

18A:62-8 to 18A:62-13

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:62-8 to 18A:62-13

("Fund for Improvement of
Collegiate Education")

LAWS OF: 1985

CHAPTER: 193

Bill No: S1781

Sponsor(s): Dumont

Date Introduced: May 14, 1984

Committee: Assembly: Revenue, Finance and Appropriations

Senate: Education

Amended during passage: Yes Substituted for A2085 (2nd OCR and committee statements--attached). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 13, 1985

Senate: December 6, 1984

Date of Approval: June 25, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Attached: Federal Fund for Improvement of Secondary Education (Federal statute as mentioned in sponsor's statement)

193
25-85

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1781

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Senator DUMONT

Referred to Committee on Education

AN ACT establishing a Fund for the Improvement of Collegiate Education ***[and]*** **, * supplementing Title 18A of the New Jersey Statutes *and making an appropriation therefor*.*

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Fund" means the Fund for the Improvement of Collegiate
3 Education established pursuant to this act.

4 b. "Institution" means an institution of collegiate grade in New
5 Jersey which is approved or licensed by the State Board of Higher
6 Education.

1 2. There is created in the Department of Higher Education a
2 Fund for the Improvement of Collegiate Education. ***The fund*
3 *shall be maintained as a separate accounting entity within the*
4 *department.*** The purpose of the fund is to make grants to institu-
5 tions including but not limited to grants for the improvement of
6 teaching and learning processes; the improvement of access to and
7 the academic quality of higher education; the enhancement of the
8 quality of student life on campus; and the improvement of collegiate
9 retention of students, in particular students receiving assistance
10 through State financial aid programs.

11 ***Grants made pursuant to this act shall be based upon written*
12 *grant proposals submitted by institutions. All grant proposals shall*
13 *be evaluated according to competitive criteria established by the*
14 *State Board of Higher Education.** ***No grant shall be awarded*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted June 25, 1984.

**—Senate committee amendments adopted November 19, 1984.

***—Assembly committee amendment adopted January 28, 1985.

15 to an institution for the same purpose for more than three con-
 16 secutive years.***

1 3. The Chancellor of Higher Education shall appoint an advisory
 2 committee to the fund. **The committee shall consist of no more*
 3 *than 12 members who may be, but shall not be limited to, repre-*
 4 *sentatives of the institutional sectors of higher education within*
 5 *New Jersey, representatives from higher educational professional*
 6 *groups and organizations and individuals or organizations exhibit-*
 7 *ing expertise in particular academic or administrative areas im-*
 8 *acting on higher education.** The committee shall advise the
 9 chancellor on the priorities, objectives and effectiveness of the fund.

1 4. The chancellor shall annually review and report to the State
 2 Board of Higher Education ****[and]** ** **, **** the New Jersey Higher
 3 Education Assistance Authority******, *the Senate Education Committee*
 4 *and the General Assembly Higher Education and Regulated Pro-*
 5 *fessions Committee, or their successors,*** on the condition and
 6 priorities of the fund and the status of grants made by the fund.

1 5. The State Board of Higher Education shall adopt pursuant
 2 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
 3 52:14B-1 et seq.) rules and regulations regarding the fund's priori-
 4 ties and competitive grant procedures and any other regulations
 5 necessary to effectuate the purposes of this act.

1 6. Funds for this program may be appropriated from ****[the Gen-**
 2 **eral Fund,]**** reserve funds designated by the New Jersey Higher
 3 Education Assistance Authority ****[or any other sources recom-**
 4 **mended by the State Board of Higher Education]****.

1 **7. Funds for this program for the 1985 fiscal year shall be re-*
 2 *serve funds designated by the New Jersey Higher Education As-*
 3 *istance Authority in the amount of \$2,000,000.00.**

1 ****[7.]** *8.*** This act shall take effect immediately.

SENATE, No. 1781

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Senator DUMONT

Referred to Committee on Education

AN ACT establishing a Fund for the Improvement of Collegiate Education and supplementing Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Fund" means the Fund for the Improvement of Collegiate
3 Education established pursuant to this act.

