History," (2009), <http://www.jjc.edu/about/college-info/Pages/history.aspx?c=1> (last visited September 8, 2009).

<sup>8</sup> *Id.*

<sup>9</sup> Division of Community Colleges and Workforce Preparation, Iowa Department of Education, *The Annual Condition of Iowa's Community Colleges: 2008*, p. 1.

<sup>10</sup> Jeremy Varner, *Forty Years of Growth and Achievement: A History of Iowa's Community Colleges*, p. 7 (Janice Nahra Friedel, ed., Iowa Department of Education) (2006).

<sup>11</sup> *Id.* at 7.

<sup>12</sup> 1949 Iowa Acts ch. 117, § 1.

<sup>13</sup> Varner, at 10.

<sup>14</sup> United States Department of Education, "The Federal Role in Education," (May 2009), <http://www.ed.gov/about/overview/fed/role.html> (last visited September 14, 2009).

<sup>15</sup> Varner, at 14-15.



education." The report was submitted to the General Assembly in December 1962.<sup>16</sup>

- The 60th General Assembly charged an interim committee with studying the problems associated with providing vocational education programs. The "committee's discussions with various stakeholders from 1963 to 1965 helped to build support for creating the new system of community colleges."<sup>17</sup>
- The federal Vocational Education Act of 1963 was enacted, making "additional federal funding available for area vocational programming."<sup>18</sup>

In 1965, S.F. 550 was enacted, which established the parameters for a statewide system of merged area vocational schools and merged area community colleges. The Iowa Code defines "merged area" as an area where two or more school systems or parts of school systems merge resources to operate a community college.<sup>19</sup> Each community college serves a multicounty merged area which may vary in size from four to twelve counties; all of Iowa's 99 counties are included in one of these merged areas.<sup>20</sup> Senate File 550 provided for the conversion of school district-owned and district-operated community or junior colleges to area vocational schools or area community colleges; required that school districts be compensated for the schools or colleges being converted; provided for the election and organization of a board of directors for each merged area and gave the boards the same powers held by school boards, including the authority to issue bonds and to designate the amounts to be raised by local taxation; permitted the boards to receive and expend federal funds, state aid, tuition, and nonpublic funds and to acquire sites and erect and equip buildings; and required the State Board of Public Instruction and the State Board of Regents to establish standards for the merged area schools.<sup>21</sup> Currently, Iowa's community colleges exist in the state to provide liberal arts, vocational and technical, and basic adult education programs.

A listing of the names and addresses of the community colleges and a map showing their current boundaries are attached in the appendices.

## D. Mission

The terms "junior college" and "community college" were used interchangeably in the past. The term junior college sparked a debate in the 1920s and 1930s that continues into the 21st century: Is a community college, or junior college, an extension of the secondary school system, or is it an institution of higher learning, a university affiliate?<sup>22</sup> A corresponding debate enduring for nearly as long is whether the focus of a community college should be on industrial and vocational arts or liberal arts. Iowa's community colleges attempt to serve both needs.

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<sup>16</sup> Id. at 15.

<sup>17</sup> Id. at 17-18.

<sup>18</sup> Id. at 18.

<sup>19</sup> Iowa Code § 260C.2.

<sup>20</sup> Iowa Department of Education, "How the Iowa Education System Works: Community Colleges," (2009), [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=277&Itemid=1](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=277&Itemid=1) (last visited September 15, 2009).

<sup>21</sup> 1965 Iowa Acts ch. 247.

<sup>22</sup> Arthur M. Cohen and Florence B. Brawer, *The American Community College*, p. 8 (Jossey-Bass, 1989).



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While states and private interests supported universities, states and school districts supported junior colleges. Since 1925, the mission of junior colleges has been to "develop a ... curriculum suited to the larger and ever-changing civic, social, religious, and vocational needs of the entire community in which the college is located."<sup>23</sup> The term "community college" was popularized in the 1950s,<sup>24</sup> and by the 1970s it was the most common term used to describe public two-year postsecondary institutions.

During the 1990s, education leaders identified a need to promote a vision of education as an ongoing, lifelong process and to suggest that citizens consider support for a seamless educational system that provides individuals with public-funded prekindergarten through grade 16 instructional services.

Community colleges fill in the gaps for a number of Iowans. They serve a diverse population. Though 11.9 percent of community college enrollment is age 17 or younger, the average age of a community college student is 24.6, as compared to the average age of regents university students, which is slightly older than 21 years of age. High school students are making greater use of postsecondary enrollment options to gain both high school and college credit for the same coursework, with the school district paying a portion of the students' postsecondary enrollment costs if the district does not offer a comparable course.<sup>25</sup> The state universities, community colleges, and accredited private institutions are eligible institutions under the Postsecondary Enrollment Options Program, but in 2007-2008, 82.8 percent of the juniors and seniors taking postsecondary enrollment options courses took the courses at community colleges.<sup>26</sup>

Collaborative efforts are increasing between community colleges and school districts, a trend encouraged by the supplementary weighting the state assigns to enrolled students to provide additional state aid to school districts implementing district-to-community college sharing agreements and by participation in concurrent enrollment programs.<sup>27</sup>

One Source Training, a collaborative effort initiated in 2003 by all of Iowa's community colleges, fits well within the community college system's mission to meet the vocational needs of the community. The program "offers a single point of contact for employers needing staff development or training at multiple locations throughout the state." The training is developed by certified community college instructors who deliver the programs and services "at the convenience of the employer," which may be before work, during lunch, in the evening or on weekends; on-site; or at a community college facility. The program operates as a division of the Iowa Association of Community College Trustees, but the Iowa Department of Economic Development also contributes funds to the program, and each community college participates in and supports the program.<sup>28</sup>

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<sup>23</sup> Id. at 4–5.

<sup>24</sup> Arthur M. Cohen and Florence B. Brawer, *The American Community College*, p. 284 (Jossey-Bass, 2003).

<sup>25</sup> Iowa Department of Education, *The Annual Condition of Education Report: 2008*, p. 208; Iowa Code § 261E.6(3).

<sup>26</sup> Id. at 210.

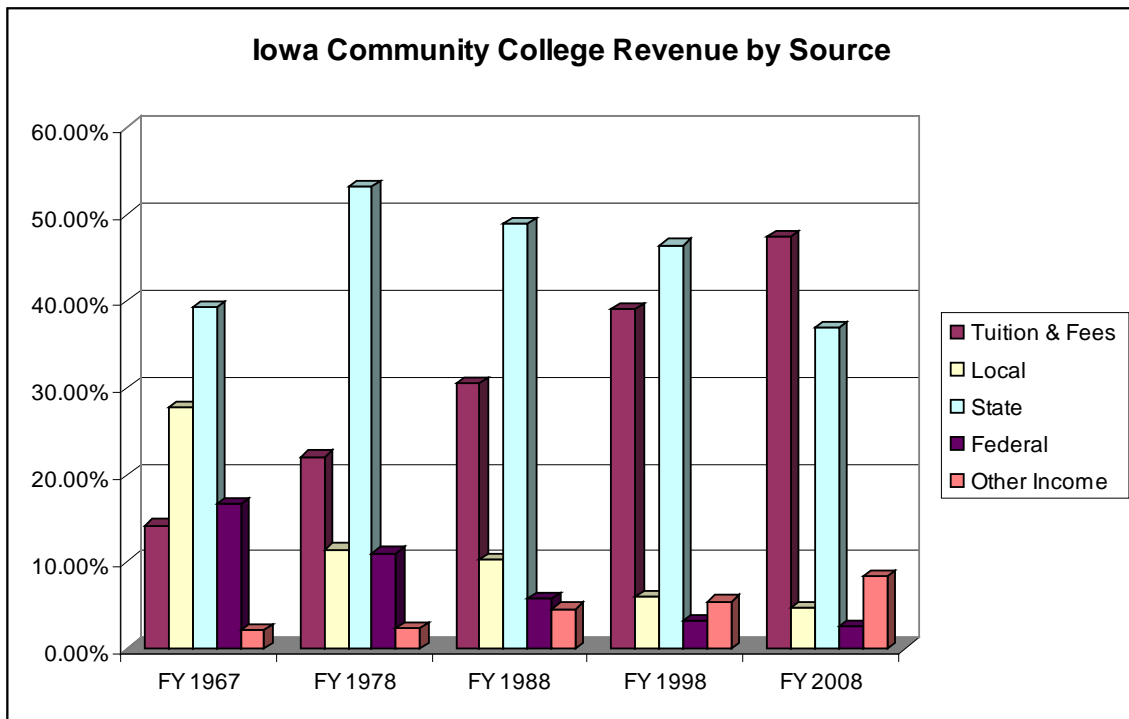
<sup>27</sup> Iowa Code § 257.11(3).

