

House Study Bill 534 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON HIGHER
EDUCATION BILL BY CHAIRPERSON
COLLINS)

A BILL FOR

1 An Act relating to postsecondary education institutions,
2 including the membership and functions of the state board of
3 regents and accreditation of public institutions of higher
4 education.

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

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DIVISION I
SHORT TITLE

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "University Governance Reform Act".

DIVISION II
STATE BOARD OF REGENTS — MEMBERSHIP AND TERMS

Sec. 2. Section 256.176, subsection 2, paragraph a, Code 2026, is amended to read as follows:

a. A voting member of the state board of regents to be named by the state board of regents, or the executive director of the state board of regents if so appointed by the state board of regents, who shall serve for a four-year term or until the expiration of the member's term of office, and who shall serve as an ex officio, nonvoting member.

Sec. 3. Section 262.1, Code 2026, is amended to read as follows:

262.1 Membership.

1. The state board of regents consists of nine voting members, ~~eight of whom~~ who shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of the office. ~~The ninth member shall be a student enrolled on a full-time basis in good standing at either the graduate or undergraduate level at one of the institutions listed in section 262.7, subsection 1, 2, or 3, at the time of the member's appointment.~~ Not more than five voting members shall be of the same political party.

2. The board shall include ex officio, nonvoting members as follows:

a. For each of the institutions listed in section 262.7, subsections 1, 2, and 3, a student enrolled on a full-time basis in good standing at the institution at the time of the member's appointment.

b. Two members of the senate and two members of the house of representatives. This paragraph is repealed December 31, 2029.

Sec. 4. Section 262.2, Code 2026, is amended to read as

1 follows:

2 **262.2 Appointment — term of office.**

3 1. The voting members shall be appointed by the governor
4 subject to confirmation by the senate. ~~Prior to appointing~~
5 ~~the ninth member as specified in section 262.1, the governor~~
6 ~~shall consult with the appropriate student body government at the~~
7 ~~institution at which the proposed appointee is enrolled. The~~
8 term of each member of the board shall be for ~~six~~ four years,
9 ~~unless the ninth member, appointed in accordance with section~~
10 ~~262.1, graduates or is no longer enrolled at an institution~~
11 ~~of higher education under the board's control, at which time~~
12 ~~the term of the ninth member shall expire one year from the~~
13 ~~date on which the member graduates or is no longer enrolled in~~
14 ~~an institution of higher education under the board's control.~~
15 However, if within that year the ninth member reenrolls in any
16 institution of higher education under the board's control on a
17 full-time basis and is a student in good standing at either the
18 graduate or undergraduate level, the term of the ninth member
19 shall continue in effect. The terms of ~~three~~ five voting members
20 of the board shall begin and expire in each odd-numbered year as
21 provided in section 69.19.

22 2. A student member shall be appointed by the governor and
23 shall serve at the pleasure of the governor. A student member
24 shall serve no longer than four years. If a student member
25 graduates from or is no longer enrolled at the institution, the
26 member shall no longer be eligible for service on the board,
27 and the governor shall appoint a new member pursuant to section
28 262.6.

29 3. The members of the senate shall be appointed by the
30 majority leader of the senate. The members of the house of
31 representatives shall be appointed by the speaker of the house.
32 A legislative member shall serve for a term as provided in
33 section 4A.13. A legislative member is eligible for per diem
34 and expenses as provided in section 2.10. This subsection is
35 repealed December 31, 2029.

1 Sec. 5. Section 262.4, Code 2026, is amended to read as
2 follows:

3 **262.4 Removals.**

4 The governor, with the approval of a majority of the senate
5 during a session of the general assembly, may remove any voting
6 member of the board for malfeasance in office, or for any cause
7 which would render the member ineligible for appointment or
8 incapable or unfit to discharge the duties of office, and the
9 member's removal, when so made, shall be final.

10 Sec. 6. Section 262.5, Code 2026, is amended to read as
11 follows:

12 **262.5 Suspension.**

13 When the general assembly is not in session, the governor
14 may suspend any voting member so disqualified and shall appoint
15 another to fill the vacancy thus created, subject to the approval
16 of the senate when next in session.

17 Sec. 7. Section 262.6, Code 2026, is amended to read as
18 follows:

19 **262.6 Vacancies.**

20 Vacancies shall be filled in the same manner ~~in which regular~~
21 ~~appointments are required to be made. If the ninth member~~
22 ~~resigns prior to the expiration of the term, the individual~~
23 ~~appointed to fill the vacancy shall meet the requirements for~~
24 ~~the ninth member specified in section 262.1. Other vacancies~~
25 ~~occurring prior to the expiration of the ninth member's term~~
26 ~~shall be filled in the same manner as the original appointments~~
27 for those vacancies.

