

Iowa College Student Aid Commission Case Study

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INTRODUCTION

On December 16, 1963 the United States Congress passed the Higher Education Facilities Act of 1963. Congress passed this act out of concern for the “security and welfare of the United States” and recognized

that this and future generations of American youth be assured ample opportunity for the fullest development of their intellectual capacities, and that this opportunity will be jeopardized unless the Nation’s colleges and universities are encouraged and assisted in their efforts to accommodate rapidly growing numbers of youth who aspire to a higher education. (20 U.S.C. § 753, 2006, p. 363)

The Higher Education Facilities Act authorized funds for grants, or “conditional awards of funding,” and low-interest loans for the construction or remodeling of undergraduate and graduate academic facilities at both public and non-profit four-year institutions and public community college and public technical institutes (Biggs and Helms, p. 308). Under this act, four-year institutions could use federal funds to construct academic facilities for the “instruction or research in the natural and physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library” (20 U.S.C.S. § 753, 2006, p. 368). On the other hand, institutions could not use federal funds to construct or remodel facilities for schools of medicine, dentistry, osteopathy, optometry, podiatry, nursing, and public health.

The Higher Education Facilities Act authorized a higher percentage of grants to build or remodel public community and technical colleges’ academic facilities than undergraduate and graduate buildings. The act appropriated grants to public community and technical colleges for up to 40 percent of the construction cost whereas undergraduate and graduate academic institutions could only receive grants up to 33 1/3 percent (Higher Education Facilities Act of

1963). The act also required states to create a state agency, if none existed already, to set forth the

basic criteria prescribed by regulations...for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State and for determining the Federal share of the development cost of each such project. (20 U.S.C. § 753, 2006, p. 367)

Each state was to submit this information in the form of a State plan to the U.S. Commissioner of Education to the Department of Health, Education and Welfare. According to the Higher Education Facilities Act and the Iowa State Higher Education Facilities Commission (1965) second biennium report, state agencies were only responsible for administering Title I of the act, which authorized grants for undergraduate academic facilities. Title II of the act authorized grants for graduate facilities and Title III authorized loans for undergraduate and graduate academic facilities, both of which were administered from the U.S. Office of Education.

The anticipated increase in the number of college age students *became* a problem when the Ford Foundation's non-profit organization, Educational Facilities Laboratories, published a report in 1963 or 1964 called *Bricks and Mortarboards: A Report on College Planning and Building*. The report warns "American universities and colleges are heading for a shortage of a million or more seats by 1970 at the present rate of construction" and "institutions are running \$700 million a year behind the estimated needs of construction" (Terete, p. 39). The organization estimated an increase from 4 million college students to 7.2 million by the 1970s. Although the Higher Education Facilities Act was passed by Congress on December 16, 1963, possibly before the *Bricks and Mortarboards* report was published, a New York Times article published on October 9, 1963 stated that Senator Joseph S. Clark, Democrat of Pennsylvania,

proposed a substitute bill on October 8 to include appropriations for college facilities construction in a job training bill. The substitute bill did not pass because “the Senate was not prepared to take this on, and Mr. Clark withdrew his plan,” perhaps indicating communication between the Educational Facilities Laboratories group and Senator Clark before the eventual passage of federal aid for college facilities construction (Trussell, p. 1). Either way, the solution to the problem was to build or remodel academic facilities.

In this policymaking environment, the Ford Foundation was the policy entrepreneur in the form of a think tank since the Educational Facilities Laboratories organization conducted research on ways to improve educational facilities. According to an Judy Marks (2000), the Educational Facilities Laboratories (EFL) was founded “in 1958 in response to the need for new educational facilities because of the baby boom in the 1950s and 1960s” (p. 1). In 1979 the Educational Facilities Laboratories merged with the Academy for Educational Development and in 1986 the EFL division of the academy closed doors; the literature reviewed did not explain why. Fred Hechinger (1963) writes that the Commissioner of the Office of Education at the time, Francis Keppel, “had an important hand wrapping the package,” and “devoted most of his time and effort to Congressional liaison,” suggesting the Commissioner lobbied Congress to pass the Higher Education Facilities Act (p. E8). Not everyone was enthusiastic about all components of the Higher Education Facilities Act. For example, a *New York Times* editorial cartoon, published a month after the passage of the Higher Education Facilities Act, poked fun at the modernity of the Educational Facilities Laboratories’ construction and modeling (See Appendix for cartoon).

State Profile: Iowa

The Higher Education Facilities Act (HEFA) was passed on December 16, 1963 and with the first appropriations bill funding the HEFA signed by President Johnson on September 19, 1964. Four months after Congress passed the Higher Education Facilities Act, the Iowa General Assembly passed House File 10 on April 3, 1964 “to establish a commission as the state agency to administer a plan for higher education facilities and to qualify for federal funds available to the state of Iowa” (Iowa Code Laws of the Sixteenth Extra General Assembly, p. 14). Jay Stein (1965) reports that, “educators from Iowa had already been writing letters to the Governor and to spokesmen of both public and private institutions” in a lobbying effort to pass legislation creating a state agency to administer Federal funds under Title I of the Higher Education Facilities Act (p. 1). Their efforts succeeded as House File 10 was passed in an extra session on April 3, 1964.

House File 10 is an example of organic or enabling legislative authority because the bill created a new agency instead of an existing state agency adopting the obligations the Higher Education Facilities Act (HEFA) called for. The Commissioners of Iowa’s new state agency, the Iowa State Higher Education Facilities Commission (Commission), abiding by the regulations in the HEFA, exercised administrative authority in that they created a point-scoring system for awarding money to institutions in the State plan to then be approved by the U.S. Office of Education. The Higher Education Facilities Commission submitted Iowa’s plan to the U.S. Office of Education on September 23, 1964. The Commission would receive operating funds only from Congress, but only after their State plan was approved by the U.S. Commissioner of Education. The first director of the Commission, Jay Stein, was not paid until Iowa’s State plan was approved by the U.S. Office of Education on October 29, 1964.

Not all states initially sought federal aid for construction of academic facilities. On January 20, 1964 the Illinois Senate “defeated authorizing a state agency to prepare plans and distribute the \$11.6

million that is expected to be the state's initial share of Federal matching grants" ("U.S. Aid," p. 26). Governor of Illinois, Otto Kerner, a Democrat, however, exercised executive authority to designate a state agency. The Republican majority in the Illinois Senate felt at that time that, "federal control would threaten the independence and self-reliance of higher education" – a position that seems "quaint" in the 21st century ("U.S. Aid," p. 26).

Enter the Higher Education Act of 1965

A second watershed act would influence the one of the Commission's responsibilities today. Congress passed the Higher Education Act of 1965 on November 8 to "strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary education" (20 U.S.C. § 1001, 2006, p. 1219). Title IV, Part B, Title VI, Part A, and Title VII fell under the purview of the Iowa State Higher Education Facilities Commission. Title IV, Part B, authorized a State agency to administer guaranteed student loans to students. According to Jay Stein (1966), "student loans are federally encouraged by advance reserve funds but are intended to activate a state-supported guarantee supplement" and are "part of the endeavor to assure post high school educational opportunity for everyone" (Part II, p. 1). Title VI, of the Higher Education Act of 1965 provided funds to improve undergraduate instruction and Part A of this title required states to designate an existing state agency or establish one to administer grants to institutions of higher education "for the acquisition of equipment and for minor remodeling" and "for the acquisition of television equipment" to install in classrooms (20 U.S.C. § 1001, 2006, p. 1261). Stein (1966) states that

the Higher Education Facilities commission was designated as the state agency to administer the equipment grants program and was given the responsibility of submitting

‘a State Plan for such participation’ to the U.S. Office of Education for approval. This approval was granted April 27, 1966. (Part I, p. 16)

The Commission still administers the Guaranteed Student Loan Program and is now called the Family Federal Education Loan Program. Title VII amended the Higher Education Facilities Act of 1963, allotted more money to the construction of two and four-year academic facilities, extended the scope of use of the new academic facilities to professional schools, and gave states more flexibility in the construction of academic facilities.