<sup>28</sup> E-mail from Sheri L. Reynolds, Executive Director, One Source Training, to Kathy Hanlon, LSA (August 5, 2009) (on file with author); and "Summary of One Source Training Projects," (January 2007), <http://www.dmacc.edu/onesource/projectssummary.htm> (last visited September 8, 2009).





## E. Iowa Community College Historical Revenue by Source Chart<sup>29</sup>



## IV. Iowa Statutory Provisions

### A. Governance

#### 1. Governing Board

A community college governing board is a board of directors composed of one member elected by the voters of each director district in the area served by the community college.<sup>30</sup> Boards can change the number of members,<sup>31</sup> sometimes referred to as "trustees," but the number cannot be less than five or more than nine.<sup>32</sup> Members serve four-year terms and must be residents of the district from which they are elected. A school board member or member of an area education agency board cannot serve as a trustee.<sup>33</sup> Members of the board are allowed their actual expenses incurred in the performance of their duties and may be eligible to receive per diem compensation.<sup>34</sup>

<sup>29</sup> Data submitted by Roger Utman, Division Administrator, and Kent Farver, Consultant, Division of Community Colleges and Career and Technical Education, Department of Education, August 2009; chart prepared by Robin Madison, Senior Legislative Analyst, Fiscal Services Division, Legislative Services Agency, August 2009.

<sup>30</sup> Iowa Code § 260C.11(1).

<sup>31</sup> Iowa Code § 260C.13(1).

<sup>32</sup> Iowa Code § 260C.11(2).

<sup>33</sup> Iowa Code § 260C.11(1).

<sup>34</sup> Iowa Code § 260C.12(2).



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### 2. Board of Directors — Authority

**a. Requirements.** Code Section 260C.14 confers authority and places certain responsibilities on the board of directors of each community college as follows:

- **Curriculum.** Determine the curriculum to be offered, subject to approval of the Director of the Department of Education; ensure that all vocational offerings are competency-based; provide any minimum competencies required by the department; comply with applicable state vocation education requirements; and ascertain that all courses and programs are needed and do not duplicate programs provided by existing public or private facilities in the area. The board must mutually agree with the local school district on the competencies and performance levels of the vocational offerings that are transferable between the two institutions.<sup>35</sup>
- **Tuition.** Determine tuition rates for instruction<sup>36</sup> and adopt a schedule of fees determined by the student government for student activities.<sup>37</sup>
- **General Powers.** Have the powers and duties with respect to community colleges that are prescribed by law for boards of directors of local school districts, except that the board is not required to prohibit the use of tobacco, alcoholic liquor, or beer by any student of legal age.<sup>38</sup> However, Code Section 260C.40 requires that each community college adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the community college or in conjunction with activities sponsored by the community college.
- **Contracts — Operations.** Have the power to enter into contracts and take other necessary action to ensure a sufficient curriculum and efficient operation and management of the college and maintain and protect the physical plant, equipment, and other property of the college.<sup>39</sup>
- **Policies.** Establish policy and make rules, not inconsistent with law and administrative rules, regulations, and policies of the State Board of Education, for its own government and that of the administrative, teaching, and other personnel, and the students of the college, and aid in the enforcement of such laws, rules, and regulations.<sup>40</sup>
- **Traffic and Parking.** Make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of the community college. Penalties may be imposed for violation of the rules.<sup>41</sup>

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<sup>35</sup> Iowa Code § 260C.14(1).

<sup>36</sup> Iowa Code § 260C.14(2).

<sup>37</sup> Iowa Code § 260C.18(7).

<sup>38</sup> Iowa Code § 260C.14(3).

<sup>39</sup> Iowa Code § 260C.14(4).

<sup>40</sup> Iowa Code § 260C.14(5).

<sup>41</sup> Iowa Code § 260C.14(10).



- **Credit Cards.** Be authorized to issue school credit cards to employees of community colleges to use for payment of authorized expenditures incurred in the performance of work-related duties.<sup>42</sup>
- **Financial Statement.** Publish annually in at least one area newspaper a summarized statement showing the receipts and disbursements of all funds of the community college for the preceding fiscal year.<sup>43</sup>
- **Faculty Competence.** Maintain policies related to the oral communication competence of instructors and the teaching proficiency and evaluation of teaching assistants.<sup>44</sup>
- **Alternative Retirement Benefit Systems/Employee Investment Plans.** Provide for eligible alternative retirement systems through a nonprofit corporation or an insurance company.<sup>45</sup> A board may establish an investment plan for employees consisting of investment contracts on a group or individual basis.<sup>46</sup>
- **Sexual Abuse Policy — Reporting.** Develop, implement, and disseminate a written policy addressing sexual abuse issues, including counseling, campus security, prevention, protection, and the rights and duties of students and employees of the community college. Facilitate the accurate and prompt reporting of sexual abuse to duly constituted law enforcement authorities.<sup>47</sup>
- **State Reporting.** Annually provide to the department via the Management Information System information specified in statute, including but not limited to data relating to revenue, enrollment, contract positions and other contracted expenses, and supplementary weighting.<sup>48</sup>
- **Military Service/Residency for Tuition and Fees.** Adopt a policy to offer options to receive a refund for, or withdraw from or receive an incomplete for, a course to members of the National Guard or military reserves who are called to state military service or federal service or duty.<sup>49</sup> The boards must also adopt rules that classify as residents, for purposes of undergraduate tuition and fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college or regents university. The "qualified veteran" must be eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 and be domiciled in this state, whether or not the veteran is attending classes, in order for the spouse or dependent child to be eligible for status as a resident. "Qualified military person" means a person on active duty who is stationed at Rock Island Arsenal.<sup>50</sup>

<sup>42</sup> Iowa Code § 260C.14(11).

<sup>43</sup> Iowa Code § 260C.14(12).

<sup>44</sup> Iowa Code § 260C.14(15), (16).

<sup>45</sup> Iowa Code § 260C.14(17).

<sup>46</sup> Iowa Code § 260C.14(9).

<sup>47</sup> Iowa Code § 260C.14(18).

<sup>48</sup> Iowa Code § 260C.14(21).

<sup>49</sup> Iowa Code § 260C.14(20).

<sup>50</sup> Iowa Code § 260C.14(14)(b); 2009 Iowa Acts ch. 158, § 1 (S.F. 451).



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- **Use of Funding.** Receive and expend federal funds made available, administered by, and subject to the approval of, the director; tuition; state aid; and donations and gifts accepted by the governing board and expended in accordance with the terms of the gift without compliance with the local budget law; and student fees.<sup>51</sup>

**b. Powers.** The board of directors of a community college is authorized by statute to do the following:

- **Audits.** Audit and allow all just claims against the community college.<sup>52</sup>
- **Student Residences.** Undertake and carry out any project at a community college under the board's control and operate, control, maintain, and manage student residence halls and dormitories. Proceeds from the rent of the facilities are to be set at a rate that will allow the board to insure the payment of the principal of and interest on all bonds or notes issued to pay for the cost of the facilities and to insure that no property tax revenues will be needed to retire the debt.<sup>53</sup>
- **Capital Projects.** Acquire sites and erect and equip buildings for use by the community college and contract indebtedness and issue bonds to raise funds for such purposes.<sup>54</sup>
- **Additional Income.** Expend profits from auxiliary enterprises of the community college for services and equipment, including tutoring services, scholarships, grants, furniture, fixtures and equipment for noninstructional student use, and support of intramural and intercollegiate athletics.<sup>55</sup>
- **Leases.** Enter into lease agreements, with or without purchase options, and not to exceed 20 years in duration, for the leasing or rental of buildings for use as classrooms, laboratories, shops, libraries, and study halls for community college purposes, and pay for the leasing or rental with property tax revenues, or other funds available to the community college such as federal and state funds, donations, and student tuition and fees.<sup>56</sup>
- **Apprentice Programs.** Establish or contract for the establishment of apprenticeship programs for apprenticeable occupations, though any apprenticeship program established must comply with requirements established by the U.S. Department of Labor, Office of Apprenticeship.<sup>57</sup>

### 3. Director Districts

The board may change the number of directors on the board and make and adopt corresponding changes in the boundaries of the director districts within the community

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<sup>51</sup> Iowa Code § 260C.18.