4 b. "Institution" means an institution of collegiate grade in New
5 Jersey which is approved or licensed by the State Board of Higher
6 Education.

1 2. There is created in the Department of Higher Education a
2 Fund for the Improvement of Collegiate Education. The purpose
3 of the fund is to make grants to institutions including but not
4 limited to grants for the improvement of teaching and learning
5 processes; the improvement of access to and the academic quality
6 of higher education; the enhancement of the quality of student life
7 on campus; and the improvement of collegiate retention of students,
8 in particular students receiving assistance through State financial
9 aid programs.

1 3. The Chancellor of Higher Education shall appoint an advisory
2 committee to the fund. The committee shall advise the chancellor
3 on the priorities, objectives and effectiveness of the fund.

1 4. The chancellor shall annually review and report to the State
2 Board of Higher Education and the New Jersey Higher Education
3 Assistance Authority on the condition and priorities of the fund
4 and the status of grants made by the fund.

1 5. The State Board of Higher Education shall adopt pursuant
2 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
3 52:14B-1 et seq.) rules and regulations regarding the fund's priori-
4 ties and competitive grant procedures and any other regulations
5 necessary to effectuate the purposes of this act.

1 6. Funds for this program may be appropriated from the Gen-
2 eral Fund, reserve funds designated by the New Jersey Higher
3 Education Assistance Authority or any other sources recommended
4 by the State Board of Higher Education.

1 7. This act shall take effect immediately.

STATEMENT

This bill establishes a Fund for the Improvement of Collegiate Education modeled after the federal Fund for the Improvement of Postsecondary Education. The fund will provide a Statewide annual competitive grant process to encourage innovative practices at New Jersey colleges and universities in targeted areas related to improving the education of college students.

51781(1985)

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 1781

[SECOND OFFICIAL COPY REPRINT]

[ASSEMBLY REPRINT]

STATE OF NEW JERSEY

DATED: APRIL 15, 1985

PROVISIONS:

Senate Bill No. 1781 (2nd OCR) AR establishes a "Fund for the Improvement of Collegiate Education" in the Department of Higher Education. The fund will make grants to institutions of higher education for:

- a. The improvement of teaching and learning;
- b. The improvement of access to higher education;
- c. The improvement of academic quality;
- d. The enhancement of the quality of student life on campus;
- e. The improvement of the retention of students, especially those receiving State Financial Aid.

There will be an advisory committee, appointed by the chancellor. The committee shall consist of 12 members representing higher education institutional sectors and professional groups and organizations as well as individuals with particular expertise in higher education.

The chancellor will make an annual report on the condition and priorities of the fund and the status of grants and be submitted to the Board of Higher Education, the Student Assistance Board and the standing reference committees of the Legislature which deal with higher education.

FISCAL IMPACT:

The bill restricts funds for this program to the reserve funds of the New Jersey Higher Education Authority. For fiscal year 1985, the bill appropriates \$2,000,000.00.

The committee favorably reports this bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1781

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

PROVISIONS:

This bill establishes a "Fund for the Improvement of Collegiate Education" in the Department of Higher Education. The fund will make grants to institutions of higher education for:

1. The improvement of teaching and learning;
2. The improvement of access to higher education;
3. The improvement of academic quality;
4. The enhancement of the quality of student life on campus;
5. The improvement of the retention of students, especially those receiving State Financial Aid.

There will be an advisory committee, appointed by the chancellor, to advise him on the priorities, objectives and effectiveness of the fund.

The State Board of Higher Education will establish, by regulations, the competitive grant procedures and the fund's priorities.

The chancellor is to report annually to the Board of Higher Education and the New Jersey Higher Education Assistance Authority on the conditions and priorities of the fund and the status of grants made by the fund.

AMENDMENTS:

The amendments provide that \$2,000.00, shall be designated for this program from the reserve funds of the Higher Education Assistance Authority.