One final point to note about the Higher Education Act of 1965 is the last section of the last title of the act which states that

nothing contained in this Act shall be construed to authorize any department, agency officer, or employee of the United States to exercise any direction, supervision or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by any educational institution. (20 U.S.C. § 1001, 2006, p. 1270)

This text of the act is important to note for two reasons. One, although prior federal laws like the Higher Education Facilities Act of 1963 obligated state assemblies to create a state agency to be eligible to participate in the academic facilities grants program, Title IV, Part B of the Higher Education Act of 1965 established a continuous relationship which still exists today between the federal government and the state agency, the Commission, responsible for administering the guaranteed student loan program. The Commission no longer administers federal grants for the construction of academic facilities. Two, the text attempted to satisfy skeptical Republicans in state legislatures who feared federal involvement in higher education, at least those in the Illinois General Assembly.

Iowa College Student Aid Commission

Today the Iowa State Higher Education Facilities Commission is called the Iowa College Student Aid Commission. In 1978 the Iowa General Assembly changed the Commission's name from Higher Education Facilities Commission to College Aid Commission and in 1990 added the word 'Student' after the word 'College' (Iowa Code Annotated, 2003). According to the Commission's website, the Iowa College Student Aid Commission

is a state agency that advocates for Iowa students and administers scholarship, grant, loan and other related programs to help finance expenses at colleges and universities of their choice. Commission services include administration of student financing, information services, research, and program evaluation.

So what began in 1964 as a newly created state agency to administer grants for the construction of academic facilities developed into a state agency administering a federal student loan program and the State of Iowa Scholarship program. The Iowa General Assembly authorized the State of Iowa Scholarship in 1966 and the first group of recipients received the scholarship in the fall of the same year (J. W. Stein, 1966).

Chapter 261, Section 3, of the Iowa Code establishes the Iowa College Student Aid Commission as an "*autonomous state agency.*" Therefore, this Commission is not part of the Iowa State Department of Education. The Commission has 12 commissioners who have final decision-making and supervisory authority. The 12 commissioners include a member from the state board of regents, senate, house of representatives, the director of the department of education, and eight other members are appointed by the governor. Approximately 50 state employees comprise the commission's administrative staff. The Iowa College Student Aid Commission's organizational chart is listed in the Appendix. According to Biggs and Helms

(2007), “we can classify agencies according to the transparency of both agency outputs and outcomes” (p. 212). The Commission is a production organization since “both outputs and outcomes are easily observed and measured” (p. 212). The Commission administers programs to distribute state, federal, and private college aid from their office located at 200 10th Street, Des Moines, Iowa 50309.

In addition to the Federal Family Education Loan program, today the Iowa College Student Aid Commission administers six state grant programs, three scholarship programs, three loan forgiveness programs and the Iowa work-study program. The six grant programs are the Iowa Tuition Grant, Iowa Grant, Iowa Vocational-Technical Tuition Grant, Iowa National Guard Educational Assistance Grant, and two grant programs for foster children. The three scholarship programs include the State of Iowa Scholarship, Robert C. Byrd Honors Scholarship, and the Governor Terry E. Branstad – State Fair Scholarship. Teachers, physicians, and nurses working in shortage areas in Iowa may qualify for the Commission’s loan forgiveness programs. The Iowa Tuition Grant is selected to illustrate the production and results of the policymaking cycle for this case study.

Program Profile: Iowa Tuition Grant

According to Julie Leeper, the Iowa Tuition Grant Program was established in 1969 “to give Iowa’s students an equal choice among institutions without regard to a college’s price” (personal communication, April 3, 2007). The Iowa Tuition Grant is a need-based grant to be used to help pay for tuition only at a four-year private college or university in Iowa for undergraduate study for up to four years full-time or for up to eight and a half years part-time. Only Iowa residents are eligible to receive an Iowa Tuition Grant and apply for it by listing at least one private institution on the Free Application for Federal Student Aid.

The Iowa College Student Aid Commission delivers the Iowa Tuition Grant as a policy output and benefit to eligible Iowa students using both vertical and horizontal governance strategies. The Commission, a government sector agency at the state level, must follow state government regulations to administer the Iowa Tuition Grant Program. The Commission works with Iowa private colleges and universities, civil sector entities operating at the local level, to coordinate delivery of the policy benefit. Thus, the delivery system of the Iowa Tuition Grant is characterized by a multi-sector network. According to Keith Greiner, Research Director and Legislative Liaison for the Commission, “the agency contracts with a variety of organizations depending on the needs of the individual program,” however, contracting is not used to distribute the Iowa Tuition Grant (personal communication, March 16, 2007).

The Commission distributes the Iowa Tuition Grant (ITG) through college admission procedures according to the expected family contribution (EFC) awarding parameter set by the Iowa College Student Aid Commission and is determined on a yearly basis. For example, the EFC awarding parameter for the 2007-2008 academic year is \$12,000. So, students with EFCs at or below this amount are eligible for an Iowa Tuition Grant. While the maximum award per student is \$4,000 for the 2007-2008 school year, the amount of award per student is ultimately determined by the number of students who applied and the amount of money appropriated by the Iowa General Assembly in a given year, so it is possible not every student will receive the maximum amount (J. Leeper, personal communication, April 3, 2007). The Iowa Tuition Grant is justified on equality and need principles and is characterized by scarcity and homogeneity. Free money from the government is rare and homogeneous in that every eligible applicant receives the same grant amount no matter if the expected family contribution level is \$12,000 or \$0. For the 2005-2006 academic year, the median family income of ITG recipients was \$46,059.

After an eligible student accepts admission to a private institution and informs the Commission which institution they will attend, the Commission mails the ITG funds to the institution. This occurs in August of each year.

Formal rules and notice and comment rulemaking guide all program implementation. According to the Commission's website, "the Commission adopts Administrative Rules to implement legislation found in Iowa Code Chapter 261." Specifically, these Administrative Rules are title 283—2.1(17A) through 283—2.17(17A) of the Iowa Administrative Code. "17A" refers to Iowa Code Chapter 17A, which is the Iowa Administrative Procedure Act (IAPA). The State of Iowa's Administrative Rules Terminal website says that the IAPA serves as a "minimum procedural code." Iowa Administrative Rules 283—12.1 to 283—12.2 of Chapter 261 guide Iowa Tuition Grant Program implementation. Specifically, Iowa Administrative Rule 283—12.1(5) of Iowa Code Chapter 261 dictates that, "a grant recipient is notified of the award by the college or university to which application is made" placing the responsibility of notification on the institution. The Administrative Rules for the Iowa Tuition Grant, Chapter 12, are in the Appendix.

The Iowa College Student Aid Commission submits a recommended level of funding for the Iowa Tuition Grant to the governor's office each year. The Commission determines the funding level using historical data including the number of applicants and eligible students in past years. The governor's office may or may not change the recommended level funding before submitting the budget proposal to the General Assembly. After the college aid funds are appropriated by the General Assembly to the Iowa College Student Aid Commission, the Commission distributes the funds.