<sup>52</sup> Iowa Code §§ 260C.42, 260C.43.

<sup>53</sup> Iowa Code § 260C.57.

<sup>54</sup> Iowa Code § 260C.19.

<sup>55</sup> Iowa Code § 260C.31.

<sup>56</sup> Iowa Code § 260C.38.

<sup>57</sup> Iowa Code § 260C.44.



college's area.<sup>58</sup> The board is required to redraw director district boundary lines after each decennial census to compensate for changes in population.<sup>59</sup>

When the board redraws boundaries, certain standards must be followed.<sup>60</sup> Districts must be composed of contiguous territory and be as compact as practicable. All boundaries must follow precinct boundaries or school director district boundaries unless a boundary would divide one or more election precincts. To the extent possible, all districts must be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the merged area. Cities cannot be divided into two or more districts unless the population of the city is greater than the ideal size of a district.

#### **4. Conduct of Elections**

Board member candidates are nominated by petition. A petition must be signed by not less than 50 eligible electors of the director district from which the member is to be elected.<sup>61</sup> Regular elections for the election of members of the board of directors, for the renewal of the facilities or cash reserve levies, or for any other matter authorized by law and designated for election by the board of directors are held on the date of the school election, which is the second Tuesday in September of each odd-numbered year. Special elections for renewal of the facilities levy may also be held on the second Tuesday in September of the even-numbered year.<sup>62</sup>

#### **5. Combining Merged Areas — Election**

Any community college merged area may combine with any adjacent community college after a favorable vote by the electors of each of the merged areas involved.<sup>63</sup>

#### **6. Legal Status**

A community college (merged area) formed under Iowa law is a body politic as a school corporation for the purpose of exercising powers granted under Code Chapter 260C, and as such may sue and be sued, hold property, and exercise all the powers granted by law and such other powers as are incident to public corporations of like character and are not inconsistent with the laws of the state.<sup>64</sup>

#### **7. Community College Budget Review**

Code Section 260C.18B establishes a community college budget review procedure to be administered by the School Budget Review Committee. The committee consists of the directors of the departments of Education and Management and three members knowledgeable in the areas of Iowa school finance or public finance issues.<sup>65</sup> The committee is directed to meet and hold hearings each year to

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<sup>58</sup> Iowa Code § 260C.13(1).

<sup>59</sup> Iowa Code § 260C.13(2).

<sup>60</sup> Iowa Code § 260C.13(3).

<sup>61</sup> Iowa Code § 260C.15(2).

<sup>62</sup> Iowa Code §§ 260C.15(1), 277.1.

<sup>63</sup> Iowa Code § 260C.39.

<sup>64</sup> Iowa Code § 260C.16.

<sup>65</sup> Iowa Code § 257.30.



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review the unusual circumstances of community colleges, either upon the committee's motion or upon the request of a community college. The Code section specifies the circumstances which qualify as "unusual," such as abnormal enrollment increases or decreases. The committee may grant supplemental state aid to the community college from funds appropriated to the Department of Education for community college budget review purposes.<sup>66</sup>

Failure by a community college to provide information to or appear before the committee as requested for a review or hearing constitutes justification for the committee to instruct the Department of Administrative Services to withhold supplemental state aid to that community college until the committee's inquiries are satisfied completely.<sup>67</sup>

### **8. Accreditation — State Agency Oversight**

In 1997, the Department of Education established, as directed by the Iowa General Assembly, an accreditation process for community colleges.<sup>68</sup> The process, jointly developed and agreed upon by the department and the community colleges, must be integrated with the accreditation process of the North Central Association of Colleges and Schools (NCACS), including the evaluation cycle, the self-study process, and the criteria for evaluation, which incorporate the standards for community colleges developed by the State Board of Education in accordance with Code Section 260C.48(4).

The department is required to use a two-component process for the continued accreditation of community college programs. The first component consists of submission of required data by the community colleges and annual monitoring by the department for compliance with state program evaluation requirements adopted by the state board.<sup>69</sup> The second component consists of the use of an accreditation team, appointed by the director of the department, to conduct an evaluation, including an on-site visit of each community college, with a comprehensive evaluation to occur during the same year as the evaluation by the NCACS, and an interim evaluation midway between comprehensive evaluations.<sup>70</sup>

If the state board determines that a program does not meet accreditation standards, the director of the department, in cooperation with the community college board of directors and subject to the approval of the state board, must establish a plan prescribing procedures to correct the deficiencies in meeting the program standards, and establish a deadline date for correction of the deficiencies. The deadline date cannot be later than June 30 of the year following the on-site visit.<sup>71</sup>

The accreditation team must revisit the community college, determine whether the deficiencies in the standards for the program have been corrected, and make a report

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<sup>66</sup> Iowa Code § 260C.18B(1).

<sup>67</sup> Iowa Code § 260C.18B(4).

<sup>68</sup> Iowa Code § 260C.47.

<sup>69</sup> Iowa Code § 260C.47(1)(a).

<sup>70</sup> Iowa Code § 260C.47(1)(b).

<sup>71</sup> Iowa Code § 260C.47(3).





and recommendation to the director and the state board.<sup>72</sup> If the deficiencies have not been corrected, the community college board must take one of the following actions within 60 days from removal of accreditation:<sup>73</sup>

- Merge the deficient program or programs with a program or programs from another accredited community college.
- Contract with another educational institution for purposes of program delivery at the community college.
- Discontinue the program or programs which have been identified as deficient.

The director must give a community college that has a program which fails to meet accreditation standards at least one year's notice prior to removal of accreditation. If, during the year, the community college remedies the situation and satisfies the director that the community college will comply with the accreditation standards for that program in the future, the director must continue the accreditation of the program of the community college.<sup>74</sup> Action by the director to remove a community college's accreditation of a program may be appealed to the state board.<sup>75</sup>

To date, accreditation teams have submitted reports noting certain deficiencies at a few individual community colleges, but the community colleges have used the reports to rectify their deficiencies, making the next step — determination by the state board that a program does not meet accreditation standards — unnecessary. The department is required to review the community college accreditation process and the compliance requirements contained in the accreditation criteria and submit its findings and recommendations in a final report by January 15, 2010, to the General Assembly.<sup>76</sup>

## 9. Accreditation — Faculty

Standards relating to quality assurance of faculty and ongoing quality professional development must be the accreditation standards of the NCACS and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies.<sup>77</sup> By July 1, 2011, the standards and rules adopted by the state board for accreditation of community college programs are to, at a minimum, require that all instructors, not simply those who are under contract for half-time or more, meet the requirements set forth in Code Section 260C.48.<sup>78</sup>

## 10. Quality Faculty Plans and Potential

Each community college administration must appoint a committee to develop a quality faculty plan.<sup>79</sup> The plan requirements may be differentiated for each type of

<sup>72</sup> Iowa Code § 260C.47(4).

<sup>73</sup> Iowa Code § 260C.47(5).

<sup>74</sup> Iowa Code § 260C.47(6).

<sup>75</sup> Iowa Code § 260C.47(7).

<sup>76</sup> 2008 Iowa Acts ch. 1181, § 10 (H.F. 2679).

<sup>77</sup> Iowa Code § 260C.48(4).

<sup>78</sup> Iowa Code § 260C.48(1).

<sup>79</sup> Iowa Code § 260C.36(1),(2).



