

Senate File 2284 - Reprinted

SENATE FILE 2284
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3132)

(As Amended and Passed by the Senate February 27, 2020)

A BILL FOR

1 An Act relating to matters involving the state board of regents
2 and the institutions the state board of regents governs, and
3 including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8.44, subsection 1, Code 2020, is amended
2 to read as follows:

3 1. a. Upon receiving federal funds or any other funds from
4 any public or private sources except gifts or donations made
5 to institutions for the personal use or for the benefit of
6 members, patients, or inmates and receipts from the gift shop
7 of merchandise manufactured by members, patients, or inmates,
8 the state departments, agencies, boards, and institutions
9 receiving such funds shall submit a written report within
10 thirty days after receipt of the funds to the director of the
11 department of management. The report shall state the source of
12 the funds that supplement or replace state appropriations for
13 institutional operations, the amount received, and the terms
14 under which the funds are received.

15 b. Notwithstanding paragraph "a", the state board of regents
16 shall submit the written report required under paragraph "a" on
17 a quarterly basis in the format specified by the director of
18 the department of management.

19 Sec. 2. Section 8D.9, subsection 2, paragraph a, unnumbered
20 paragraph 1, Code 2020, is amended to read as follows:

21 A private or public agency, other than an institution under
22 the control of the state board of regents, a private college
23 or university, or a nonpublic school, which certifies to the
24 commission pursuant to subsection 1 that the agency is a
25 part of or intends to become a part of the network shall use
26 the network for all video, data, and voice requirements of
27 the agency unless the private or public agency petitions the
28 commission for a waiver and one of the following applies:

29 Sec. 3. Section 8D.9, subsection 2, paragraphs b and c, Code
30 2020, are amended to read as follows:

31 b. A private or public agency, other than an institution
32 under the control of the state board of regents, a private
33 college or university, or a nonpublic school, shall petition
34 the commission for a waiver of the requirement to use the
35 network as provided in paragraph "a", if the agency determines

1 that paragraph "a", subparagraph (1) or (2) applies. The
2 commission shall establish by rule a review process for
3 determining, upon application of an authorized user, whether
4 paragraph "a", subparagraph (1) or (2) applies. An authorized
5 user found by the commission to be under contract for such
6 services as provided in paragraph "a", subparagraph (2), shall
7 not enter into another contract upon the expiration of such
8 contract, but shall utilize the network for such services as
9 provided in [this section](#) unless paragraph "a", subparagraph
10 (1), applies. A waiver approved by the commission may be for
11 a period as requested by the private or public agency of up to
12 three years.

13 *c.* A An institution under the control of the state board
14 of regents, a private college or university, or a nonpublic
15 school which certifies to the commission pursuant to subsection
16 1 that ~~the private college, university, or nonpublic school~~ it
17 is a part of or intends to become a part of the network may
18 use the network for its video, data, or voice requirements
19 as determined by the regents institution, private college or
20 university, or nonpublic school.

21 Sec. 4. Section 21.5, subsection 1, paragraph 1, Code 2020,
22 is amended to read as follows:

23 *1.* To discuss patient care quality and process improvement
24 initiatives in a meeting of a public hospital or to discuss
25 marketing and pricing strategies or similar proprietary
26 information in a meeting of a public hospital, where public
27 disclosure of such information would harm such a hospital's
28 competitive position when no public purpose would be served
29 by public disclosure. The minutes and the audio recording of
30 a closed session under this paragraph shall be available for
31 public inspection when the public disclosure would no longer
32 harm the hospital's competitive position. For purposes of
33 this paragraph, "public hospital" means a hospital licensed
34 pursuant to [chapter 135B](#) and governed pursuant to [chapter 145A](#),
35 [226](#), [347](#), [347A](#), or [392](#), or a health care facility operated by

1 an institution governed by the state board of regents. This
2 paragraph does not apply to the information required to be
3 disclosed pursuant to [section 347.13, subsection 11](#), or to any
4 discussions relating to terms or conditions of employment,
5 including but not limited to compensation of an officer or
6 employee or group of officers or employees.

7 Sec. 5. Section 22.7, Code 2020, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 74. Proprietary intellectual property
10 owned or held under contractual agreements by the state board
11 of regents or by an institution of higher education under the
12 board's control.

13 Sec. 6. Section 23A.2, subsection 10, paragraph k,
14 unnumbered paragraph 1, Code 2020, is amended to read as
15 follows:

16 The following ~~on-campus~~ activities of an institution or
17 school under the control of the state board of regents or a
18 school corporation:

19 Sec. 7. Section 23A.2, subsection 10, paragraph k,
20 subparagraphs (8) and (9), Code 2020, are amended to read as
21 follows:

22 (8) ~~Services~~ Health care and related services to patients
23 and visitors ~~at~~ by the university of Iowa ~~hospitals and~~
24 ~~clinics, except as specifically listed in~~ [subsection 2,](#)
25 ~~paragraph "d".~~

26 (9) Goods, products, or professional services ~~which are~~
27 ~~produced, created, or sold incidental to the schools' teaching,~~
28 ~~research, and extension missions~~ provided to the public in
29 furtherance of the institution's or school's mission.