The budgeting process shapes the delivery of the Iowa Tuition Grant (ITG) by the funding level the governor recommends to the General Assembly and the amount the General Assembly appropriates to the Iowa College Student Aid Commission. For example, the General Assembly appropriated enough money for the 2007-2008 school year enough money to fund the maximum amount of the ITG, \$4,000, however, from 2001 to 2005, the General Assembly did not appropriate sufficient funding for the Commission to award eligible students the maximum award (J. Leeper, personal communication, May 15, 2007). Iowa Tuition Grant recipients received \$3,875 in the 2004-2005 school year and \$3,900 in the 2005-2006 school year (J. Leeper, personal communication, May 15, 2007). A copy of the first page of this year's Education Appropriations bill is in the Appendix. The "Tuition Grant Program Standing" text refers to the Iowa Tuition Grant and the "Tuition Grant – For-Profit" refers to the handful of proprietary institutions in the state that eligible students can use their Iowa Tuition Grant at. The bill was passed by the Education Subcommittee in early March and may have undergone changes since then.

Briggs and Helms (2007) explain that, "outcomes are the events, occurrences, or changes in conditions, behavior, or attitudes' that result from the policy making process" (p. 400). The Iowa College Student Aid Commission conducts research to determine outcomes of its grant, scholarship, and loan programs. A short-term outcome for the 2005-2006 academic year is 16,606 students out of 35,324 (47%) received an Iowa Tuition Grant. A mid-term outcome of the policy benefit is the incomes of Iowa Tuition Grant recipients compared to other grant and scholarship recipients and Iowa's median income as illustrated in Table 1.

Table 1

Comparison of Grant Recipient Incomes with Iowa median Incomes for 2000

	Average Income
State of Iowa Scholars	\$42,046
Iowa Tuition Grant	\$34,934
Vocational-Technical Tuition Grant	\$29,303
Iowa Median	\$28,360

Note. Source: Iowa College Student Aid Commission Longitudinal Study of Iowa Scholarships and Grant Recipients, November, 2003

Table 1 shows that Iowa Tuition Grant recipients earn a higher income than the Iowa Median but not as much as State of Iowa Scholarship recipients. The fact that the State of Iowa Scholarship is awarded based on merit could be an intervening variable. Another mid-term outcome of the Iowa Tuition Grant is the college graduation rates of students who received an Iowa Tuition Grant. Several attempts were made to obtain this information from the Commission; however, the information could not be obtained. More general information on graduation rates is available on their website. Evidence of long-term outcomes are available from the Commission's research.

According to a 2005 follow-up survey of people who received an Iowa Tuition Grants in 1990 conducted by the Iowa Association of Independent Colleges and Universities and the Iowa College Student Aid Commission,

97 percent of respondents found it helpful to have received an Iowa Tuition Grant

80 percent indicated average or greater involvement in their communities

74 percent said they are working in their major area of study

16 percent own a business

69 percent live in Iowa

By the eighth year in the workforce, ITG recipients were earning 32% greater than the national average for the Iowa population. (p. 1)

While all of these findings are noteworthy, the percentage of Iowa Tuition Grant living in Iowa stands out. On April 5, 2007, Governor Culver signed a bill into law, House File 617, establishing the Generation Iowa Commission. The Generation Iowa Commission is “part of a strategy to keep more young people working and living in Iowa,” a long-standing concern of Iowa’s leaders (Office of Governor and Lt. Governor website). In this context, the 69 percent of Iowa Tuition Grant (ITG) recipients who live in Iowa is meaningful since the Iowa College Student Aid Commission and supporters of the ITG can point to the effect the grant has on meeting the goal of the Generation Iowa bill.

Since the Iowa Tuition Grant can only be used to attend a private institution in the state and private colleges charge higher tuition and fees than public colleges, a second long-term outcome to look at is the amount of debt Iowa students incur from graduating from a private college or a public college to analyze if the original purpose of the Iowa Tuition Grant, a tuition equalizer to enhance college choice, is being realized.

Table 2
Iowa Student Average Debt Upon Graduation

	Fiscal Year 2005	Fiscal Year 2006	Change
Public universities	\$27,238	\$29,992	\$2684
Independent four-year	\$22,835	\$24,727	\$1892
Average	\$25,037	\$27,325	\$2288

Note. Source: Iowa College Student Aid Commission, Presentation to the Joint Education Appropriations Subcommittee, Resource Materials, January 25, 2007

Table 2 shows Iowa students borrowed more in both years 2005 and 2006 to attend one of the public four-year universities than at private four-year independent college. Iowa students borrowed 19 percent more to graduate from a public university in 2005 and 22 percent more in 2006 dispelling a common myth that attending a private institution costs more than a public one, at least in Iowa.

Conclusion: 'A' For Congress

Six days after the passage of the Higher Education Facilities Act of 1963, Fred Hechinger (1963) published an article in the New York Times with the headline, 'A' For Congress, praising the benefits the Higher Education Facilities Act will bring to students. Hechinger likewise noted the near failure of passage for the act. For example, legislators debated at length about funding the construction of academic facilities used for religious purposes and even for religious studies curriculum. In his article, Hechinger recognized the Commissioner of the Office of Education, Francis Keppel, for his active role in the passage of the act.

Each state today has a commission or agency coordinating the state's college aid distribution because of the passage of the Higher Education Facilities Act of 1963. This case study reviews the establishment of one state's commission, the Iowa College Student Aid Commission, and the development of the commission from coordinating grant applications for academic facilities construction to distributing federal and state aid to Iowa's college students. It also investigates how the Commission administers and delivers the Iowa Tuition Grant program and the program's outcomes. The Iowa Tuition Grant is one of several college aid programs the Iowa College Student Commission administers to Iowa's students and is "an example of the creation and persistence of an agency despite major revisions of its original purpose" (Helms, personal communication, June 2007)

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*Two versions of this document exist

Appendix

Selected pages from the Higher Education Facilities Act of 1963

Selected pages from the Higher Education Act of 1965

House File 10, April 3, 1964

New York Times Editorial Cartoon, January 12, 1964

Iowa College Student Aid Organizational Chart as of February 19, 2007

Iowa Tuition Grant Program – Iowa Administrative Rules 283—12.1(261) to 283—12.2(5)

Iowa State Education Appropriations Bill as of March 6, 2007

the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(f) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.

Approved December 13, 1963.

Privilege
against self-
incrimination.

Place of
service.

Public Law 88-203

AN ACT

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

December 13, 1963
[S. 1703]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963" and inserting "December 31, 1964".

Approved December 13, 1963.

Mexican farm
labor program.
Extension,
75 Stat. 761.
7 USC 1461 note.

Public Law 88-204

AN ACT

To authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions.

December 16, 1963
[H. R. 6143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Facilities Act of 1963".

Higher Educa-
tion Facilities
Act of 1963.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that the security and welfare of the United States require that this and future generations of American youth be assured ample opportunity for the fullest develop-

ment of their intellectual capacities, and that this opportunity will be jeopardized unless the Nation's colleges and universities are encouraged and assisted in their efforts to accommodate rapidly growing numbers of youth who aspire to a higher education. The Congress further finds and declares that these needs are so great and these steps so urgent that it is incumbent upon the Nation to take positive and immediate action to meet these needs through assistance to institutions of higher education, including graduate and undergraduate institutions, junior and community colleges, and technical institutes, in providing certain academic facilities.

TITLE I—GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

APPROPRIATIONS AUTHORIZED

SEC. 101. (a) The Commissioner of Education (hereinafter in this Act referred to as the "Commissioner") shall carry out during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, a program of grants to institutions of higher education for the construction of academic facilities in accordance with this title.