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employee.<sup>80</sup> The accreditation team appointed by the Director of the Department of Education must monitor the implementation of each community college's quality faculty plan as part of the state accreditation process.<sup>81</sup> Also, beginning in 2008, the department is directed to establish the following community college committees: an ad hoc accreditation quality faculty plan protocol committee, an ongoing quality faculty plan professional development committee, and a community college faculty advisory committee.<sup>82</sup>

Each community college's administration is required to encourage the continued development of faculty potential by regularly stimulating community college department chairpersons or heads to meet their responsibilities for the development of faculty potential, reduce instructional loads for first-year instructors, stimulate curricular evaluation, and encourage an atmosphere in which the faculty brings a wide range of ideas and experiences to students, each other, and the community.<sup>83</sup>

### 11. Faculty Licensure and Contracts

In past years Iowa was the only state that required its full-time community college instructors to be licensed by a state licensing board — the Board of Educational Examiners (BOEE). The licensure requirement can be traced to the time when school districts operating junior colleges often employed the junior college faculty to teach at the local high school as well.<sup>84</sup> In 2002, the General Assembly eliminated licensure requirements effective July 1, 2003.<sup>85</sup>

Also taking effect July 1, 2003, were Code provisions regulating elementary and secondary education teacher and administrator contracts, teacher probationary periods, evaluation criteria and procedures, and procedures for the discharge of teachers and administrators, which effective July 1, 2003, also cover community college instructors, other than adjunct instructors; librarians, including learning resource specialists and media specialists; counselors; and instructional administrators.<sup>86</sup> A coach employed by a community college is exempt from the coaching endorsement and authorization requirements of Code Section 279.19B if the coach has not been issued a teaching contract.

### 12. Limitation on Land Purchase

Community colleges are prohibited from purchasing land that increases the aggregate of land it owns, excluding land acquired by donation or gift, to more than 320 acres without the approval of the Director of the Department of Education. With the approval of the director, the board of directors may at any time sell any land in excess of 160 acres, and an election is not necessary in connection with the sale.<sup>87</sup>

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<sup>80</sup> Iowa Code § 260C.36(1)(i).

<sup>81</sup> Iowa Code § 260C.47(1)(b).

<sup>82</sup> Iowa Code § 260C.36(4).

<sup>83</sup> Iowa Code § 260C.36(3).

<sup>84</sup> Bureau of Community Colleges, Iowa Department of Education, *Overview History of Iowa's Community Colleges*, p. 1 (August 1998).

<sup>85</sup> 2002 Iowa Acts ch. 1047, §§ 10-12, 20; Iowa Code § 261E.3(2)(a)(1).

<sup>86</sup> 2003 Iowa Acts ch. 180; Iowa Code §§ 279.13, 279.23.

<sup>87</sup> Iowa Code § 260C.35. See Iowa Code § 260C.22(1)(a) for permissible use of sale proceeds.



## **B. Finance**

### **1. Preparation and Approval of Budget — Operations Levy**

The board of directors of each community college is required to prepare an annual budget designating the proposed expenditures for operation of the community college, and to designate the amounts to be raised by local taxation and through other sources of revenue for the community college's operation. The budget must be submitted to the State Board of Education for approval no later than May 1 preceding the next fiscal year. The state board reviews the proposed budget and can either grant its approval or return the unapproved budget with its comments attached. Any unapproved budget must be resubmitted to the state board for final approval.<sup>88</sup>

Upon approval of the budget by the state board, the board of directors must certify the amount to the respective county auditors, and the counties then annually levy a tax of not more than 20.25 cents per \$1,000 of assessed value on taxable property in a community college's merged area for the operation of the community college.<sup>89</sup>

### **2. Election to Incur Indebtedness**

Indebtedness cannot be incurred to acquire sites and erect and equip buildings for use by community colleges unless authorized by an election and approval by at least 60 percent of the voters voting on the proposition.<sup>90</sup>

### **3. Facilities Levy**

In addition to the tax authorized for community college operations, the voters may at the regular school election or at a special election held in September of the even-numbered year, approve a tax not exceeding 20.25 cents per \$1,000 of assessed value in any one year for a period not to exceed 10 years for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, the acquisition of libraries, for paying utilities costs, and for maintaining, remodeling, improving, or expanding the community college.<sup>91</sup> To make revenues resulting from this facilities levy immediately available, the board may borrow money and enter into loan agreements in anticipation of the collection of the tax, and must, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax authorized, sufficient to pay the principal and interest of the loan, which must mature within the number of years for which the tax has been voted.<sup>92</sup>

### **4. Tax for Equipment Replacement and Program Sharing**

The board of directors may annually certify for levy a tax on taxable property in the community college's (merged) area at a rate not exceeding 3 cents per \$1,000 of assessed valuation for equipment replacement.<sup>93</sup> However, the board may exceed

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<sup>88</sup> Iowa Code § 260C.17.

<sup>89</sup> Iowa Code § 260C.17.

<sup>90</sup> Iowa Code § 260C.21.

<sup>91</sup> Iowa Code § 260C.22(1)(a).

<sup>92</sup> Iowa Code § 260C.22(1)(b).

<sup>93</sup> Iowa Code § 260C.28(1).



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this amount if the excess tax levied does not cause the total rate certified to exceed a rate of 9 cents per \$1,000 of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges or for the purchase of instructional equipment.<sup>94</sup> To certify for the excess amount, the board must submit the question to the voters at an election held on a day as specified in Code Section 39.2, subsection 4, paragraph "c." Authorization requires the approval of a simple majority of those voting on the question at the election. If authorized, the board may certify a levy for the excess amount during each of the 10 years following the election.<sup>95</sup> Prior to expenditure of the excess revenues generated, the board must obtain the approval of the director of the department.<sup>96</sup>

### 5. Levy Fund Use Limitations

Revenues resulting from community college property tax levies cannot be used for the construction or maintenance of athletic buildings or grounds but may be used for residence hall or dormitory projects.<sup>97</sup>

### 6. State Aid Distribution Formulas

**a. Institutional.** The Code provides for a state aid distribution formula for the allocation of state moneys appropriated annually by the General Assembly to the department for distribution to each community college.<sup>98</sup> The formula includes a base funding allocation, a marginal cost adjustment, a three-year rolling average of full-time equivalent enrollment, an extraordinary growth adjustment, and, in years when the inflation factor is greater than 2 percent, the formula provides an inflation adjustment and an additional three-year rolling average FTEE allocation.<sup>99</sup> Each community college must annually submit a student enrollment audit to the department. If a community college fails to provide the department with information annually in the manner and form determined by the department, the department must estimate the community college's enrollment.<sup>100</sup>

**b. Faculty Salary Supplement.** In 2007, the General Assembly began appropriating moneys from the General Fund of the State to the Department of Education for distribution to community colleges to supplement faculty salaries. Code Section 260C.18D, which establishes an instructor salary distribution formula for moneys appropriated to the community colleges for instructor salaries, was enacted in 2008.<sup>101</sup>

### 7. Tax Credits

**a. Renewable Energy Tax Credit.** Effective in 2009, and applicable for tax years beginning on or after January 1, 2009, a community college, as a political

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<sup>94</sup> Iowa Code § 260C.28(2).

<sup>95</sup> Iowa Code § 260C.28(3).

<sup>96</sup> Iowa Code § 260C.28(2).

<sup>97</sup> Iowa Code § 260C.34.

<sup>98</sup> Iowa Code § 260C.18C.

<sup>99</sup> Iowa Code § 260C.18C(3).

<sup>100</sup> Iowa Code § 260C.18C(4).

<sup>101</sup> 2008 Iowa Acts ch. 1181, § 26.



subdivision of the state, which owns a small wind energy system located within a small wind innovation zone, may interconnect with an electric utility, benefit from a streamlined application process, utilize a model interconnection agreement, qualify under a model ordinance, and be allowed a renewable energy tax credit under Code Chapter 476C.<sup>102</sup>

**b. Wind Energy Production Tax Credit.** A community college is included in the definition of "qualified facility" for wind energy production tax credit applications filed on or after July 1, 2009, for its own use of qualified electricity generated by a wind turbine with a combined nameplate capacity of three-fourths of a megawatt or greater.<sup>103</sup>

## 8. Online Education Impact

The acceptance of online coursework by postsecondary institutions and students alike is creating a revenue enhancement and savings opportunity for community colleges and has the potential to change the look of postsecondary campuses by reducing the need for brick and mortar structures.<sup>104</sup> Online enrollment for FY 2008 increased 13 percent over the previous fiscal year, and nearly one-third of all community college students enrolled in at least one online course in FY 2008.<sup>105</sup> Thirteen of Iowa's 15 community colleges that responded to a *Des Moines Register* request for information reported "revenue exceeded expenses for online courses in 2007-08," but the state's largest community college, Des Moines Area Community College, reported a deficit for online education.<sup>106</sup> Out-of-state students enrolled in online coursework at a rate 39 percent greater than in FY 2007,<sup>107</sup> while a *Des Moines Register* article suggested that the "jumps indicate the community colleges are filling a need for Iowans, including stay-at-home moms, laid-off workers, or students who ... want the convenience of learning online."<sup>108</sup>

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<sup>102</sup> 2009 Iowa Acts ch. 148 (H.F. 810); Iowa Code § 476.48.

