HOUSE FILE 2558
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2327)

(As Amended and Passed by the House February 29, 2024)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to higher education, including by modifying the responsibilities of private institutions of higher education, community colleges, the state board of regents, and institutions of higher education governed by the state board of regents, modifying provisions related to diversity, equity, and inclusion policies, tuition, and administrator hiring at state universities, membership of the state board of regents, and student-employer work and tuition programs at state universities and community colleges, and including applicability provisions.

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

DIVISION I

SHORT TITLE

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "Higher Education Reform Act of 2024".

DIVISION II

COMMUNITY COLLEGES

Sec. 2. Section 260C.14, Code 2024, is amended by adding the following new subsections:

NEW SUBSECTION. 25. [Prior to the beginning of the 2025-2026 academic year], establish a program that satisfies all of the following requirements:

a. Allows students admitted to the community college to complete the community college's associate's degree program while working part-time for an employer registered under the program.

b. Requires the student and a representative of the student's employer to execute an agreement that requires the student to work part-time for the student's employer for at least one calendar year and that describes the rights and responsibilities of the student and the employer under the program.

c. Requires the student's employer to pay all of the tuition and mandatory fees associated with the student's participation in the associate's degree program during the fall and spring semesters.

d. Requires the student's employer to pay the student a rate of compensation that shall not be less than the higher of the applicable federal or state minimum wage.

NEW SUBSECTION. [26.] Adopt policies and procedures that require the community college to follow state law, regardless of any rules or directives of any accrediting agency.

NEW SUBSECTION. [27.] Adopt policies and procedures that require any strategic plan adopted by the community college to include a description of how the community college will prioritize degree programs that lead to employment

in high-demand fields within the state. The policies and procedures shall also require that the community college's current strategic plan be revised to include a description of how the community college will prioritize degree programs that lead to employment in high-demand fields within the state.

NEW SUBSECTION. [28.] Adopt policies and procedures that prohibit any faculty senate committee or subcommittee from having any governance authority over the community college. The policies and procedures shall provide that the scope of authority of a faculty senate committee or subcommittee is limited to an advisory role.

DIVISION III

STATE BOARD OF REGENTS

Sec. 3. Section 262.1, Code 2024, is amended to read as follows:

262.1 Membership.

1. The state board of regents consists of nine voting members, eight of whom 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 members shall be of the same political party.

2. In addition to the nine voting members, the membership of the state board of regents shall include two ex officio, nonvoting members of the general assembly, with one member designated by the majority leader of the senate and one member designated by the speaker of the house of representatives. A legislative member serves for a term as provided in section 69.16B.

Sec. 4. Section 262.2, Code 2024, is amended to read as follows:

262.2 Appointment — term of office.

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

Sec. 5. Section 262.4, Code 2024, is amended to read as follows:

262.4 Removals.

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

Sec. 6. Section 262.5, Code 2024, is amended to read as follows:

262.5 Suspension.

When the general assembly is not in session, the governor may suspend any voting member so disqualified and shall appoint another to fill the vacancy thus created, subject to the

approval of the senate when next in session.

Sec. 7. Section 262.6, Code 2024, is amended to read as follows:

262.6 Vacancies.

Vacancies shall be filled in the same manner in which regular appointments are required to be made. If the ninth voting member resigns prior to the expiration of the term, the individual appointed to fill the vacancy shall meet the requirements for the ninth voting member specified in section 262.1, subsection 1. Other vacancies in the voting members occurring prior to the expiration of the ninth voting member's term shall be filled in the same manner as the original appointments for those vacancies.

Sec. 8. Section 262.8, Code 2024, is amended to read as follows:

262.8 Meetings.

The board shall meet four times a year. Special meetings may be called by the board, by the president of the board, or by the executive director of the board upon written request of any five voting members thereof.

[Sec. 9. Section 262.9, subsection 1, Code 2024, is amended to read as follows:

1. *a.* Each even-numbered year ~~elect~~ nominate, from its members, a president of the board, who is subject to confirmation by the senate and who shall serve for two years and until a successor is ~~elected~~ nominated and ~~qualified~~ confirmed.

b. Notwithstanding paragraph "*a*", an individual who has been nominated by the board and confirmed by the senate pursuant to paragraph "*a*" shall not be required to be confirmed by the senate subsequent to the expiration of the individual's term as president if the board nominates the individual to serve as president of the board subsequent to the expiration of such term.]

