

See Appropriations 5/1/85 Re Pass 5/1 (p. 1852)

APR 29 1985

APPROPRIATIONS CALENDAR

HOUSE FILE 773

BY COMMITTEE ON APPROPRIATIONS

(Formerly House File 722)

Passed House, Date 5-1-85 (p. 1896) Passed Senate, Date 5-1-85 (p. 1853)

Vote: Ayes 76 Nays 18 Vote: Ayes 43 Nays 2

Approved May 29, 1985

Motion to reconsider lost

A BILL FOR

1 An Act to establish an education research foundation, to
2 prescribe its functions, and to make an appropriation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 773

1 Section 1. NEW SECTION. 257A.1 FIRST IN THE NATION IN
2 EDUCATION.

3 There is created a corporate body called "First In the
4 Nation in Education, an education foundation". The foundation
5 is an independent nonprofit quasi-public instrumentality and
6 the exercise of the powers granted to the foundation as a
7 corporation in this chapter is an essential governmental
8 function. As used in this chapter "foundation" means "First
9 In the Nation in Education, an education foundation". The
10 purposes of the foundation include but are not limited to the
11 following:

12 1. Providing statewide leadership in identifying both
13 immediate and long-range education issues for which a knowl-
14 edge base is needed.

15 2. Conducting basic research in education issues.

16 3. Collecting, analyzing, and disseminating education in-
17 formation generated in other states and countries as well as
18 in this state.

19 4. Establishing linkages with regional education labora-
20 tories and research institutes.

21 5. Establishing strategies and developing materials and
22 practices to implement the results of the research.

23 6. Developing and supporting innovative and cooperative
24 programs for school districts.

25 7. Making the results of research available in forms that
26 are most useful to practitioners and policymakers.

27 Sec. 2. NEW SECTION. 257A.2 GOVERNING BOARD.

28 The foundation shall be administered by a governing board
29 consisting of seven members appointed by the governor subject
30 to senate confirmation. Members shall be knowledgeable about
31 education, research, or fund-raising activities in this state.
32 Statewide associations interested in education may submit the
33 names of potential members to the governor, but the governor
34 is not bound by the recommendations.

35 Sec. 3. NEW SECTION. 257A.3 BOARD REQUIREMENTS.

1 1. Members of the board shall be appointed by the appoint-
2 ing authority for staggered terms of six years beginning and
3 ending as provided in section 69.19. Vacancies shall be
4 filled in the same manner as the original appointment. A
5 person appointed to fill a vacancy shall serve only for the
6 unexpired portion of the term.

7 2. Members of the board shall be reimbursed for actual and
8 necessary expenses incurred while engaged in their official
9 duties from funds available to the foundation.

10 3. Members shall elect a chairperson and vice chairperson
11 annually. A majority of the members of the board constitute a
12 quorum. The executive director shall serve as secretary to
13 the board.

14 4. Meetings of the board shall be held at least quarterly
15 at the call of the chairperson or at the request of a majority
16 of the members of the board.

17 Sec. 4. NEW SECTION. 257A.4 NONPROFIT CORPORATION.

18 The foundation as a nonprofit corporation created in
19 section 257A.1 has perpetual succession. The succession shall
20 continue until the existence of the corporation is terminated
21 by law. If the corporation is terminated, the rights and
22 properties of the corporation shall pass to the state.
23 However, debts and other financial obligations shall not
24 succeed to the state.

25 Sec. 5. NEW SECTION. 257A.5 DUTIES OF THE BOARD.

26 The governing board, within the limits of the funds avail-
27 able to it, shall:

28 1. Employ an executive director to direct the activities
29 of the foundation and such other employees as deemed necessary
30 by the board. Employees shall be selected on a nonpartisan
31 basis and are employees of the state but are exempt from
32 chapter 19A.

33 2. Determine a site for the location of the foundation.
34 The board may execute a contract with a governmental agency
35 for leasing facilities for the foundation, but the foundation

1 shall retain its independent status.

2 3. Approve a long-range plan relating to the conduct of
3 educational research and development activities.

4 4. Determine the research and development activities to be
5 undertaken, based upon an assessment of the education needs in
6 this state from early childhood education to adult education.