30 Sec. 8. Section 135P.1, subsection 3, Code 2020, is amended
31 to read as follows:

32 3. "*Health facility*" means an institutional health facility
33 as defined in [section 135.61](#), hospice licensed under chapter
34 135J, home health agency as defined in [section 144D.1](#), assisted
35 living program certified under [chapter 231C](#), clinic, ~~or~~

1 community health center, or the university of Iowa hospitals
2 and clinics, and includes any corporation, professional
3 corporation, partnership, limited liability company, limited
4 liability partnership, or other entity comprised of such health
5 facilities.

6 Sec. 9. Section 135P.3, subsection 1, unnumbered paragraph
7 1, Code 2020, is amended to read as follows:

8 If an adverse health care incident occurs in a health
9 facility, the health care provider, the health care facility,
10 or the health care provider jointly with the health facility,
11 may provide the patient with written notice of the desire of
12 the health care provider, the health care facility, or of the
13 health care provider jointly with the health facility, to enter
14 into an open discussion under this chapter. A health care
15 facility may designate a person or class of persons who have
16 authority to provide such notice on behalf of the facility.

17 If the health care provider or health facility provides such
18 notice, such notice must be sent within one ~~hundred eighty days~~
19 year after the date on which the health care provider knew, or
20 through the use of diligence should have known, of the adverse
21 health care incident. The notice must include all of the
22 following:

23 Sec. 10. Section 262.9, subsection 22, Code 2020, is amended
24 by striking the subsection.

25 Sec. 11. Section 262.9, subsection 36, Code 2020, is amended
26 to read as follows:

27 36. Implement continuous improvement in ~~every~~ undergraduate
28 ~~program~~ programs offered by an institution of higher education
29 governed by the board.

30 ~~a.~~ A continuous improvement plan shall be developed and
31 implemented built upon the results of the institution's student
32 outcomes assessment program ~~using the following phase-in~~
33 ~~timeline:~~

34 ~~(1) For each course with typical annual enrollment of~~
35 ~~three hundred or more, whether in one or multiple sections, a~~

1 ~~continuous improvement plan shall be developed and implemented~~
2 ~~beginning in the fall semester of 2013.~~

3 ~~(2) For each course with typical annual enrollment of two~~
4 ~~hundred or more but less than three hundred, whether in one~~
5 ~~or multiple sections, a continuous improvement plan shall be~~
6 ~~developed and implemented beginning in the fall semester of~~
7 ~~2014.~~

8 ~~(3) For each course with a typical annual enrollment of~~
9 ~~one hundred or more but less than two hundred, whether in one~~
10 ~~or multiple sections, a continuous improvement plan shall be~~
11 ~~developed and implemented beginning in the fall semester of~~
12 ~~2015.~~

13 ~~b. For each undergraduate course, the institution shall~~
14 ~~collect and use the results of formative and summative~~
15 ~~assessments in its continuous improvement plan. for courses~~
16 ~~with typical annual enrollments of one hundred or more~~
17 ~~students, whether in one or multiple sections. In developing~~
18 ~~and implementing the continuous improvement plan for each~~
19 ~~course, the instructor or instructors for such a course shall~~
20 ~~each year evaluate the results of the instructors' students'~~
21 ~~performances in comparison with established course goals and~~
22 ~~shall formulate recommendations for future goals and methods to~~
23 ~~achieve improved student performance.~~ The board shall annually
24 evaluate the effectiveness of the plans and shall submit an
25 executive summary of its findings and recommendations in its
26 annual strategic plan progress report, a copy of which shall be
27 submitted to the general assembly.

28 Sec. 12. Section 262.9B, subsection 5, Code 2020, is amended
29 by striking the subsection.

30 Sec. 13. Section 262.14, subsection 3, Code 2020, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. *f.* Funds belonging to an institution
33 governed by the board may be invested in private enterprises
34 if such investment is made in furtherance of the institution's
35 mission. The board shall annually, on or before November 1,

1 submit a report to the general assembly providing information
2 regarding how the board invested any funds in accordance with
3 this paragraph, including the amount invested, how long the
4 board has invested such funds, and the percentage of equity in
5 each private enterprise held by the board.

6 Sec. 14. Section 262.26, Code 2020, is amended to read as
7 follows:

8 **262.26 Report of board.**

9 The board shall, ~~biennially, at the time provided by~~
10 ~~law,~~ report to the governor and the legislature such facts,
11 observations, and conclusions respecting each of ~~such the~~
12 institutions under its control as in the judgment of the board
13 should be considered by the legislature. Such report shall
14 contain an itemized account of the receipts and expenditures
15 of the board, and also the reports made to the board by the
16 executive officers of the several institutions or a summary
17 thereof, and shall submit budgets for biennial appropriations
18 deemed necessary and proper to be made for the support of
19 the several institutions and for the extraordinary and
20 special expenditures for buildings, betterments, and other
21 improvements.