Sec. 10. APPLICABILITY. The following applies to members

of the state board of regents appointed by the governor, and not yet confirmed by the senate, on or after the effective date of this division of this Act:

The section of this division of this Act amending section 262.2.

[Sec. 11. APPLICABILITY. The following applies upon the expiration of the term of the president of the state board of regents as provided in section 262.9, subsection 1:

The section of this division of this Act amending section 262.9, subsection 1.]

DIVISION IV

INSTITUTIONS OF HIGHER EDUCATION GOVERNED BY THE STATE BOARD OF REGENTS

Sec. 12. Section 262.9, [subsections 2, 3, and 22], Code 2024, are amended to read as follows:

2. *a.* Elect a president of each of the institutions of higher learning; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation.

b. (1) When electing a president of an institution of higher learning, the board shall use a presidential selection committee that shall provide the board with recommendations related to the best candidate for the position. The board shall not elect a president of an institution of higher learning unless the presidential selection committee recommended the election of the president to the board.

(2) Only members of the board shall serve as members of the presidential selection committee.

(3) In carrying out its duties under this paragraph, the presidential selection committee may do any of the following:

(a) Contract for and use the services of any person engaged in the business of placing highly qualified job candidates in leadership positions.

(b) Use moneys allocated to the committee by the board.

(4) The identity of a candidate for president of an

institution of higher learning being considered by the presidential selection committee shall be confidential and shall not be a public record subject to disclosure under chapter 22[, unless the identity of the candidate is revealed pursuant to the terms of a written agreement entered into between all members of the presidential selection committee].

[3. Make rules for admission to and for the government of said institutions, not inconsistent with law. The rules shall require the institutions of higher learning under its control to incorporate the classic learning test, developed by classic learning initiatives, into the regent admission index prior to the beginning of the 2025-2026 academic year.]

22. *a.* Develop a policy and adopt rules relating to the establishment of tuition rates which provide a predictable basis for assessing and anticipating changes in tuition rates.

* [*b.* The rules shall provide that the amount of resident tuition and mandatory fees charged by an institution of higher education under the board's control to an undergraduate student who began the baccalaureate program on or after the 2025-2026 academic year shall not increase during the student's first four full consecutive academic years of participation in the baccalaureate program. This paragraph shall not be construed to prohibit the board from increasing the amount of resident tuition and mandatory fees for incoming classes by an amount not to exceed three percent of the total amount of resident tuition and mandatory fees the institution charged to undergraduate students during the immediately preceding academic year.

c. (1) Notwithstanding paragraph "*b*", the rules developed by the board shall authorize institutions of higher education under the board's control to increase the total amount of resident tuition and mandatory fees associated with the baccalaureate program for all of the following students:

(a) Students who take more than four full consecutive academic years to complete the baccalaureate program.

(b) Students who have attained a sufficient amount of semester hours of undergraduate credits prior to the student's date of admission such that the student is able to complete the remaining semester hours of credits associated with the baccalaureate program in less than four full consecutive academic years, but the student fails to do so.

(2) If an institution of higher education increases the total amount of resident tuition and mandatory fees associated with the baccalaureate program pursuant to this paragraph, the institution shall not increase the total amount of resident tuition and mandatory fees to an amount that is greater than the amount of tuition and mandatory fees charged to the most recent incoming class.]

Sec. 13. Section 262.9, Code 2024, is amended by adding the following new subsections:

*[NEW SUBSECTION. 39. *a.* Direct the institutions of higher education under its control to adopt policies and procedures that prohibit the institutions from creating any new position for an administrator, unless the board approves the creation of the new position.]

b. The policies and procedures adopted pursuant to paragraph "*a*" shall not prohibit an institution of higher education under the control of the state board of regents from filling an open administrator position with an administrator who is currently employed by the institution of higher education.

*[*c.* For purposes of this subsection, "*administrator*" means an employee who serves in the role of vice president, assistant vice president, or associate vice president.]