7 5. Execute contracts with public and private agencies to
8 conduct research and development activities.

9 6. Perform functions necessary to carry out the purposes
10 of the foundation.

11 7. Disseminate information developed as a result of re-
12 search and development activities in forms usable by education
13 personnel.

14 8. Establish advisory committees to assist the foundation
15 in carrying out its purposes. The advisory committees shall
16 include as members representatives of state associations
17 interested in education in this state.

18 9. Annually report the results of its activities to the
19 general assembly.

20 Sec. 6. NEW SECTION. 257A.6 DUPLICATION.

21 Research activities of the foundation shall not duplicate
22 educational research efforts taking place in Iowa's colleges
23 and universities unless for validation or confirmation of
24 research results.

25 Sec. 7. NEW SECTION. 257A.7 FUND CREATED.

26 1. Moneys received by the foundation shall be deposited in
27 a special fund in the office of the treasurer of state known
28 as the "First In the Nation in Education Fund". Moneys
29 deposited in the fund shall not be expended, but shall be
30 invested by the treasurer of state in investments authorized
31 for the Iowa public employees' retirement fund in section
32 97B.7, unless the purposes set forth in the appropriations,
33 grants, or gifts preclude the use of these moneys solely for
34 investment. Interest income shall be paid quarterly from the
35 fund to the foundation.

1 2. The foundation may accept grants, gifts, and bequests,
2 including but not limited to appropriations, federal funds,
3 and other funding available for educational research and
4 development purposes. Moneys accepted under this subsection
5 shall be deposited in the fund.

6 Sec. 8. Notwithstanding sections 8.6, 257A.7, 292.1,
7 302.1, and 302.13, from the annual apportionment of the
8 interest of the permanent school fund, there is appropriated
9 to the first in the nation in education, an education
10 foundation, for the fiscal year beginning July 1, 1985 and
11 ending June 30, 1986, the sum of one hundred thousand
12 (100,000) dollars for salaries, support, education research,
13 and miscellaneous purposes.

14 Sec. 9. Notwithstanding section 257A.2, for the initial
15 board, the members shall be appointed to staggered terms that
16 commence July 1, 1985 and end as provided in section 69.19.

17 Sec. 10. It is the intent of the general assembly that
18 funds be appropriated by the general assembly on a continuing
19 basis commencing with the fiscal year beginning July 1, 1986
20 for deposit in the fund created in section 257A.7 so that
21 sufficient interest income can be realized from appropriations
22 and gifts for the performance of the duties of the foundation.

23

EXPLANATION

24 The bill establishes a quasi-public nonprofit corporation
25 for education research and development purposes, the First In
26 the Nation in Education, an education foundation. A seven-
27 member governing board is appointed by the governor, subject
28 to senate confirmation. The foundation is to serve as a
29 leader in education research and will conduct research,
30 coordinate various research activities in the state, and
31 collect, analyze and disseminate education research. One
32 hundred thousand dollars is appropriated for an operating
33 budget for the 1985-1986 fiscal year. The bill states the
34 intent of the general assembly to provide funding on a
35 continuing basis for deposit in a fund so that the foundation
36 can operate from moneys generated from interest income.

HOUSE FILE 773

AN ACT

TO ESTABLISH AN EDUCATION RESEARCH FOUNDATION, TO PRESCRIBE ITS FUNCTIONS, AND TO MAKE AN APPROPRIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 257A.1 FIRST IN THE NATION IN EDUCATION.

There is created a corporate body called "First In the Nation in Education, an education foundation". The foundation is an independent nonprofit quasi-public instrumentality and the exercise of the powers granted to the foundation as a corporation in this chapter is an essential governmental function. As used in this chapter "foundation" means "First In the Nation in Education, an education foundation". The purposes of the foundation include but are not limited to the following:

1. Providing statewide leadership in identifying both immediate and long-range education issues for which a knowledge base is needed.
2. Conducting basic research in education issues.
3. Collecting, analyzing, and disseminating education information generated in other states and countries as well as in this state.
4. Establishing linkages with regional education laboratories and research institutes.