<sup>103</sup> 2009 Iowa Acts ch. 80, § 1 (S.F. 456); Iowa Code § 476B.1(4)(d).

<sup>104</sup> Erin Jordan, Cash-Strapped Iowa Colleges Benefit as Online Courses Gain Popularity, *Des Moines Register*, April 5, 2009, at 1A, available at <http://m.dmregister.com/detail.jsp?key=439951&full=1>

<sup>105</sup> Division of Community Colleges and Workforce Preparation, Iowa Department of Education, *The Annual Condition of Iowa's Community Colleges: 2008*, p. 49.

<sup>106</sup> Erin Jordan, Cash-Strapped Iowa Colleges Benefit as Online Courses Gain Popularity, *Des Moines Register*, April 5, 2009, at 1A, available at <http://m.dmregister.com/detail.jsp?key=439951&full=1>

<sup>107</sup> Division of Community Colleges and Workforce Preparation, Iowa Department of Education, *The Annual Condition of Iowa's Community Colleges: 2008*, p. 53.

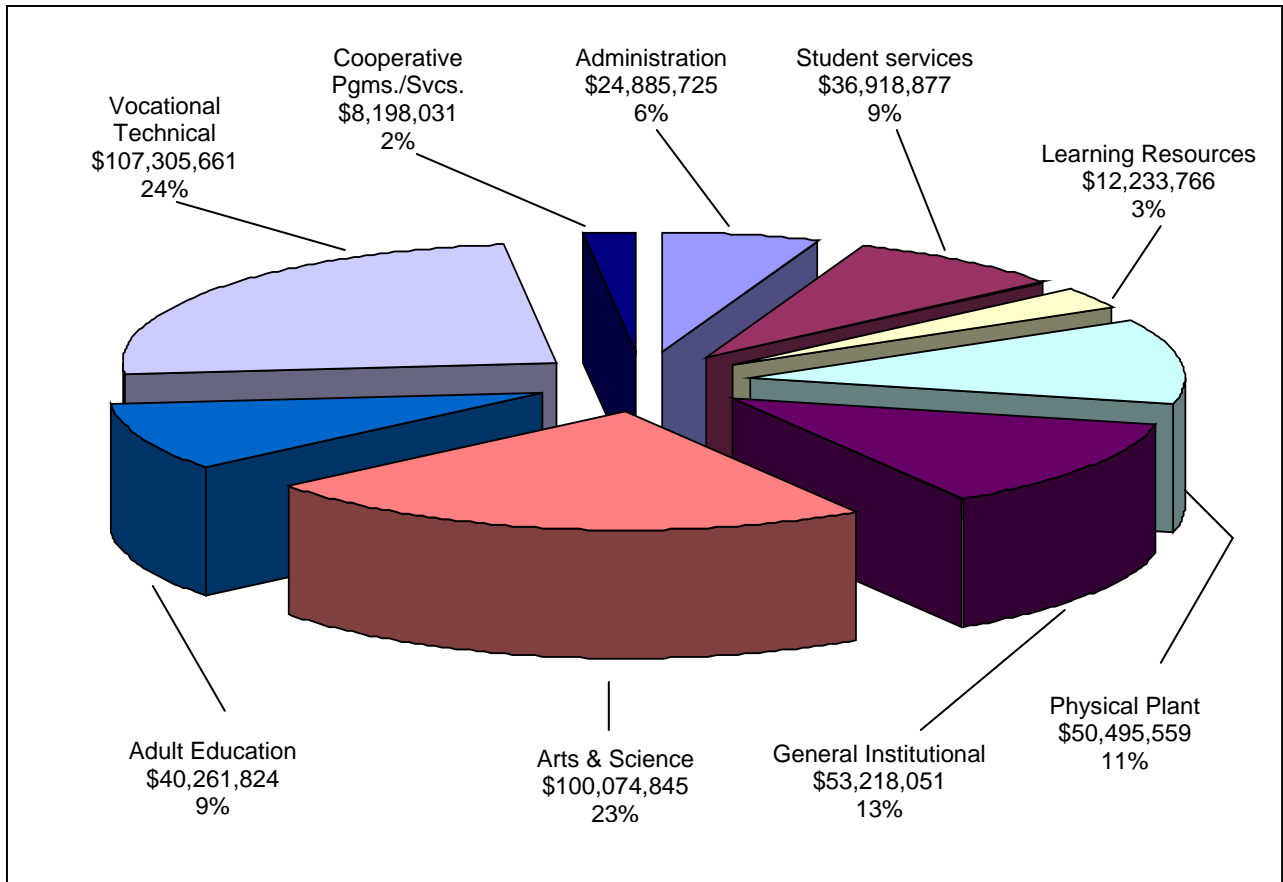
<sup>108</sup> Erin Jordan, Cash-Strapped Iowa Colleges Benefit as Online Courses Gain Popularity, *Des Moines Register*, April 5, 2009, at 1A, available at <http://m.dmregister.com/detail.jsp?key=439951&full=1>



# Community Colleges

## 9. Quick Facts

Iowa Community College Expenditures by Function  
Unrestricted General Operating Fund  
Fiscal Year 2007<sup>109</sup>



Note: Percentages are approximate.

<sup>109</sup> Data derived from *The Annual Condition of Iowa's Community Colleges*: 2008, pp. 204 and 219.



## Education Funding for Iowa Students Estimated FY 2009<sup>110</sup>

FY 2009 Estimated (after 1.5% across-the-board reduction) Last updated January 2009	Note	Iowa Pupils	Property Tax	Property Tax Per Pupil	State Funding	State Funding Per Pupil	Total Funding Per Pupil
<b>K-12</b>							
Public Schools	1	480,609	\$1,178,704,481	\$2,453	\$2,191,063,016	\$4,559	\$7,011
School for the Deaf	2	110			\$9,974,495	\$90,677	\$90,677
Iowa Braille and Sight Saving School							
On Campus	3	12			\$2,750,826	\$229,236	\$229,236
Statewide	3	405			\$2,172,606	\$5,364	\$5,364
<b>Higher Education</b>							
Community Colleges*	4	82,086	\$22,264,469	\$271	\$181,793,978	\$2,215	\$2,486
State Universities*	5	48,116			\$609,613,964	\$12,670	\$12,670
Private Colleges	6	17,566			\$53,603,548	\$3,052	\$3,052

Numbers may not total due to rounding.

### Notes:

- 1 Includes only State aid and property tax generated by the school aid formula and included in combined district cost. State Foundation Aid funding to the Department of Human Services is included.
- 2 Enrollment includes all full-time campus students (Iowa residents only).
- 3 Excludes State funding of physical plant costs of \$716,630 that are not associated with services to students.
- 4 Property tax for community colleges includes only the estimated proceeds from the 20.25 cent operating levy. State funding includes \$1.5 million appropriation for salaries.
- 5 Includes Board operation, tuition replacement, and general university line items, including graduate centers. (Does not include research, hospitals, or other line items.) Tuition replacement was provided from other State funds, not the General Fund.
- 6 Pupils include recipients of tuition grants as reported by the College Student Aid Commission.
- \* Enrollment numbers at State universities and community colleges are total *Iowa* degree credit students (headcount) from the Iowa Enrollment Report prepared by the Registrar at the University of Iowa for the Iowa Coordinating Council on Post-High School Education.