(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$230,000,000 for the fiscal year ending June 30, 1964, and each of the two succeeding fiscal years; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and the succeeding fiscal year, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

(c) Sums appropriated pursuant to subsection (b) of this section shall remain available for reservation as provided in section 109 until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

ALLOTMENTS

SEC. 102. Of the funds appropriated pursuant to section 101 for any fiscal year, 22 per centum shall be allotted among the States in the manner prescribed by section 103 for use in providing academic facilities for public community colleges and public technical institutes. The remainder of the funds so appropriated shall be allotted among the States in the manner as prescribed in section 104 for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes.

ALLOTMENTS TO STATES FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC
TECHNICAL INSTITUTES

SEC. 103. (a) The funds to be allotted for any fiscal year for use in providing academic facilities for public community colleges and public technical institutes shall be allotted among the States on the basis of the income per person and the number of high school graduates of the respective States. Such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the funds being allotted as the product of—

- (1) the number of high school graduates of the State, and
- (2) the State's allotment ratio (as determined under subsection (d))

bears to the sum of the corresponding products for all the States.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 109 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 109 by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for providing academic facilities for public community colleges or public technical institutes. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

(d) For purposes of this section—

(1) The "allotment ratio" for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than $.33\frac{1}{3}$ or more than $.66\frac{2}{3}$, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be $.66\frac{2}{3}$, and (iii) the allotment ratio of any State shall be .50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of an index of the average per pupil cost of constructing minimum

72 Stat. 557.

school facilities in the States as determined for such fiscal year under section 15 (6) of the Act of September 23, 1950, as amended (20 U.S.C. 645), or, in the Commissioner's discretion, on the basis of such index and such other statistics and data as the Commissioner shall deem adequate and appropriate; and

(2) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

(3) The term "high school graduate" means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of school-work, or for demonstration of equivalent achievement. For the purposes of this section the number of high school graduates shall be limited to the number who graduated in the most recent school year for which satisfactory data are available from the Department of Health, Education, and Welfare. The interpretation of the definition of "high school graduate" shall fall within the authority of the Commissioner.

ALLOTMENTS TO STATES FOR INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

SEC. 104. (a) Of the funds to be allotted for any fiscal year for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes (1) one-half shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and (2) the remaining one-half shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such remainder as the number of students enrolled in grades nine to twelve (both inclusive) of schools in such State bears to the total number of students in such grades in schools in all the States. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) of this subsection shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b) (3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education other than public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 109 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 109 by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for providing academic facilities for institutions of higher education other than public community colleges and public technical institutes. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

STATE COMMISSIONS AND PLANS

SEC. 105. (a) Any State desiring to participate in the grant program under this title shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereinafter in this title referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 107, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project other than a project for a public community college or public technical institute (unless such plan provides for a uniform Federal share for all such projects);

(3) provides that the funds allotted (or reallocated) for any year under section 103 will be available only for use for the construction of academic facilities for public community colleges and public technical institutes, and that funds allotted (or reallocated) for any year to the State under section 104 will be available only for use for the construction of academic facilities for institutions of higher education other than public community colleges and public technical institutes;

(4) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this title; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the development cost of the project involved;

(5) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the State commission as to the priority assigned to such project or as to any other determination of the State commission adversely affecting such applicant; and

(6) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of

and accounting for Federal funds paid to the State commission under this title, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this title.

(b) The Commissioner is authorized to expend not exceeding \$3,000,000 during each of the first two fiscal years of the program under this title in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this title, including expenses which he determines were necessary for the preparation of such plans.

ELIGIBILITY FOR GRANTS

SEC. 106. An institution of higher education shall be eligible for a grant for construction of an academic facility under this title (1) in the case of an institution of higher education other than a public community college or public technical institute, only if such construction is limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, and (2) only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (A) result in an urgently needed substantial expansion of the institution's student enrollment capacity, or (B) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity.

BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

SEC. 107. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this title while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to expansion of undergraduate enrollment capacity. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this title within a State other than a project for a public community college or public technical institute, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide Federal share specified in or pursuant to such plan.

In the case of a project for an institution of higher education other than a public community college or public technical institute, the Federal share shall in no event exceed $33\frac{1}{3}$ per centum of its development cost; and in the case of a project for a public community college or public technical institute, the Federal share shall be 40 per centum of its development cost.

(c) Section 4 of the Administrative Procedure Act shall apply to the prescription of regulations under this section, notwithstanding the provisions of clause (2) thereof.

60 Stat. 238.
5 USC 1003.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 108. (a) Institutions of higher education which desire to obtain grants under this title shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this title.

(b) The Commissioner shall approve an application covering a project for construction of an academic facility and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project is an eligible project as determined under section 106;

(2) the project has been approved and recommended by the appropriate State commission;

(3) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallocation to the State);

(4) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(5) the Commissioner determines that the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials; and

(6) the Commissioner determines that (in addition to the assurance required by section 403 and such assurance as to title to the site as he may deem necessary) the application contains or is supported by satisfactory assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the development cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

(C) that the facility will be used as an academic facility during at least the period of the Federal interest therein (as defined in section 404).

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

AMOUNT OF GRANT—PAYMENT

SEC. 109. Upon his approval of any application for a grant under this title, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share (ascertained by him under section 108(b)(3)) of the development cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated development cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

ADMINISTRATION OF STATE PLANS

SEC. 110. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this title, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 105(a), or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 111. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 105(a) or with his final action under section 110(b), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

Public Law 89-329

AN ACT

November 8, 1965
[H. R. 9567]

To strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Act of 1965".

Higher Education Act of 1965.

TITLE I—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

APPROPRIATIONS AUTHORIZED

SEC. 101. For the purpose of assisting the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use by enabling the Commissioner to make grants under this title to strengthen community service programs of colleges and universities, there are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1966, and \$50,000,000 for the fiscal year ending June 30, 1967, and for the succeeding fiscal year. For the fiscal year ending June 30, 1969, and the succeeding fiscal year, there may be appropriated, to enable the Commissioner to make such grants, only such sums as the Congress may hereafter authorize by law.

DEFINITION OF COMMUNITY SERVICE PROGRAM

SEC. 102. For purposes of this title, the term "community service program" means an educational program, activity, or service, including a research program and a university extension or continuing education offering, which is designed to assist in the solution of community problems in rural, urban, or suburban areas, with particular emphasis on urban and suburban problems, where the institution offering such program, activity, or service determines—

(1) that the proposed program, activity, or service is not otherwise available, and

(2) that the conduct of the program or performance of the activity or service is consistent with the institution's over-all educational program and is of such a nature as is appropriate to the effective utilization of the institution's special resources and the competencies of its faculty.

Where course offerings are involved, such courses must be university extension or continuing education courses and must be—

(A) fully acceptable toward an academic degree, or

(B) of college level as determined by the institution offering such courses.

ALLOTMENTS TO STATES

SEC. 103. (a) Of the sums appropriated pursuant to section 101 for each fiscal year, the Commissioner shall allot \$25,000 each to Guam, American Samoa, the Commonwealth of Puerto Rico, and the Virgin Islands and \$100,000 to each of the other States, and he shall allot to each State an amount which bears the same ratio to the remainder of such sums as the population of the State bears to the population of all States.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required

for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year from funds appropriated pursuant to section 101 shall be deemed part of its allotment under subsection (a) for such year.

(c) In accordance with regulations of the Commissioner, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of providing community service programs under this title. If it is found by the Commissioner that the programs with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

(d) The population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available from the Department of Commerce.