5. Establishing strategies and developing materials and practices to implement the results of the research.

6. Developing and supporting innovative and cooperative programs for school districts.

7. Making the results of research available in forms that are most useful to practitioners and policymakers.

Sec. 2. NEW SECTION. 257A.2 GOVERNING BOARD.

The foundation shall be administered by a governing board consisting of seven members appointed by the governor subject to senate confirmation. Members shall be knowledgeable about education, research, or fund-raising activities in this state. Statewide associations interested in education may submit the names of potential members to the governor, but the governor is not bound by the recommendations.

Sec. 3. NEW SECTION. 257A.3 BOARD REQUIREMENTS.

1. Members of the board shall be appointed by the appointing authority for staggered terms of six years beginning and ending as provided in section 69.19. Vacancies shall be filled in the same manner as the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

2. Members of the board shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties from funds available to the foundation.

3. Members shall elect a chairperson and vice chairperson annually. A majority of the members of the board constitute a quorum. The executive director shall serve as secretary to the board.

4. Meetings of the board shall be held at least quarterly at the call of the chairperson or at the request of a majority of the members of the board.

Sec. 4. NEW SECTION. 257A.4 NONPROFIT CORPORATION.

The foundation as a nonprofit corporation created in section 257A.1 has perpetual succession. The succession shall continue until the existence of the corporation is terminated

by law. If the corporation is terminated, the rights and properties of the corporation shall pass to the state. However, debts and other financial obligations shall not succeed to the state.

Sec. 5. NEW SECTION. 257A.5 DUTIES OF THE BOARD.

The governing board, within the limits of the funds available to it, shall:

1. Employ an executive director to direct the activities of the foundation and such other employees as deemed necessary by the board. Employees shall be selected on a nonpartisan basis and are employees of the state but are exempt from chapter 19A.
2. Determine a site for the location of the foundation. The board may execute a contract with a governmental agency for leasing facilities for the foundation, but the foundation shall retain its independent status.
3. Approve a long-range plan relating to the conduct of educational research and development activities.
4. Determine the research and development activities to be undertaken, based upon an assessment of the education needs in this state from early childhood education to adult education.
5. Execute contracts with public and private agencies to conduct research and development activities.
6. Perform functions necessary to carry out the purposes of the foundation.
7. Disseminate information developed as a result of research and development activities in forms usable by education personnel.
8. Establish advisory committees to assist the foundation in carrying out its purposes. The advisory committees shall include as members representatives of state associations interested in education in this state.
9. Annually report the results of its activities to the general assembly.

Sec. 6. NEW SECTION. 257A.6 DUPLICATION.

Research activities of the foundation shall not duplicate educational research efforts taking place in Iowa's colleges and universities unless for validation or confirmation of research results.

Sec. 7. NEW SECTION. 257A.7 FUND CREATED.

1. Moneys received by the foundation shall be deposited in a special fund in the office of the treasurer of state known as the "First In the Nation in Education Fund". Moneys deposited in the fund shall not be expended, but shall be invested by the treasurer of state in investments authorized for the Iowa public employees' retirement fund in section 97B.7, unless the purposes set forth in the appropriations, grants, or gifts preclude the use of these moneys solely for investment. Interest income shall be paid quarterly from the fund to the foundation.

2. The foundation may accept grants, gifts, and bequests, including but not limited to appropriations, federal funds, and other funding available for educational research and development purposes. Moneys accepted under this subsection shall be deposited in the fund.

Sec. 8. Notwithstanding sections 8.6, 257A.7, 292.1, 302.1, and 302.13, from the annual apportionment of the interest of the permanent school fund, there is appropriated to the first in the nation in education, an education foundation, for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the sum of one hundred thousand (100,000) dollars for salaries, support, education research, and miscellaneous purposes.

Sec. 9. Notwithstanding section 257A.2, for the initial board, the members shall be appointed to staggered terms that commence July 1, 1985 and end as provided in section 69.19.

Sec. 10. It is the intent of the general assembly that funds be appropriated by the general assembly on a continuing basis commencing with the fiscal year beginning July 1, 1986 for deposit in the fund created in section 257A.7 so that

sufficient interest income can be realized from appropriations and gifts for the performance of the duties of the foundation.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 773, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 29, 1985

TERRY E. BRANSTAD
Governor

H.F. 773