22 Sec. 15. Section 262.28, Code 2020, is amended to read as
23 follows:

24 **262.28 Appropriations — monthly installments — ~~transfers.~~**

25 ~~1.~~ All appropriations made payable annually to each of the
26 institutions under the control of the board of regents shall be
27 paid in twelve equal monthly installments on the last day of
28 each month on order of said board.

29 ~~2. In lieu of the consent and notification requirements of~~
30 ~~section 8.39,~~ the board may transfer moneys appropriated for
31 the purposes of the southwest Iowa regents resource center, the
32 northwest Iowa regents resource center, and the quad cities
33 graduate studies center between such centers if the board
34 notifies, in writing, the general assembly and the legislative
35 services agency of the amount, the date, and the purpose of the

1 ~~transfer.~~

2 Sec. 16. NEW SECTION. **262B.4 General powers — ownership or**
3 **equity interests.**

4 Any institution under the control of the state board of
5 regents may use its retained earnings, or the retained earnings
6 of an affiliated entity, to acquire, hold, and dispose of
7 ownership or equity interests in entities that arise from
8 research and development efforts conducted at such institution
9 in accordance with this chapter.

10 Sec. 17. Section 263.12, Code 2020, is amended to read as
11 follows:

12 **263.12 Payment by counties.**

13 The provisions of sections 270.4 to and 270.8, inclusive,
14 ~~are hereby made~~ applicable to the university of Iowa hospitals
15 and clinics' center for disabilities and development.

16 Sec. 18. Section 263.17, subsection 4, Code 2020, is amended
17 to read as follows:

18 4. An advisory committee consisting of one representative
19 of each of the organizations enumerated in subsection 2,
20 paragraph "a", is established. The advisory committee shall:
21 ~~a. Employ~~ employ, as a state employee, a full-time
22 director to operate the center. The director shall coordinate
23 the efforts of the heads of each of the major divisions of
24 laboratory analysis, epidemiology and biostatistics, biomedical
25 assays, and exposure modeling and shall also coordinate the
26 efforts of professional and support staff in the operation of
27 the center.

28 ~~b. Submit an annual report of the activities of the center~~
29 ~~to the legislative council of the general assembly by January~~
30 ~~15 of each year.~~

31 Sec. 19. Section 266.39E, subsection 3, Code 2020, is
32 amended by striking the subsection.

33 Sec. 20. Section 269.2, Code 2020, is amended to read as
34 follows:

35 **269.2 Expenses — residence of indigents.**

1 The provisions of sections 270.4 to and 270.8, inclusive,
2 ~~are hereby made~~ applicable to the Iowa braille and sight saving
3 school.

4 Sec. 21. Section 270.3, Code 2020, is amended to read as
5 follows:

6 **270.3 Admission.**

7 Any resident of the state less than twenty-one years of
8 age, who has a hearing loss which is too severe to acquire
9 an education in the public schools is eligible to attend the
10 school for the deaf. Nonresidents similarly situated may be
11 admitted to an education therein upon such terms as may be
12 fixed by the state board of regents. The fee for nonresidents
13 shall be ~~not less than the average expense of resident pupils~~
14 ~~and shall be paid in advance~~ set by the state board of regents.

15 Sec. 22. Section 270.4, Code 2020, is amended to read as
16 follows:

17 **270.4 Clothing, and prescriptions, ~~and transportation.~~**

18 The superintendent shall provide students, who would
19 otherwise be without, with clothing, or prescription refills,
20 ~~or transportation,~~ and shall bill the student's parent or
21 guardian, if the student is a minor, or the student if the
22 student has attained the age of majority, for any clothing, or
23 prescription refills, ~~or transportation~~ provided. The bill
24 shall be presumptive evidence in all courts.

25 Sec. 23. Section 282.18, subsections 16 and 17, Code 2020,
26 are amended by striking the subsections.

27 Sec. 24. Section 331.502, subsection 15, Code 2020, is
28 amended by striking the subsection.

29 Sec. 25. 2019 Iowa Acts, chapter 135, section 9, subsection
30 1, paragraph a, unnumbered paragraph 2, is amended to read as
31 follows:

32 The For the fiscal year beginning July 1, 2019, and ending
33 June 30, 2020, the state board of regents shall submit a
34 monthly quarterly financial report to the general assembly and
35 the legislative services agency in a format agreed upon by the

1 state board of regents office and the legislative services
2 agency. The report submitted ~~in~~ for the quarter ending
3 December 31, 2019, shall include the five-year graduation rates
4 for the regents universities.

5 Sec. 26. REPEAL. Chapter 256G, Code 2020, is repealed.

6 Sec. 27. REPEAL. Sections 262.24, 262.25, 267A.7, 270.5,
7 270.6, and 270.7, Code 2020, are repealed.

8 Sec. 28. RETROACTIVE APPLICABILITY. The following applies
9 retroactively to July 1, 2019:

10 The section of this Act amending 2019 Iowa Acts, chapter 135,
11 section 9, subsection 1, paragraph "a", unnumbered paragraph 2.