USES OF ALLOTTED FUNDS

SEC. 104. A State's allotment under section 103 may be used, in accordance with its State plan approved under section 105(b), to provide new, expanded, or improved community service programs.

STATE PLANS

SEC. 105. (a) Any State desiring to receive its allotment of Federal funds under this title shall designate or create a State agency or institution which has special qualifications with respect to solving community problems and which is broadly representative of institutions of higher education in the State which are competent to offer community service programs, and shall submit to the Commissioner through the agency or institution so designated a State plan. If a State desires to designate for the purposes of this section an existing State agency or institution which does not meet these requirements, it may do so if the agency or institution takes such action as may be necessary to acquire such qualifications and assure participation of such institutions, or if it designates or creates a State advisory council which meets the requirements not met by the designated agency or institution to consult with the designated agency or institution in the preparation of the State plan. A State plan submitted under this title shall be in such detail as the Commissioner deems necessary and shall—

(1) provide that the agency or institution so designated or created shall be the sole agency for administration of the plan or for supervision of the administration of the plan; and provide that such agency or institution shall consult with any State advisory council required to be created by this section with respect to policy matters arising in the administration of such plan;

TITLE VI—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

PART A—EQUIPMENT

STATEMENT OF PURPOSE AND AUTHORIZATION OF APPROPRIATIONS

SEC. 601. (a) The purpose of this part is to improve the quality of classroom instruction in selected subject areas in institutions of higher education.

(b) There are hereby authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1966, \$50,000,000 for the fiscal year ending June 30, 1967, and \$60,000,000 for the fiscal year ending June 30, 1968, to enable the Commissioner to make grants to institutions of higher education pursuant to this part for the acquisition of equipment and for minor remodeling described in section 603(2)(A).

(c) There are also authorized to be appropriated \$2,500,000 for the fiscal year ending June 30, 1966, and \$10,000,000 for the fiscal year ending June 30, 1967, and for the succeeding fiscal year, to enable the Commissioner to make grants to institutions of higher education pursuant to this part for the acquisition of television equipment and for minor remodeling described in section 603(2)(B).

(d) There is also authorized to be appropriated a sum not exceeding \$1,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years, to enable the Commissioner to make grants in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part including expenses which he determines are necessary for the preparation of such plans.

(e) For the fiscal year ending June 30, 1969, and for the succeeding fiscal year, there may be appropriated for the purposes set forth in subsections (b), (c), and (d) of this section, only such sums as the Congress may hereafter authorize by law.

ALLOTMENTS TO STATES

SEC. 602. (a)(1) Of the funds appropriated pursuant to subsections (b) and (c) of section 601 for any fiscal year one-half shall be allotted by the Commissioner among the States so that the allotment to each State will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and the remaining one-half shall be allotted by him among the States in accordance with paragraph (2) of this subsection. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(2) For the purposes of this paragraph the Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the funds being allotted pursuant to this paragraph as the product of—

(A) the number of students enrolled in institutions of higher education in such State, and

(B) the State's allotment ratio,

bears to the sum of the corresponding products for all the States. For the purposes of this paragraph the allotment ratio for any State shall be 1.00 less the product of (i) 0.50 and (ii) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that the allotment ratio shall in no case be less than $0.33\frac{1}{3}$ or more than $0.66\frac{2}{3}$, and the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be $0.66\frac{2}{3}$. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

(b) (1) A State's allotment under subsection (a) from funds appropriated pursuant to section 601(b) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 604) of the cost of equipment and minor remodeling described in section 603(2) (A).

(2) A State's allotment under subsection (a) from funds appropriated pursuant to section 601(c) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 604) of the cost of television equipment and minor remodeling described in section 603(2) (B).

(c) Sums allotted to a State for the fiscal year ending June 30, 1966, shall remain available for reservation as provided in section 606 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year. Sums allotted to a State for the fiscal year ending June 30, 1967, or for any succeeding fiscal year, which are not reserved as provided in section 606 by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

STATE COMMISSIONS AND PLANS

SEC. 603. Any State desiring to participate in the program under this part shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 604, objective standards and methods (A) for determining the relative priorities of eligible projects for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audio-

visual materials and equipment for classrooms or audiovisual centers, and printed and published materials (other than textbooks) for classrooms or libraries, suitable for use in providing education in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, or education at the undergraduate level in institutions of higher education, and minor remodeling of classroom or other space used for such materials or equipment; (B) for determining relative priorities of eligible projects for (i) the acquisition of television equipment for closed-circuit direct instruction in such fields in such institutions (including equipment for fixed-service instructional television, as defined by the Federal Communications Commission, but not including broadcast transmission equipment), (ii) the acquisition of necessary instructional materials for use in such television instruction, and (iii) minor remodeling necessary for such television equipment; and (C) for determining the Federal share of the cost of each such project;

(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the cost of the project involved;

(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

BASIC CRITERIA FOR DETERMINING PRIORITIES, FEDERAL SHARE, AND MAINTENANCE OF EFFORT

SEC. 604. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to the financial need of the institution. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities and equipment, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which

the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

Federal share.

(b) The Federal share for the purposes of this part shall not exceed 50 per centum of the cost of the project, except that a State commission may increase such share to not to exceed 80 per centum of such cost in the case of any institution proving insufficient resources to participate in the program under this part and inability to acquire such resources. An institution of higher education shall be eligible for a grant for a project pursuant to this part in any fiscal year only if such institution will expend during such year for the same purposes as, but not pursuant to, this part an amount at least equal to the amount expended by such institution for such purposes during the previous fiscal year. The Commissioner shall establish basic criteria for making determinations under this subsection.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sec. 605. (a) Institutions of higher education which desire to obtain grants under this part shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part.

(b) The Commissioner shall approve an application covering a project under this part and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project has been approved and recommended by the appropriate State commission;

(2) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallocation to the State);

(3) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(4) the Commissioner determines that the project will be undertaken in an economical manner and will not be overly elaborate or extravagant; and

(5) the Commissioner determines that the application contains or is supported by satisfactory assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the equipment upon completion, and

(C) that the institution will meet the maintenance of effort requirement in section 604(b).

(b) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

AMOUNT OF GRANT—PAYMENT

SEC. 606. Upon his approval of any application for a grant under this part, the Commissioner shall reserve from the applicable allotment (including any applicable reallocation) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallocation) shall be equal to the Federal share of the cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallocation) available at the time of such approval.

ADMINISTRATION OF STATE PLANS

SEC. 607. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing. Hearing opportunity.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 603, or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 608. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this part or with his final action under section 607, such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

LIMITATION ON PAYMENTS

“School or department of divinity.”

SEC. 609. No grant may be made under this part for equipment or materials to be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity. For purposes of this section the term “school or department of divinity” means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

PART B—FACULTY DEVELOPMENT PROGRAMS

INSTITUTES AUTHORIZED

SEC. 621. (a) There are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by them of short-term workshops or short-term or regular-session institutes for individuals (1) who are engaged in, or preparing to engage in, the use of educational media equipment in teaching in institutions of higher education, or (2) who are, or are preparing to be, in institutions of higher education, specialists in educational media or librarians or other specialists using such media.

(b) For the fiscal year ending June 30, 1969, and for the succeeding fiscal year, there may be appropriated for the purposes of this part, only such sums as the Congress may hereafter authorize by law.

STIPENDS

SEC. 622. Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at such institute and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each dependent. No stipends shall be paid for attendance at workshops.