NEW SUBSECTION. 40. Direct the institutions of higher *education under its control to establish, [prior to the beginning of the 2025-2026 academic year], a program at each institution that satisfies all of the following requirements:

a. Allows students admitted to the baccalaureate degree program at the institution to complete the baccalaureate degree program while working part-time for an employer registered

under the program.

b. Requires the student and a representative of the student's employer to execute an agreement that requires the student to work part-time for the student's employer for at least one calendar year and that describes the rights and responsibilities of the student and the employer under the program.

c. Requires the student's employer to pay all of the tuition and mandatory fees associated with the student's participation in the baccalaureate degree program during the fall and spring semesters.

d. Requires the student's employer to pay the student a rate of compensation that shall not be less than the higher of the applicable federal or state minimum wage.

NEW SUBSECTION. 41. Direct the institutions of higher education under its control to structure university-wide diversity, equity, and inclusion offices to [prohibit] any diversity, equity, and inclusion function that is not necessary for compliance with federal or state laws or accreditation. The institutions of higher education shall make the support services that [are] provided by such offices broadly available to all students and employees, subject to applicable federal and state eligibility requirements.

NEW SUBSECTION. 42. Direct the institutions of higher education under its control to regularly do all of the following:

a. Review the services provided by offices that support diversity or multicultural affairs in other divisions of the institution to ensure that such services are available to all students, subject to applicable federal or state eligibility requirements.

b. Update promotional and informational materials and internet sites to clarify that the mission of offices that support diversity or multicultural affairs in other divisions of the institution is to support success broadly.

NEW SUBSECTION. 43. Direct the institutions of higher education under its control to take reasonable steps to assure all of the following:

a. That an employee, student, applicant, or campus visitor is not required to submit a diversity, equity, and inclusion statement, or be evaluated based on participation in a diversity, equity, and inclusion initiative, unless required for compliance or accreditation related to diversity, equity, and inclusion.

b. That an employee, student, applicant, or campus visitor is not compelled to disclose the employee's, student's, applicant's, or campus visitor's preferred pronouns.

NEW SUBSECTION. 44. Develop a policy that each institution of higher education under the control of the board shall approve, institute, and enforce, that prohibits the consideration of race and other protected class characteristics during the admissions process that is consistent with current federal and state law.

NEW SUBSECTION. 45. Develop a policy that each institution of higher education under the control of the board shall approve, institute, and enforce, that contains guidance for employees of each institution related to the separation of personal political advocacy from the employee's job duties and the business of the institution.

NEW SUBSECTION. 46. Direct the institutions of higher education under its control to adopt policies and procedures to advance the diversity of intellectual and philosophical perspectives in faculty and staff applicant pools.

NEW SUBSECTION. 47. Provide an annual notice to the institutions of higher education under its control concerning the board's policy related to institution statements on matters of public concern.

NEW SUBSECTION. 48. Direct the institutions of higher education under its control to follow state law, regardless of any rules or directives of any accrediting agency.

NEW SUBSECTION. 49. *a.* Direct the institutions of higher education under its control to adopt policies that require all undergraduate students admitted on or after the [2025-2026] academic year to complete a three-credit-hour course devoted to American history and civics prior to graduation.

b. Direct the institutions of higher education under its control to develop the curriculum and materials related to the American history and civics course, subject to the approval of the board. The curriculum shall focus on the founding of the United States and shall emphasize the federalist papers, the United States Constitution, and the three branches of government.

[*c.* Direct the institutions of higher education under its control to develop policies that allow undergraduate students to fulfill the requirements described in paragraph "*a*" through semester hours of credit attained at other educational institutions.]

NEW SUBSECTION. 50. Direct the institutions of higher education under its control to adopt policies that authorize the president of the institution to initiate a post-tenure review of any employee of the institution at any time.

NEW SUBSECTION. 51. Direct the institutions of higher education under its control to adopt policies that require any strategic plan adopted by the institution to include a description of how the institution will prioritize degree programs that lead to employment in high-demand fields within the state. The policies and procedures shall also require that the institution's current strategic plan be revised to include a description of how the institution will prioritize degree programs that lead to employment in high-demand fields within the state.