## C. State Program and Operating Requirements

### 1. Workforce Training and Economic Development Fund

In 2003, the General Assembly passed House File 683, creating a Workforce Training and Economic Development Fund for each community college. Moneys from the Grow Iowa Values Fund are statutorily appropriated annually to the Department of Economic Development (DED), for deposit in the funds, to be used for job training, retraining, job retention projects, and training and retraining programs for targeted industries.<sup>111</sup> Seventy percent of the moneys must be used on projects in the areas of advanced manufacturing, information technology and insurance, alternative and renewable energy, and life sciences which include the areas of biotechnology, health care technology, and nursing care technology. Projects implemented under the Accelerated Career Education (ACE) Program, the Iowa Industrial New Jobs Training

<sup>110</sup> Legislative Services Agency, Fiscal Services Division, (January 2009), [http://staffweb.legis.state.ia.us/lfb/docs/k-12\\_ed/per\\_pupil/historical\\_per\\_pupil.pdf](http://staffweb.legis.state.ia.us/lfb/docs/k-12_ed/per_pupil/historical_per_pupil.pdf) (follow "FY 2009 (Est.)" hyperlink) last visited October 10, 2009.

<sup>111</sup> Iowa Code § 15G.111(8) and 260C.18A.



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Act, and the Iowa Jobs Training Act are eligible for funding.<sup>112</sup> Moneys may also be used for the development and implementation of career academies that are formally linked with postsecondary career and technical education programs and that are designed to provide new career preparation opportunities for high school students, and for community college programs and courses that provide vocational and technical training and in-service training and retraining of workers.<sup>113</sup>

### **2. Iowa Industrial New Jobs Training Act**

The Iowa Industrial New Jobs Training Act, enacted in 1983, establishes a program coordinated by DED in consultation with the Department of Education. Rules adopted by the DED are to be used by a community college in developing projects with new and expanding industrial new jobs training proposals.<sup>114</sup> Under the program, a community college may enter into an agreement with a business to establish a jobs training project. Costs of the project may be paid from one or a combination of the following sources:<sup>115</sup>

- Incremental property taxes to be received or derived from an employer's business property where new jobs are created as a result of the project.
- New jobs credit from withholding to be received or derived from new employment resulting from the project.
- Tuition, student fees, or special charges fixed by the board of directors to defray program costs in whole or in part.

An agreement for a new jobs credit from withholding tax from jobs within a Quality Jobs Enterprise Zone may be entered into by the Department of Revenue, a community college, and a business. The funds from the credit are to be used to pay the costs of a job training project, as defined and administered in the same manner as an Iowa Industrial New Jobs Training project. The credit from withholding tax for this type of job training project may be claimed in addition to the credit from withholding tax authorized in the Iowa Industrial New Jobs Training Act.<sup>116</sup>

Under Code Section 403.21, however, jobs training projects administered under the Iowa Industrial New Jobs Training Act and the Iowa Jobs Training Act are prohibited within a municipality unless the municipality and the community college have entered into an agreement or have jointly adopted a plan relating to a community college's new jobs training program which provides for advance notification to each affected municipality, for exchange of information, for mutual consultation, and for procedural guidelines for all such new jobs training projects, including related project financing to be undertaken within the area of operation of the municipality. If an

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<sup>112</sup> Iowa Code § 260C.18A(2). Repeal of ACE Program eligibility for Workforce Training and Economic Development Fund moneys under Iowa Code § 260G.3, subsection 2, paragraph "e," effective June 30, 2010; see 2003 Iowa Acts, 1st Ex., ch. 2, §93.

<sup>113</sup> Iowa Code § 260C.18A(2)(c).

<sup>114</sup> Iowa Code § 260E.7.

<sup>115</sup> Iowa Code § 260E.3.

<sup>116</sup> Iowa Code § 15A.9(3).



agreement is not reached, the community college may not use incremental property taxes to fund a jobs training project within the municipality.

### 3. Iowa Jobs Training Act

The Iowa Jobs Training Act, enacted in 1985, directs the DED, in consultation with the Department of Education and the Department of Workforce Development, to coordinate the Jobs Training Program.<sup>117</sup> The DED and the community colleges are authorized to fund jobs training projects,<sup>118</sup> business network training projects,<sup>119</sup> high-technology apprenticeship programs,<sup>120</sup> and entrepreneur development and support activities.<sup>121</sup>

A Job Retention Program was created in 2003 to allow a community college and the DED to enter into a job retention agreement for projects designed to train employees in return for a commitment by the participating employer to not move business operations outside the state for a period of at least 10 years.<sup>122</sup> However, as of August 2009, no business has committed to participate in the program, as reported by DED, and, without legislative action, the program will be repealed June 30, 2010.<sup>123</sup>

See **Heading "2"**, unnumbered paragraph 3 for limitations established for jobs training projects undertaken within a municipality.<sup>124</sup>

### 4. Accelerated Career Education Program Act

The Accelerated Career Education (ACE) Program Act, enacted in 1999,<sup>125</sup> permits an ACE program to be developed by an employer, a community college, and any employee of an employer who represents a program job and, if a bargaining agreement is in place, a representative of the employee bargaining unit.<sup>126</sup> Community college programs eligible for designation and approval as an ACE program include credit career, credit equivalent career, vocational, or technical educational programs that result in a certificate, diploma, associate of science degree, or associate of applied science degree or consists of not less than 540 contact hours of classroom and laboratory instruction that results in the conferring of a certificate or other recognized competency-based credential.<sup>127</sup>

Any agreement entered into by a community college must specify the funding sources that will be used to pay for the program costs, which funding may include program job credits from withholding, cash or in-kind contributions by the employer, and tuition, fees, or special charges fixed by the community college, and moneys from

<sup>117</sup> Iowa Code § 260F.7.

<sup>118</sup> Iowa Code § 260F.6(1).

<sup>119</sup> Iowa Code § 260F.6A.

<sup>120</sup> Iowa Code § 260F.6B.

<sup>121</sup> Iowa Code § 260F.6(3).

<sup>122</sup> Iowa Code § 260F.9.

<sup>123</sup> 2003 Iowa Acts, 1st ex., ch. 2, § 93.

<sup>124</sup> The authorization to use incremental property taxes to fund Iowa Jobs Training projects was repealed in 1996. See 1996 Iowa Acts ch. 1180.

<sup>125</sup> 1999 Iowa Acts ch. 179.

<sup>126</sup> Iowa Code § 260G.3(1).

<sup>127</sup> Iowa Code § 260G.4(1).





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the Workforce Training and Economic Development Fund.<sup>128</sup> The employer must agree to interview graduating participants in the program and provide future hiring preferences to graduates.<sup>129</sup> If an employer has more than four sponsored participants in the program, the employer must agree to offer a program job position to at least 25 percent of those participants who successfully complete the program.<sup>130</sup> The Act requires an agreement to provide for a wage level of no less than 200 percent of the federal poverty level for a family of two.<sup>131</sup>

The employer and community college must certify to the Department of Revenue that the program job credits from withholding are in accordance with the program agreement.<sup>132</sup> The DED administers the statewide allocation of program job credits from withholding.<sup>133</sup> The total amount of program job credits from all employers allocated for all accelerated career education programs in the state in any one fiscal year cannot exceed \$6 million. When the program job credits limit is reached for a fiscal year, DED notifies all community colleges that further program job credits will not be available for the remainder of the fiscal year.<sup>134</sup>

### 5. Alternative Fuels Requirement

All motor vehicles purchased by or used under the direction of the board of directors to provide services to a community college are required to operate on ethanol blended gasoline.<sup>135</sup>

### 6. Bio-Based Hydraulic Fluids Requirement — Preference

Hydraulic fluids, greases, and other industrial lubricants purchased by or used under the direction of the board of directors to provide services to a merged area must be purchased in compliance with preference requirements for purchasing bio-based hydraulic fluids, greases, and other industrial lubricants as provided in the Code.<sup>136</sup> Similarly, a board must give preference to purchasing designated bio-based products (other than food or feed) that are comprised in significant part of biological products.

## D. Articulation Agreement and Website

In 2007, the General Assembly enacted a session law requiring the State Board of Regents, in cooperation with the Department of Education and the community colleges, to develop, maintain, and promote a user-friendly credit transfer and articulation Internet website, not later than July 1, 2008, that allows Iowans to know at the time of enrollment in a community college course whether the credit will be accepted by the state university of the student's choice, the category in which the university will apply the credit, and to which

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<sup>128</sup> Iowa Code § 260G.3(2), (3). Authorization to use funds from the Workforce Training and Economic Development Fund repealed effective June 30, 2010; 2003 Iowa Acts, 1st Ex., ch. 2, § 93.