TITLE VII—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

EXPANSION OF GRANT PURPOSES

SEC. 701. (a) Section 106 of the Higher Education Facilities Act of 1963 is amended to read as follows:

“ELIGIBILITY FOR GRANTS

“SEC. 106. An institution of higher education shall be eligible for a grant for construction of an academic facility under this title only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution’s student enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution.”

(b) The first sentence of section 101(b) of the Higher Education Facilities Act of 1963 is amended by striking out “and each of the two succeeding fiscal years” and inserting in lieu thereof “and for the succeeding fiscal year, and the sum of \$460,000,000 for the fiscal year ending June 30, 1966”.

77 Stat. 364.
20 USC 711.

(c) The second sentence of section 201 of such Act is amended by striking out “and the sum of \$60,000,000 each for the fiscal year ending June 30, 1965, and the succeeding fiscal year” and inserting in lieu thereof “the sum of \$60,000,000 for the fiscal year ending June 30, 1965, and the sum of \$120,000,000 for the fiscal year ending June 30, 1966”.

20 USC 731.

TECHNICAL AMENDMENTS

MAKING SECTION 103 ALLOTMENTS AVAILABLE FOR SECTION 104 INSTITUTIONS UNDER CERTAIN CIRCUMSTANCES

SEC. 702. (a) (1) Section 103(b) of the Higher Education Facilities Act of 1963 is amended by inserting “(1)” immediately after “(b)” in such section and by adding at the end thereof:

20 USC 713.

“(2) Notwithstanding any other provisions of this title, any portion of a State’s allotment under this section for a fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission by January 1 of such fiscal year, shall, if the Commission so requests, be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education other than public community colleges and public technical institutes.”

20 USC 718.
Post, p. 1268.

(2) The first sentence of section 103(c) is amended by striking out “for providing academic facilities for public community colleges or public technical institutes” and inserting in lieu thereof “for the purposes set forth in subsection (b) of this section”.

(3) Section 105(a) is amended by striking out “hereinafter” in the matter preceding clause (1).

20 USC 715.

(4) Clause (3) of section 105(a) is amended by inserting “(except as provided in section 103(b)(2))” after “section 103 will be available”.

MAKING SECTION 104 ALLOTMENTS AVAILABLE FOR SECTION 103 INSTITUTIONS UNDER CERTAIN CIRCUMSTANCES

(b)(1) Section 104(b) of the Higher Education Facilities Act of 1963 is amended by inserting “(1)” immediately after “(b)” in such section and by adding at the end thereof:

20 USC 714.

“(2) Notwithstanding any other provisions of this title, any portion of a State’s allotment under this section for a fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission by January 1 of such fiscal year, shall, if the Commission so requests, be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.”

(2) The first sentence of section 104(c) is amended by striking out “for providing academic facilities for institutions of higher education other than public community colleges and public technical institutes”

and inserting in lieu thereof “for the purposes set forth in subsection (b) of this section”.

77 Stat. 367.
20 USC 715.
Ante, p. 1267.

(3) Clause (3) of section 105(a) is amended by inserting “(except as provided in section 104(b)(2))” after “section 104 will be available”.

REVISING FEDERAL SHARE FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

(c) (1) Section 105(a)(2) of the Higher Education Facilities Act of 1963 is amended by striking out “other than a project for a public community college or public technical institute”.

20 USC 717.

(2) Section 107(b) of such Act is amended (1) by striking out “other than a project for a public community college or public technical institute”, and (2) by striking out “shall be 40 per centum” and inserting in lieu thereof “shall in no event exceed 40 per centum”.

20 USC 751.

(3) Section 401(d) of such Act is amended by inserting immediately before “40 per centum” the following: “a percentage (as determined under the applicable State plan) not in excess of”.

THREE-YEAR AVAILABILITY OF SUMS APPROPRIATED UNDER SECTION 201

(d) The last sentence of section 201 of the Higher Education Facilities Act of 1963 is amended to read as follows: Sums appropriated pursuant to this section for any fiscal year shall remain available for grants under this title until the end of the second succeeding fiscal year.

20 USC 731.

TWO-YEAR AVAILABILITY OF TITLE III FUNDS

(e) Section 303(c) of the Higher Education Facilities Act of 1963 is amended by adding at the end the following new sentence: “Sums appropriated pursuant to this subsection for any fiscal year shall remain available for loans under this title until the end of the next succeeding fiscal year.”

20 USC 743.

COORDINATION WITH PART A (GRANTS FOR EXPANSION AND IMPROVEMENT OF NURSE TRAINING) OF TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

(f) Effective with respect to applications for grants and loans submitted after the date of enactment of this Act, clause (E) of section 401(a)(2) of the Higher Education Facilities Act of 1963 is amended to read as follows: “(E) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.”

77 Stat. 169;
78 Stat. 918.
42 USC 293d,
298b.

CHANGE IN INTEREST RATE FOR TITLE III LOANS

SEC. 703. (a) Subsection (b) of section 303 of the Higher Education Facilities Act of 1963 is amended by inserting “(1)” after “shall bear interest at”, and by inserting before the period at the end thereof a comma and the following: “or (2) the rate of 3 per centum per annum, whichever is the lesser”.

(b) The amendment made by this section shall be applicable only with respect to loans made after the date of enactment of this Act.

Iowa House Bills 1964 60th Extraordinary
KFI 4206. I 6 1964c



March 5, 1964. -
Institutions of Higher Learning.

House File 10
By COMMITTEE ON
INTRODUCTION OF BILLS.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to establish a commission as the state agency to administer a plan for higher education facilities and to qualify for federal funds available to the state of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. There is hereby created and established the Higher
2 Education Facilities Commission of the state of Iowa. Membership
3 of the commission shall be as follows: president of the state
4 board of regents who shall be convener of the first (1st) meeting
5 of the commission; president of the state board of public instruc-
6 tion, each of whom shall serve on the commission during his
7 continuance in his aforementioned office, and five (5) additional
8 members appointed by the governor. One (1) such additional mem-
9 ber shall be selected to represent private colleges, private
10 universities and private junior colleges located in the state of
11 Iowa. The other four (4) such members, none of whom shall be
12 official board members or trustees of an institution of higher
13 learning or of an association of such institutions, shall be
14 selected to represent the general public.

1 Sec. 2. The five (5) members of the commission appointed by
2 the governor shall serve for a term of four (4) years, but the
3 terms of the five (5) initial appointees shall be as follows:
4 three (3) members shall serve from the date of appointment to
5 June 30, 1965, and two (2) members shall serve from the date of
6 appointment to June 30, 1967. Vacancies on the commission shall

7 be filled for the unexpired term of such vacancies in the same
8 manner as the original appointment.

1 Sec. 3. The commission shall:

2 1. Prepare and administer a state plan for higher education
3 facilities which shall be the state plan submitted to the Com-
4 missioner of Education, Federal Department of Health, Education,
5 and Welfare, or any agency successor thereto, in connection with
6 the participation of this state in programs authorized by the
7 federal "Higher Education Facilities Act of 1963" (P.L. 88-204),
8 together with any amendments thereto.

9 2. Provide for administrative hearings to every applicant
10 for funds authorized under the "Higher Education Facilities Act
11 of 1963" (P.L. 88-204), together with any amendments thereto, in
12 regard to the priority assigned to such application for funds by
13 said commission or to any other determination of the state com-
14 mission adversely affecting the applicant.

15 3. Apply for, receive, administer, expand, and account for
16 such federal moneys necessary for its own administrative expenses
17 as authorized by the federal "Higher Education Facilities Act
18 of 1963" (P.L. 88-204), together with any amendments thereto.