NEW SUBSECTION. 52. Prohibit the institutions of higher education under its control from allowing any Confucius institute, or any other educational institute funded in whole or in part by the People's Republic of China, to be located on

any property owned by the institution of higher education.

NEW SUBSECTION. 53. Direct the institutions of higher education under its control to adopt policies and procedures that prohibit any faculty senate committee or subcommittee from having any governance authority over the institution of higher education. The policies and procedures shall provide that the scope of authority of a faculty senate committee or subcommittee is limited to an advisory role.

NEW SUBSECTION. 54. In a timely manner, respond to and fulfill any request for information submitted to the board by a member of the general assembly or the governor.

Sec. 14. INSTITUTIONS OF HIGHER EDUCATION GOVERNED BY THE STATE BOARD OF REGENTS — REQUIRED REVIEWS.

1. On or before December 31, 2024, each institution of higher education governed by the state board of regents shall do all of the following:

a. Review all college, department, and unit-level diversity, equity, and inclusion positions to determine whether diversity, equity, and inclusion-specific job responsibilities are necessary for compliance with federal or state law, accreditation, or for the provision of student or employee support services.

b. Adjust or eliminate any diversity, equity, and inclusion position that is not necessary for those purposes described in paragraph "a".

c. Review all employee position names and working titles to ensure that the position names and working titles appropriately reflect the employee's responsibilities.

2. Each institution of higher education governed by the state board of regents shall initiate and conduct a review of general education categories related to diversity, equity, and inclusion and update such categories to accurately reflect the array of options students may select in order to satisfy the requirements associated with such categories and to ensure a breadth of offerings.

Sec. 15. INSTITUTIONS OF HIGHER EDUCATION GOVERNED BY THE STATE BOARD OF REGENTS — REQUIRED DEVELOPMENT OF NEW ACADEMIC PROGRAM. Prior to the November 2024 meeting of the state board of regents, each institution of higher education governed by the state board of regents shall develop and submit to the state board of regents, the general assembly, and the governor, a proposed baccalaureate degree program that requires a student to complete no more than ninety semester hours of classroom work. [This section shall not be construed to require an institution of higher education governed by the state board of regents to implement the proposed baccalaureate degree program.]

Sec. 16. COMPREHENSIVE STUDY — REDUCTION OF COSTS. Each institution of higher education governed by the state board of regents shall do all of the following:

1. Conduct a comprehensive study related to how to reduce costs, maintain close to current levels of tuition and mandatory fees, and maintain noninstructional costs *below ten percent of the [average annual total of the moneys appropriated to the institution by the general assembly and the institution's revenue generated by tuition and mandatory fees].

2. Prior to the November 2024 meeting of the state board of regents, each institution of higher education governed by the state board of regents shall develop and submit to the state board of regents, the general assembly, and the governor a report detailing the results of the comprehensive study described in subsection 1.

*Sec. 17. INSTITUTIONS OF HIGHER EDUCATION GOVERNED BY THE STATE BOARD OF REGENTS — EDUCATION AND RESEARCH ON FREE SPEECH AND CIVIC EDUCATION PROPOSAL. Prior to the November 2024 meeting of the state board of regents, each institution of higher education governed by the state board of regents shall develop and submit to the state board of regents, the general assembly, and the governor, a proposal related to the *establishment of a [center or institute] that is dedicated to expanding opportunities for education and research concerning

freedom of speech and civic education.

DIVISION V

CLOSURE OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION

Sec. 18. NEW SECTION. **261J.1 Closure of private institutions of higher education.**

1. An accredited private institution shall provide notice to the department of education immediately upon a vote of the accredited private institution's governing board to close the institution.

2. Within [five business] days after providing notice under subsection 1, an accredited private institution shall provide the department of education with copies of all of the following:

a. Teachout plan.

b. The notice to faculty, staff, and students that the institution will close.

c. Plans to coordinate alternative program options.

d. A comprehensive [student directory] with contact information and information related to each student's current status at the institution as of the date the institution will close.

e. The institution's plan to provide transitional support.

f. The institution's transcript retention plan.

g. The process and contact person for student concerns, complaints, and questions related to the closure of the institution, both before and after the institution closes.

3. For purposes of this section, "*accredited private institution*" means the same as defined in section 256.183.