<sup>129</sup> Iowa Code § 260G.3(6).

<sup>130</sup> Iowa Code § 260G.3(7).

<sup>131</sup> Iowa Code § 260G.3(8).

<sup>132</sup> Iowa Code § 260G.4A(3), (4).

<sup>133</sup> Iowa Code § 260G.4B.

<sup>134</sup> Iowa Code § 260G.4B.

<sup>135</sup> Iowa Code § 260C.19A.

<sup>136</sup> Iowa Code § 260C.19B.





degree program or programs the university will apply the credit.<sup>137</sup> The website can be found at <http://www.transferiniowa.org/>.

In 2008, the department was directed by session law to convene a Liaison Advisory Committee on Transfer Students to study articulation and transferability issues and submit a report to the General Assembly by January 15, 2009.<sup>138</sup>

In 2009, legislation was enacted directing the community colleges and the State Board of Regents to enter into a collective statewide articulation agreement to provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by a regents university; to identify a transfer and articulation contact office or person, publicize transfer and articulation information and the contact information, and submit the contact information for publication on the articulation website; and to collaborate with each other to meet the requirements to develop a systematic process for expanding academic discipline and faculty-to-faculty meetings, develop criteria to prioritize core curriculum areas, promote greater awareness of articulation-related activities, facilitate additional opportunities for individual institutions to pursue program articulation agreements for career and technical educational programs, and develop and implement a process to examine a minimum of eight new associate of applied science degree programs for which articulation agreements would serve students' continued academic success in those degree programs.<sup>139</sup>

## V. Legislative Studies and Responses

### A. 1989 Legislative Higher Education Task Force

#### 1. Overview — Report

The General Assembly established in 1988 a two-year postsecondary education task force, comprised of members of the public and legislators, to study and make recommendations regarding the goals, and the legislation necessary to meet the goals, of the state's postsecondary education system in the future.<sup>140</sup> The final report of the Higher Education Task Force recommended increasing the State Board of Education's resources "to enable its members to better carry out their extensive duties, particularly with respect to the governance of community colleges,"<sup>141</sup> rather than create a separate board and system.

The report also recommended that the Department of Education "make initial and subsequent periodic evaluation of each community college to: ensure the presence of a common minimal range of educational offerings in each; continually review the number of administrative units and recommend changes to reflect demographic

<sup>137</sup> 2007 Iowa Acts ch. 215, § 55. The website created pursuant to this section was last visited September 17, 2009.

<sup>138</sup> 2008 Iowa Acts ch. 1181, § 11. Report may be accessed at [http://www.legis.state.ia.us/lsadocs/Docs\\_Filed/2009/DFJYD107.PDF](http://www.legis.state.ia.us/lsadocs/Docs_Filed/2009/DFJYD107.PDF) (last visited September 17, 2009).

<sup>139</sup> 2009 Iowa Acts ch. 168 (H.F. 815); Iowa Code §§ 260C.14(22) and 262.9(33).

<sup>140</sup> 1988 Iowa Acts ch. 1284, § 65.

<sup>141</sup> Iowa Legislative Task Force on Higher Education, *A Challenge to Change: Education for the New Century*, p. 6 (December 1989).



## Community Colleges

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changes and service needs, including, if appropriate, the realignment of borders based on providing complete and consistent services for the areas served."<sup>142</sup>

The report further recommended encouragement of close working relationships among the faculty and teachers of secondary and postsecondary institutions.<sup>143</sup> The actions of the General Assembly and the educational and job training needs of Iowa's students have over time strengthened those relationships.

### 2. General Assembly Response

In the 1990 Legislative Session, immediately following publication of the task force's final report, the General Assembly passed S.F. 2410,<sup>144</sup> which responded to many of the task force's concerns and recommendations, including the following:

- **Coordination Between Secondary and Postsecondary Institutions.** The Act required the Director of the Department of Education to explore the need for coordination between school districts, area education agencies, regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and possibly for purposes of coordination of calendars, programs, schedules, or telecommunications emissions.<sup>145</sup>
- **Quality Instructional Centers.** The Act established a Quality Instructional Centers Program for community colleges to promote the creation or enhancement of high-quality, unique, high-cost, capital-intensive, or highly specialized vocational-technical and occupational programs, which cannot be practically or economically offered at more than a few community colleges. However, the program was not funded and was repealed in 2006.<sup>146</sup>
- **Program and Administrative Sharing.** The Act directed the Department of Education to establish guidelines and an approval process for program sharing agreements and for administrative sharing agreements entered into by two or more community colleges or by a community college and a higher education institution under the control of the State Board of Regents.<sup>147</sup>
- **Community College Council.** The Act also provided for the establishment of the Community College Council to assist the State Board of Education with substantial issues which are directly related to the community college system.<sup>148</sup>
- **State Board for Community Colleges.** The Act created a State Board for Community Colleges, but provided that the State Board of Education constitutes the State Board for Community Colleges. The Act set out the duties of the new state board, including that the board adopt and establish policies for programs and services of the Department of Education which relate to community

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<sup>142</sup> Id. at 7-8.

<sup>143</sup> Id. at 8.

<sup>144</sup> 1990 Iowa Acts ch. 1253.

<sup>145</sup> Iowa Code § 256.9(37).

<sup>146</sup> 2005 Iowa Code § 260C.45; repealed by 2006 Iowa Acts ch. 1152, § 56.

<sup>147</sup> Iowa Code § 260C.46.

<sup>148</sup> Iowa Code § 256.31.



colleges, prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs, and review and make recommendations that relate to community colleges in the five-year plan for the achievement of educational goals.<sup>149</sup>

- **Higher Education Strategic Planning Council.** The Act established a Higher Education Strategic Planning Council to develop strategic plans for the advancement of higher education institutions in Iowa, but the provision was repealed effective July 1, 1995.<sup>150</sup>

## B. 1995 Collaborative Effort

The mission of the Academic Incentives for Minorities Program (originally the Career Opportunity Program), created in 1995,<sup>151</sup> is to encourage collaborative efforts by community colleges, regents institutions, and business and industry to enhance educational opportunities and provide for job creation and career advancement for Iowa's minorities by providing assistance to minorities who major in fields or subject areas where minorities are currently underrepresented or underutilized. The program was administered by the Des Moines Area Community College but is currently unfunded.

## C. 1999 Community College Governance System Study Committee

The Legislative Council in 1999 established the Community College Governance System Study Committee and charged it with identifying and studying options for restructuring the community college governance system.<sup>152</sup> The committee heard testimony warning that the community college system was facing increasing financial concerns — that most increases in community college revenue resulted from tuition increases and that enrollment was increasing faster than at four-year regents institutions — situations that continued in 2003.

### 1. Committee Recommendations

The committee recommended that the General Assembly do the following:

**a. Community College Council.** Direct the Community College Council to develop a statewide strategic plan for Iowa's community colleges.

**b. Department of Education.** Direct the Department of Education to do the following:

**i.** Provide a comparison of the data collected by the Basic Educational Data Survey for K-12 schools to the data being collected by the management information system for community colleges to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Education by January 15, 2000.

<sup>149</sup> Iowa Code § 260C.4.

<sup>150</sup> 1994 Iowa Acts ch. 1193, § 37.

<sup>151</sup> 1995 Iowa Acts ch. 218, § 19; Iowa Code § 260C.29.

<sup>152</sup> Information pertaining to the Community College Governance System Study is available at <http://www.legis.state.ia.us/GA/78GA/Interim/1999/comminfo/ccollege.htm> (last visited September 8, 2009).



## Community Colleges

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ii. Submit an update on the progress toward implementation of the management information system to the chairpersons and ranking members of the House and Senate standing Education Committees and the Joint Appropriations Subcommittee on Education by January 15, 2000.

iii. Provide, from the most recent fiscal year, data collected by the management information service to the House and Senate standing Education Committees and the Joint Appropriations Subcommittee on Education by December 1 of each year.

iv. Set data criteria uniformly for submission by the community colleges via the management information system.

v. Develop and implement a certified annual report to be submitted by the community colleges. The data shall be submitted in a uniform and consistent manner and by a specific date.

vi. Reconcile, with the assistance of the community colleges, audited financial statements with the financial data submitted to the department. The data shall be broken down by fund.