1 Sec. 4. The commission shall determine its own organization,
2 draw up its own by-laws, and do such other things as may be
3 necessary and incidental in the administration of this Act, in-
4 cluding the housing, employment, and fixing of compensation and
5 bond of such persons as are required to carry out its functions
6 and responsibilities.

7 The commission shall function at the seat of government or
8 such other place as it might designate.

1 Sec. 5. The state comptroller shall keep an accounting of

2 all funds received and expended by the commission. Commission
 3 members not regularly paid employees of the state shall be paid
 4 a per diem of twenty (20) dollars and necessary expenses which
 5 amount is hereby appropriated from funds available to the com-
 6 mission and paid upon warrants issued by the state comptroller.

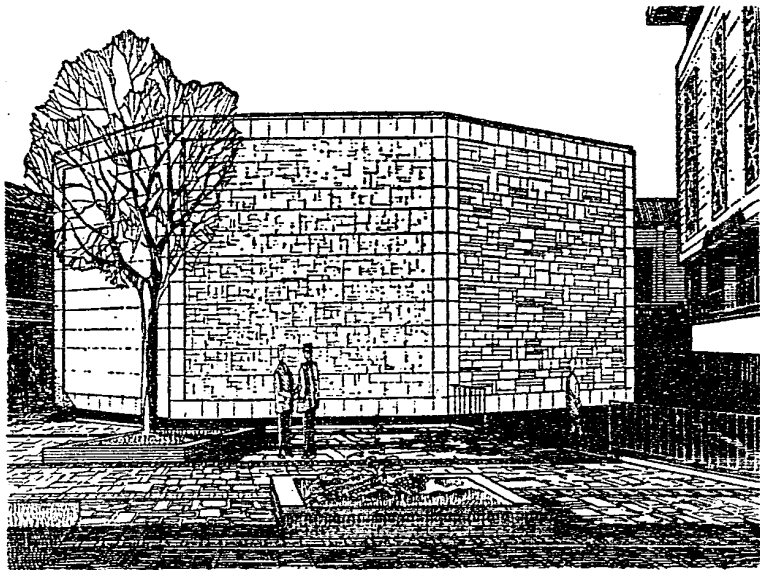
1 Sec. 6. This Act being of immediate importance shall be in
 2 full force and effect from and after its passage and publication
 3 in the....., a newspaper published at
 4, Iowa, and the.....,
 5 a newspaper published at....., Iowa,
 6 without expense to the state of Iowa.

EXPLANATION OF HOUSE FILE 10

The Act of Congress referred to makes grants and loans for construction of facilities available to higher education institutions including junior colleges and technical institutes, in the various states; it requires that there must be a state agency broadly representative of public and private institutions and of the public at large. No such state agency now exists. This commission would not receive any funds other than operating expenses, but must develop a state plan and pass upon qualifications and applications and set project priorities for allotment of the funds available to Iowa.

Editorial Cartoon 14 -- No Title

New York Times (1857-Current file); Jan 12, 1964; ProQuest Historical Newspapers The New York Times (1851 - 2003)
pg. E11

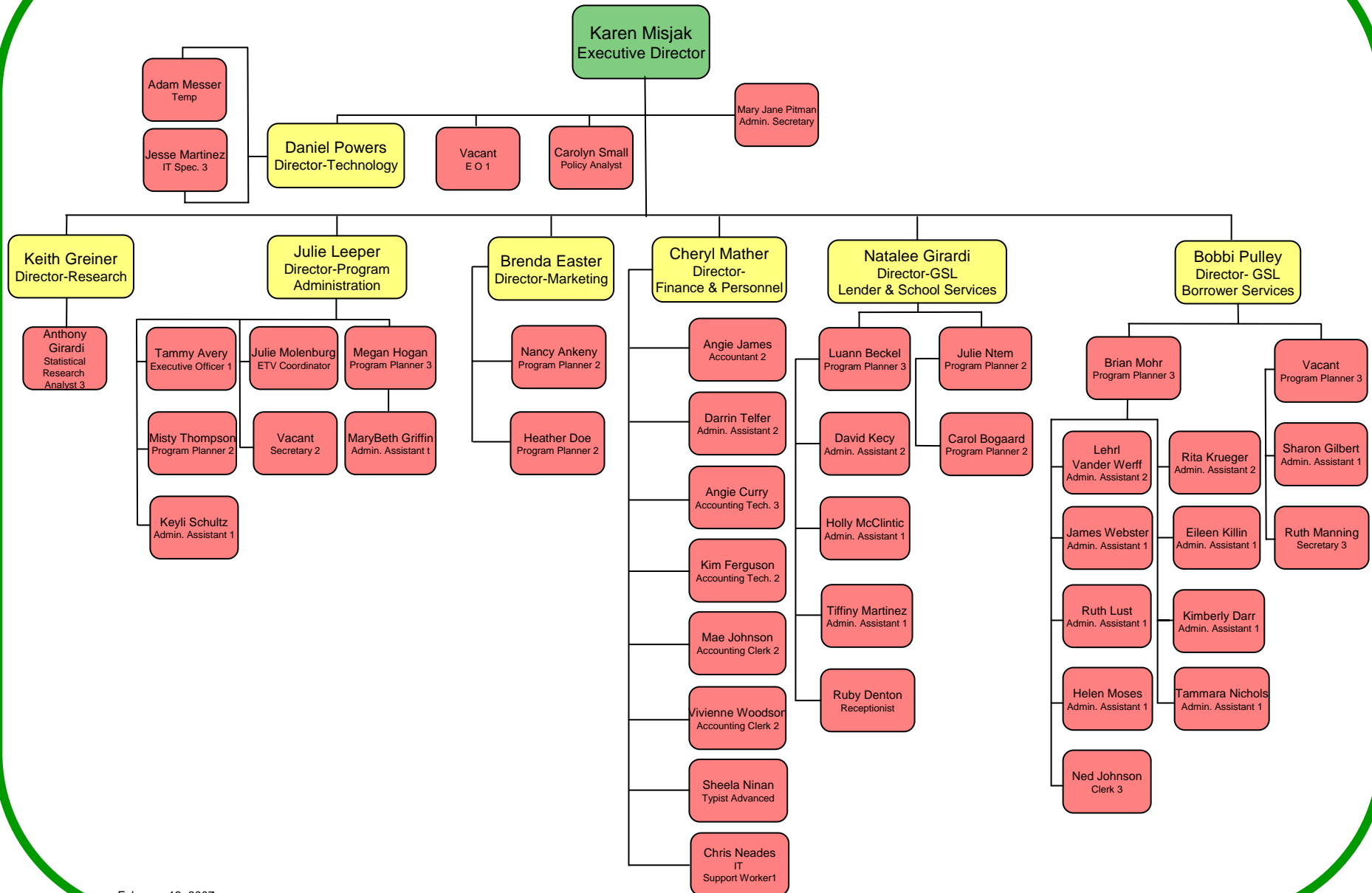


Auditorium-teaching facility at University of Texas, opened last fall, accommodates groups of up to 300 for lectures, demonstrations, panel presentations and television viewing. Planned through Educational Facilities Laboratories grant.

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Iowa College Student Aid Commission

Organizational Structure



d. Institutions which, in the absence of one of the above accreditations, are registered as nonprofit educational institutions with the corporations division of the secretary of state and are eligible for participation in the federal Pell Grant Program.

This rule is intended to implement Iowa Code sections [261.3](#) and [261.15](#).

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chapter 12 IOWA TUITION GRANT PROGRAM

[Prior to 8/10/88, see College Aid Commission, 245—Ch 4]

283—12.1(261) Tuition grant based on financial need to Iowa residents enrolled at eligible private institutions of postsecondary education in Iowa.