28 Sec. 8. Section 262.8, Code 2026, is amended to read as
29 follows:

30 **262.8 Meetings.**

31 Meetings may be called by the board, by the president of the
32 board, or by the executive director of the board upon written
33 request of any five voting members thereof.

34 Sec. 9. Section 262.9, subsection 1, Code 2026, is amended to
35 read as follows:

1 1. Each even-numbered year elect, from its voting members, a
2 president of the board, who shall serve for two years and until a
3 successor is elected and qualified.

4 Sec. 10. Section 262.9, subsection 2, paragraph b, Code 2026,
5 is amended to read as follows:

6 b. When electing a president of an institution of higher
7 learning, the board may use a presidential selection committee.
8 Only voting members of the board shall serve as voting members of
9 a presidential selection committee.

10 Sec. 11. Section 262.9, subsection 33, paragraph d, Code
11 2026, is amended to read as follows:

12 d. The compensation and benefits paid to the voting members
13 of the board pursuant to section 7E.6.

14 Sec. 12. Section 262.11, Code 2026, is amended to read as
15 follows:

16 **262.11 Record — acts affecting property.**

17 All acts of the board relating to the management, purchase,
18 disposition, or use of lands and other property of said
19 institutions shall be entered of record, which shall show the
20 members present, and how each voting member voted upon each
21 proposition. The board may, in its discretion, delegate to each
22 university the authority to approve leases.

23 Sec. 13. TRANSITION — APPOINTMENT AND TERM OF STATE BOARD OF
24 REGENTS MEMBERS.

25 1. This division of this Act shall not affect the appointment
26 or term of a member serving on the state board of regents
27 immediately prior to the effective date of this division of this
28 Act.

29 2. The term of a legislative member of the state board of
30 regents appointed pursuant to this division of this Act serving
31 on the board on December 31, 2029, shall expire on that date.

32 DIVISION III

33 DISAPPROVAL OF EXPENDITURES

34 Sec. 14. NEW SECTION. **262.29 Disapproval of expenditures —**
35 **joint resolution.**

1 The general assembly, by passage of a joint resolution
2 requiring approval of the governor, may disapprove any
3 individual, ongoing expenditure by the state board of regents or
4 an institution of higher education under the governance thereof.
5 The board or institution shall terminate the expenditure upon the
6 effective date of the resolution. This section does not apply to
7 an ongoing expenditure specifically authorized by law.

8 DIVISION IV

9 STATE BOARD OF REGENTS — FUNCTIONS

10 Sec. 15. Section 262.9, Code 2026, is amended by adding the
11 following new subsections:

12 NEW SUBSECTION. 43. Develop and adopt a policy providing
13 for a post-tenure review at any time of a tenured employee of
14 an institution of higher education governed by the board if
15 authorized by the board by a majority vote.

16 NEW SUBSECTION. 44. Develop and adopt a policy requiring
17 prior approval of the board before an institution of higher
18 education governed by the board may establish an academic program
19 to be offered at the institution.

20 NEW SUBSECTION. 45. Beginning in 2027, review and approve on
21 a biennial basis all academic programs at institutions of higher
22 education governed by the board with fewer than ten enrolled
23 students. On a schedule approved by the board, an institution
24 shall discontinue any academic program not approved under this
25 subsection.

26 NEW SUBSECTION. 46. Beginning in 2028, review and approve
27 on a biennial basis all general education requirements at
28 institutions of higher education governed by the board. On a
29 schedule approved by the board, an institution shall discontinue
30 any requirement not approved under this subsection.

31 NEW SUBSECTION. 47. Develop and adopt a policy prohibiting a
32 faculty senate or council at an institution of higher education
33 governed by the board from exercising any governance authority
34 over the institution. The policy must specify that a faculty
35 senate or council at an institution serves only in an advisory

1 capacity with no final decision-making authority on any matter.

2 Sec. 16. NEW SECTION. **262.12A Board committees —**
3 **meetings.**

4 1. The board shall establish committees of the board, and
5 duties thereof, that include but are not limited to the
6 following:

7 a. A budgets, investments, and finance committee. The annual
8 budget of each institution of higher education governed by the
9 board must be approved by the committee before it is subject to a
10 vote of the board.

11 b. An athletics committee.

12 2. A meeting of a committee of the board shall be considered
13 a meeting for purposes of chapter 21, notwithstanding any
14 provision of that chapter to the contrary. The board shall
15 ensure that the public can view such meetings live by electronic
16 means.

17 Sec. 17. NEW SECTION. **262.12B Ombudsman for higher**
18 **education.**

19 The board shall establish under the board the position of
20 ombudsman for higher education. The ombudsman shall receive and
21 investigate complaints of violations of state or federal law or
22 board policy at institutions of higher education governed by the
23 board.