**c. K-16 Incentives.** Consider offering incentives to K-16 institutions to encourage the institutions to partner in order to share the costs of providing vocational-technical programs.

**d. Deadlines.** Push statutory budgetary deadlines for community colleges back to a date that follows the final decision making of the General Assembly's appropriations process.

### 2. General Assembly Response

In 2000, the General Assembly enacted H.F. 2433, which carried out the intent of the committee with regard to recommendations 1a and 1b, above, as follows:<sup>153</sup>

a. The Community College Council was required to prepare a five-year statewide strategic plan at least once every five years. The initial plan was, by July 1, 2001, approved and adopted by the state board and implemented.<sup>154</sup>

b. Community colleges were required to submit data uniformly to the Division of Community Colleges and Workforce Preparation of the Department of Education via the division's management information system.<sup>155</sup>

c. The Director of the Department of Education was required to provide the following:

i. To the General Assembly by January 15, 2001, a comparison of the data elements collected by the basic educational data elements survey for K-12 schools to the data being collected by the management information system for community colleges.

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<sup>153</sup> 2000 Iowa Acts ch. 1167. House File 2433 did not address recommendations 1c and 1d relating to K-16 incentives and budgetary deadlines, respectively.

<sup>154</sup> Iowa Code § 256.31(4).

<sup>155</sup> Iowa Code § 256.7(23).



**ii.** To the Legislative Fiscal Bureau and Department of Management by June 30, 2000, and the General Assembly by January 15, 2001, a report and an update, respectively, on the progress toward implementation of the management information system.

**iii.** A plan to improve sharing of data on student academic performance and career planning between school districts and community colleges.

**iv.** To the General Assembly by January 15, 2001, a report on strategic planning.

Community colleges and the department met the date and reporting requirements set forth in H.F. 2433.

# APPENDIX A

## Iowa Community Colleges

### **Area 1 (NICC)**

Northeast Iowa Community College  
Administrative Center  
Box 400  
Calmar, Iowa 52132

### **Area 2 (NIACC)**

North Iowa Area Community College  
Administrative Center  
500 College Drive  
Mason City, Iowa 50401

### **Area 3 (ILCC)**

Iowa Lakes Community College  
Administrative Center  
19 South 7th Street  
Estherville, Iowa 51334

### **Area 4 (NCC)**

Northwest Iowa Community College  
Administrative Center  
603 West Park Street  
Sheldon, Iowa 51201-1046

### **Area 5 (ICCC)**

Iowa Central Community College  
Administrative Center  
330 Avenue M  
Fort Dodge, Iowa 50501

### **Area 6 (IVCCD)**

Iowa Valley Community College District  
Administrative Center  
3702 South Center Street  
Marshalltown, Iowa 50158

### **Area 7 (HCC)**

Hawkeye Community College  
Administrative Center  
1501 East Orange Road, Box 8015  
Waterloo, Iowa 50704

### **Area 9 (EICCD)**

Eastern Iowa Community College  
District  
Administrative Center  
306 West River Road  
Davenport, Iowa 52801

### **Area 10 (KCC)**

Kirkwood Community College  
Administrative Center  
6301 Kirkwood Blvd., S.W., Box 2068  
Cedar Rapids, Iowa 52406-2068

### **Area 11 (DMAACC)**

Des Moines Area Community College  
Administrative Center  
2006 South Ankeny Blvd.  
Ankeny, Iowa 50021

### **Area 12 (WITCC)**

Western Iowa Tech Community College  
Administrative Center  
4647 Stone Avenue, Box 5199  
Sioux City, Iowa 51102-5199

### **Area 13 (IWCC)**

Iowa Western Community College  
Administrative Center  
2700 College Road, Box 4-C  
Council Bluffs, Iowa 51502-3004

### **Area 14 (SWCC)**

Southwestern Community College  
Administrative Center  
1501 West Townline Street  
Creston, Iowa 50801

### **Area 15 (IHCC)**

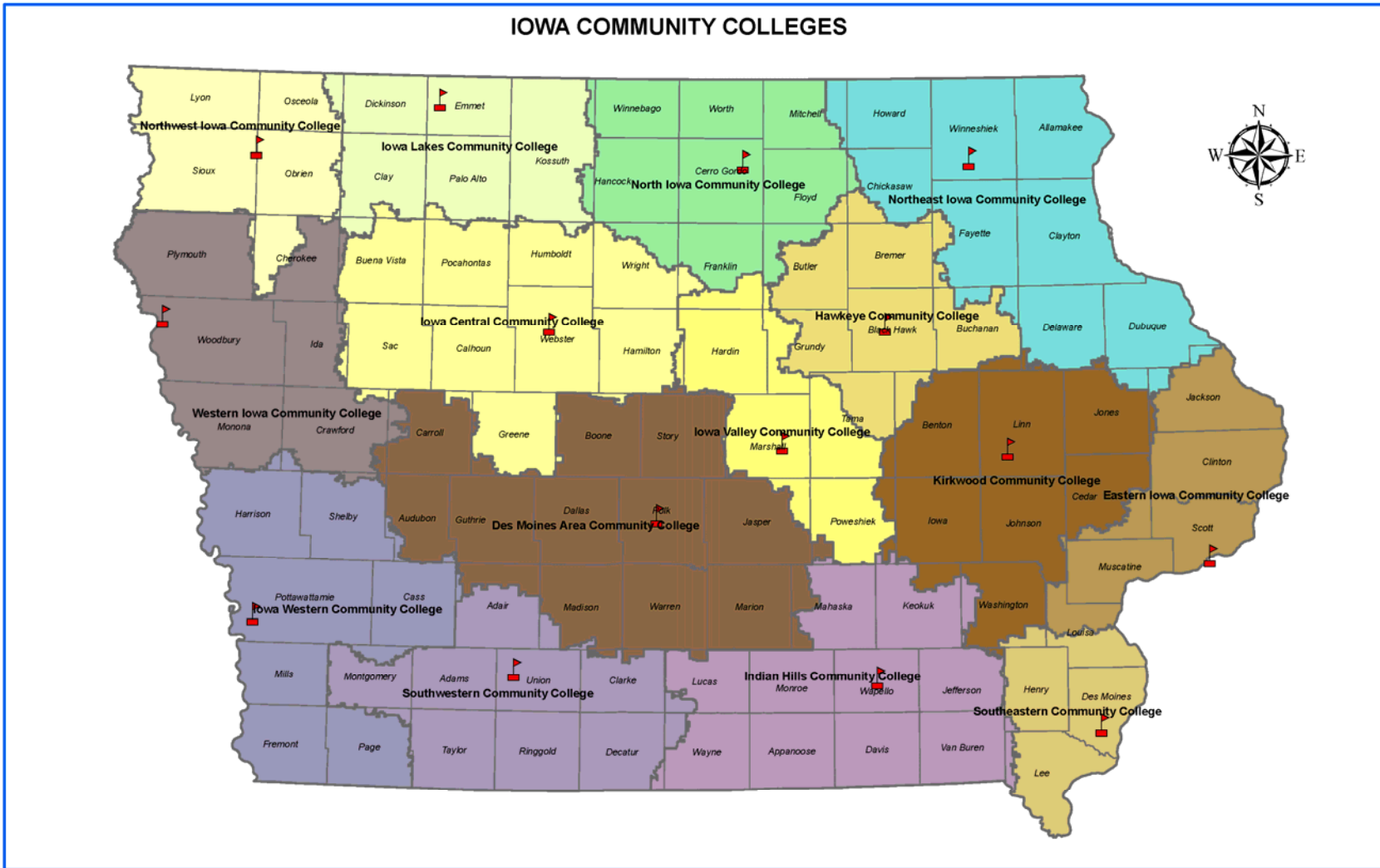
Indian Hills Community College  
Administrative Center  
525 Grandview Avenue  
Ottumwa, Iowa 52501

### **Area 16 (SCC)**

Southeastern Community College  
Administrative Center  
1015 South Gear Avenue, Box 180  
West Burlington, Iowa 52655-0180

# APPENDIX B

## IOWA COMMUNITY COLLEGES



Source: Division of Community Colleges and Workforce Preparation, Iowa Department of Education, October 2009 (available at [http://www.iowa.gov/educate/index.php?option=com\\_content&view=article&id=241&Itemid=1433](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=241&Itemid=1433))