12.1(1) *Financial need.* The need of an applicant for financial assistance under this program shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

12.1(2) *Tuition and mandatory fees.* Tuition and mandatory fees shall be defined as those college costs paid annually by all students enrolled on a full-time basis as reported annually to the commission by each participating college or university. Each college or university also will provide annually its rates for part-time tuition and fees to the commission.

12.1(3) *Student eligibility.* A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. The criteria used by the state board of regents to determine residency for tuition purposes, [681—1.4\(262\)](#), are adopted for this program.

Iowa tuition grants are provided during the traditional nine-month academic year generally defined as September through May. Students may receive no more than eight semesters of full-time Iowa tuition grants or 16 part-time semesters.

A recipient may receive this grant for summer enrollment if the recipient is enrolled in a commission-approved accelerated program that integrates summer attendance. The purpose of restricting summer Iowa tuition grants is to ensure that students who take classes during the summer do not exhaust Iowa tuition grant eligibility prior to completing four-year degree programs.

12.1(4) *Priority for grants.* Applicants are ranked in order of the estimated amount which the family reasonably can be expected to contribute toward college expenses, and awards are granted to those who demonstrate need in order of family contribution, from lowest to highest, insofar as funds permit.

12.1(5) *Award notification.* A grant recipient is notified of the award by the college or university to which application is made. Each award notification must clearly indicate award amounts, the state programs from which funding will be received, and that funding is contingent upon the availability of state funds. Any award notification provided by a college or university on probation with the accrediting agency must be made contingent upon the college's or university's maintaining affiliation with the accrediting agency. The college or university is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The college or university reports changes in student eligibility to the commission.

12.1(6) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

12.1(7) *Restrictions.* A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa tuition grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in [283—Chapters 4 and 5](#). Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for tuition grant funding.

283—12.2(261) Tuition grant institutional eligibility requirements.

12.2(1) *Institutional eligibility under Iowa Code section 261.9.* An Iowa college or university requesting participation in the Iowa tuition grant program must apply to the college student aid commission using the commission's designated application.

A college or university participating in the Iowa tuition grant program (Iowa Code section [261.9](#), et seq.) must:

- a. Be accredited by the North Central Association of Colleges and Schools (NCA); and

b. Be exempt from taxation under Section 501(c)(3) of the Internal Revenue Code or, if not exempt under Section 501(c)(3), the college or university must have been an eligible participant during the 2003–04 academic year; and

c. Annually provide matching aggregate institutional financial aid to Iowa tuition grant recipients equal to a required percentage of the amount received by its students under the Iowa tuition grant program. (Specialized colleges offering health professional programs affiliated with health care systems located in Iowa are exempt from this requirement.); and

d. Be located in Iowa. “Located in Iowa” means a college or university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

12.2(2) *Processing college and university applications.* Application forms will be provided by the commission.

Applicant colleges and universities are required to provide the commission with documentation establishing eligibility as described in 12.2(1).

Colleges and universities seeking to participate in the Iowa tuition grant program must submit applications by January 1 of the year prior to the beginning of the academic year for which they are applying for participation.

Applicant colleges and universities must submit written plans outlining academic programs that integrate summer attendance in accelerated programs prior to making summer awards. If the summer program is approved by the commission, an applicant’s students may receive Iowa tuition grants beginning in the summer following approval. Academic programs, defined by colleges or universities, which allow students to complete four–year baccalaureate programs in less than the normal prescribed time period while taking the same courses as students completing the same degree during a traditional four–year time period will be approved. A summer academic program may be defined for a group of students or may be a self–directed program in which a student has received approval from appropriate officials of the college or university.

12.2(3) *Notice of change of status.* Any college or university which loses NCA accreditation or 501(c)(3) status or fails to make the institutional match must immediately notify the commission. Failure to comply with this notice of change requirement may result in the college or university being required to return Iowa tuition grant funds to the commission.

12.2(4) *Review of eligibility.*

a. The commission shall periodically, at least every three years, investigate and review compliance of institutions participating in the tuition grant program with criteria described in Iowa Code section [261.9](#) and this rule.

b. If the commission finds that a college or university fails to comply with the provisions of Iowa Code section [261.9](#) and this rule, participation in the tuition grant program shall be suspended.

12.2(5) Reporting requirements. Every college or university participating in the Iowa tuition grant program shall submit an annual report which includes student and faculty information, enrollment and employment information, the amount of institutional matching financial aid dollars, and other information required by the commission as described in Iowa Code sections [261.9](#) through [261.16](#).

These rules are intended to implement Iowa Code chapter [261](#).

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chapter 13

IOWA VOCATIONAL–TECHNICAL TUITION GRANT PROGRAM

[Prior to 8/10/88, see College Aid Commission, 245—Ch 5]

283—13.1(261) Tuition grant based on financial need to Iowa residents enrolled in vocational or technical (career education) programs at community colleges in the state.

13.1(1) Financial need.

a. Financial need is defined as the lesser of the difference between the average expenses for tuition, fees, and books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies or the difference between the average total budget at a community college, as determined by the commission, and the expected family contribution.

b. Financial need shall be evaluated annually on the basis of a confidential financial statement filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the

Education General Fund

	Estimated FY 2007 (1)	Dept Req FY 2008 (2)	Gov Rec FY 2008 (3)	Gov Rec vs Dept Req (4)	Gov Rec vs Est FY 2007 (5)	Proposal FY 2008 (6)	Proposal vs Gov Rec (7)	Proposal vs Est FY 2007 (8)
Blind, Iowa Commission for the								
Blind, Department of								
Department for the Blind	\$ 2,004,747	\$ 2,194,747	\$ 2,404,747	\$ 210,000	\$ 400,000	\$ 2,404,747	\$ 0	\$ 400,000
Total Blind, Iowa Commission for the	\$ 2,004,747	\$ 2,194,747	\$ 2,404,747	\$ 210,000	\$ 400,000	\$ 2,404,747	\$ 0	\$ 400,000
College Aid Commission								
College Student Aid Commission								
College Aid Commission	\$ 376,053	\$ 391,095	\$ 376,053	\$ -15,042	\$ 0	\$ 376,053	\$ 0	\$ 0
Iowa Grants	1,029,784	1,070,976	1,070,976	0	41,192	1,070,976	0	41,192
DSM University-Osteopathic Loans	100,000	200,000	100,000	-100,000	0	100,000	0	0
DSM University-Physician Recruit.	346,451	346,451	346,451	0	0	346,451	0	0
National Guard Benefits Program	3,725,000	3,800,000	3,800,000	0	75,000	3,800,000	0	75,000
Teacher Shortage Forgivable Loan	285,000	296,400	296,400	0	11,400	1,000,000	703,600	715,000
All Iowa/Foster Care Opportunity Scholar.	0	0	5,000,000	5,000,000	5,000,000	1,175,000	-3,825,000	1,175,000
Vocational Technical Tuition Grant	2,533,115	2,783,115	2,783,115	0	250,000	2,783,115	0	250,000
College Work Study	140,000	145,600	145,600	0	5,600	395,600	250,000	255,600
Tuition Grant Program-Standing	46,506,218	48,373,718	48,373,718	0	1,867,500	48,373,718	0	1,867,500
Tuition Grant - For-Profit	5,167,358	5,374,858	5,374,858	0	207,500	5,374,858	0	207,500
Total College Aid Commission	\$ 60,208,979	\$ 62,782,213	\$ 67,667,171	\$ 4,884,958	\$ 7,458,192	\$ 64,795,771	\$ -2,871,400	\$ 4,586,792