24 DIVISION V

25 ACCREDITATION OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION

26 Sec. 18. Section 261K.1, subsections 1 and 2, Code 2026, are
27 amended to read as follows:

28 1. ~~"Accrediting agency" means an entity that provides~~
29 ~~accreditation of public institutions of higher education and~~
30 ~~that is not a government agency a legal entity, or a part of~~
31 a legal entity, that conducts accrediting activities through
32 voluntary, nonfederal peer review and makes decisions concerning
33 the accreditation or preaccreditation status of institutions,
34 programs, or both. "Accrediting agency" includes institutional
35 accrediting agencies that accredit institutions of higher

1 education, and programmatic accrediting agencies that accredit
2 specific educational programs, including programs that prepare
3 students in specific academic disciplines or prepare students for
4 entry into a profession, occupation, or vocation.

5 2. "*Public institution of higher education*" means an
6 institution of higher learning governed by the state board of
7 regents or a community college. "*Public institution of higher*
8 *education*" includes any program within such an institution.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to postsecondary education institutions,
13 including the membership and functions of the state board of
14 regents (board) and accreditation of public institutions of
15 higher education.

16 STATE BOARD OF REGENTS — MEMBERSHIP AND TERMS. This division
17 replaces the student member of the board with a ninth member
18 appointed by the governor, confirmed by the senate, and subject
19 to the same terms as the other eight voting members.

20 The division adds seven ex officio, nonvoting members to
21 the board. Three ex officio, nonvoting members are students
22 enrolled at the university of Iowa, Iowa state university, and
23 the university of northern Iowa, respectively, and appointed
24 by the governor. The division provides terms of service for
25 student members. The other four ex officio, nonvoting members
26 of the board are two members of the senate appointed by the
27 majority leader of the senate and two members of the house of
28 representatives appointed by the speaker of the house. The terms
29 of legislative members of the board expire December 31, 2029.

30 The division includes conforming changes to statutory
31 references to members of the board.

32 The division shall not affect the appointment or term of a
33 member serving on the board immediately prior to the effective
34 date of the division.

35 DISAPPROVAL OF EXPENDITURES. This division authorizes the

1 general assembly, by passage of a joint resolution requiring
2 approval of the governor, to disapprove any individual, ongoing
3 expenditure by the board or an institution under the governance
4 thereof. The board or institution shall terminate the
5 expenditure upon the effective date of the resolution. The
6 division does not apply to an ongoing expenditure specifically
7 authorized by law.

8 STATE BOARD OF REGENTS — FUNCTIONS. This division requires
9 the board to develop and adopt a policy providing for a
10 post-tenure review at any time of a tenured employee of a regents
11 institution if authorized by the board by a majority vote.

12 The division requires the board to develop and adopt a
13 policy requiring prior approval of the board before a regents
14 institution may establish an academic program to be offered at
15 the institution, to review and approve all academic programs
16 at regents institutions with fewer than 10 enrolled students
17 on a biennial basis beginning in 2027, to review and approve
18 all general education requirements at regents institutions on
19 a biennial basis beginning in 2028, and to develop and adopt
20 a policy prohibiting a faculty senate or council at a regents
21 institution from exercising any governance authority over the
22 institution.

23 The division requires the board to establish committees of
24 the board and duties thereof. The bill provides for a budgets,
25 investments, and finance committee. The annual budget of each
26 regents institution must be approved by the committee before it
27 is subject to a vote of the board. The division also provides
28 for an athletics committee.

29 The division provides that a meeting of a committee of the
30 board shall be considered a meeting for purposes of Code chapter
31 21 (open meetings). The division requires the board to ensure
32 that the public can view such meetings live by electronic means.

33 The division requires the board to establish the position
34 of ombudsman for higher education to receive and investigate
35 complaints of violations of state or federal law or board policy

1 at regents institutions.

2 ACCREDITATION OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION. This
3 division relates to Code chapter 261K, which governs
4 accreditation of public institutions of higher education. The
5 division provides that a "public institution of higher education"
6 for purposes of Code chapter 261K includes any program within
7 such an institution.

8 The division modifies the definition of an "accrediting
9 agency" subject to the Code chapter to mean a legal entity, or
10 a part of a legal entity, that conducts accrediting activities
11 through voluntary, nonfederal peer review and makes decisions
12 concerning the accreditation or preaccreditation status of
13 institutions, programs, or both. The term includes institutional
14 accrediting agencies that accredit institutions of higher
15 education, and programmatic accrediting agencies that accredit
16 specific educational programs, including programs that prepare
17 students in specific academic disciplines or prepare students for
18 entry into a profession, occupation, or vocation.

19 Under current law, an accrediting agency can be subject to
20 a civil action for injunctive relief and liquidated damages by
21 a public institution of higher education negatively affected by
22 adverse action taken against the institution by the agency. The
23 attorney general may bring such an action on the institution's
24 behalf.