They also specify that the advisory committee shall consist of 12 members representing higher education institutional sectors and professional groups and organizations as well as individuals with particular expertise in higher education.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2085

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Assemblymen MUZIANI, LOVEYS, GALLO, HENDRICKSON,
SHUSTED, ROCCO, DORIA, PALAIA, Assemblywoman
COOPER, Assemblyman MEYER, Assemblywoman GARVIN,
Assemblymen NAPLES, THOMPSON, DEVERIN, BOCCHINI,
RILEY, GIRGENTI and KLINE

AN Act establishing a Fund for the Improvement of Collegiate
Education ****[and]**** ****,**** supplementing Title 18A of the New
Jersey Statutes ****and making an appropriation therefor****.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Fund" means the Fund for the Improvement of Collegiate
3 Education established pursuant to this act.

4 b. "Institution" means an institution of collegiate grade in New
5 Jersey which is approved or licensed by the State Board of Higher
6 Education.

1 2. There is created in the Department of Higher Education a
2 Fund for the Improvement of Collegiate Education. ****The fund**
3 ***shall be maintained as a separate accounting entity within the de-***
4 ***partment.***** The purpose of the fund is to make grants to institu-
5 tions including but not limited to grants for the improvement of
6 teaching and learning processes; the improvement of access to and
7 the academic quality of higher education; the enhancement of the
8 quality of student life on campus; and the improvement of col-
9 legiate retention of students, in particular students receiving as-
10 sistance through State financial aid programs.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted June 25, 1984.**

****—Assembly committee amendments adopted April 15, 1985.**

11 **Grants made pursuant to this act shall be based upon written
 12 grant proposals submitted by institutions. All grant proposals shall
 13 be evaluated according to competitive criteria established by the
 14 State Board of Higher Education. No grant shall be awarded to an
 15 institution for the same purpose for more than three consecutive
 16 years.**

1 3. The Chancellor of Higher Education shall appoint an advisory
 2 committee to the fund. **[The committee shall advise the chancellor
 3 on the priorities, objectives and effectiveness of the fund.]** *The
 4 committee shall consist of no more than 12 members **[including
 5 but not limited to, one member of the Senate to be appointed by the
 6 President; one member of the General Assembly to be appointed
 7 by the Speaker;]** **who may be, but shall not be limited to,**
 8 representatives of the institutional sectors of higher education
 9 **[in]** **within** New Jersey **[;]** **,** representatives
 10 from higher educational professional groups and organiza-
 11 tions**[;]** and individuals **[and]** **or** organizations exhi-
 12 biting expertise in particular academic or administrative areas im-
 13 pacting on higher education. **The committee shall advise the
 14 chancellor on the priorities, objectives and effectiveness of the
 15 fund.**

16 **[Appointments to the committee shall follow the principles of
 17 affirmative action.]**

18 4. The chancellor shall annually review and report to the State
 19 Board of Higher Education **[and]** **, the New Jersey
 20 Higher Education Assistance Authority**, the Senate Education
 21 Committee and the General Assembly Higher Education and Regu-
 22 lated Professions Committee, or their successors,** on the condi-
 23 tion and priorities of the fund and the status of grants made by
 24 the fund.

25 5. The State Board of Higher Education shall adopt pursuant
 26 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
 27 52:14B-1 et seq.) rules and regulations regarding the fund's pri-
 28 orities and competitive grant procedures and any other regulations
 29 necessary to effectuate the purposes of this act.

30 6. Funds for this program may be appropriated from **[the
 31 General Fund,]** reserve funds designated by the New Jersey
 32 Higher Education Assistance Authority **[or any other sources
 33 recommended by the State Board of Higher Education]**.

34 **[*There is designated \$2,000,000.00 in reserve funds from the
 35 New Jersey Higher Education Assistance Authority to finance this
 36 program in Fiscal Year 1985.]***

1 **7. Funds for this program for the 1985 fiscal year shall be
2 reserve funds designated by the New Jersey Higher Education
3 Assistance Authority in the amount of \$2,000,000.00.**

1 **[7.]** **8.** This act shall take effect immediately.

**ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE**

STATEMENT TO

ASSEMBLY, No. 2085

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

SUMMARY OF THE BILL:

This bill establishes the Fund for the Improvement of Collegiate Education in the Department of Higher Education. The purpose of the fund is to make grants to institutions of collegiate grade in New Jersey in such areas as the improvement of teaching and learning processes; the improvement of access to and the academic quality of higher education; the enhancement of the quality of student life on campus; and the improvement of collegiate retention of students, particularly those students who are receiving assistance through State financial aid programs.

Under the bill's provisions, the Chancellor of Higher Education is to appoint an advisory committee to the fund to advise him on its priorities, objectives and effectiveness. Also, the chancellor is to report annually to the State Board of Higher Education and the New Jersey Higher Education Assistance Authority on the status of grants made by the fund.

Finally, the fund is to be financed from either reserve funds designated by the New Jersey Higher Education Assistance Authority, General Fund appropriations or other sources recommended by the State Board of Higher Education.

The committee amended the bill to designate which representatives of the higher education community may sit on the advisory committee and to stipulate that appointments to the committee shall follow the principles of affirmative action. Also, the committee designated \$2,000,000.00 in Higher Education Assistance Authority reserve funds to finance the program in FY-1985.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2085

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 15, 1985

PROVISIONS:

Assembly Bill No. 2085 (OCR), as amended, establishes a "Fund for the Improvement of Collegiate Education" in the Department of Higher Education.

The fund will make grants to institutions of higher education for:

- a. The improvement of teaching and learning;
- b. The improvement of access to higher education;
- c. The improvement of academic quality;
- d. The enhancement of the quality of student life on campus;
- e. The improvement of the retention of students, especially those receiving State Financial Aid.

There will be an advisory committee, appointed by the chancellor. The committee shall consist of 12 members representing higher education institutional sectors and professional groups and organizations as well as individuals with particular expertise in higher education.

The chancellor will make an annual report on the condition and priorities of the fund and the status of grants and be submitted to the Board of Higher Education, the Student Assistance Board and the standing reference committees of the Legislature which deal with higher education.

COMMITTEE AMENDMENTS:

The committee amended the bill to make it identical to Senate Bill No. 1781 (2nd OCR) AR.

FISCAL IMPACT:

The bill restricts funds for this program to the reserve funds of the New Jersey Higher Education Authority. For fiscal year 1985, the bill appropriates \$2,000,000.00.

The committee favorably reports this bill as amended.

to regulations issued by... fiscal year pursuant to... costs or charges:

law school means any... accrediting agency or assoc... including any combination

IX, § 905, Oct. 3, 1980, 94 Stat. 393

Date. Section effective Oct. 1, 1980, of Pub.L. 96-374, set out as a note under section 1001 of this title.

History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

Regulations. For regulations relating to clinical experience program, see 34 CFR 600.10-600.15.

made by the Secretary upon such information as he may obtain

accounting procedures as may be necessary for Federal funds

in form and containing such information as to his functions under this part such access thereto as the Secretary may deem necessary and verification of such information

in this part in such manner as to be able to use funds for the fiscal year 1981, and for the fiscal year 1983, \$9,000,000 for the fiscal year 1985, to carry out the purposes of this part.

IX, § 905, Oct. 3, 1980, 94 Stat. 393

Section effective Oct. 1, 1980, of Pub.L. 96-374, set out as a note under section 1001 of this title.

History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

for the fiscal year 1981, and for the fiscal year 1983, \$9,000,000 for the fiscal year 1985, to carry out the purposes of this part.

IX, § 905, Oct. 3, 1980, 94 Stat. 393

Prior Provisions. A prior section 1134p, Pub.L. 89-329, Title IX, § 963, as added Pub.L. 92-318, Title I, § 181(a), June 23, 1972, 86 Stat. 310, and amended Pub.L. 94-482, Title I, § 171(d) (4), Oct. 12, 1976, 90 Stat. 2163; relating to the amount of payments to persons awarded fellowships for other purposes, was repealed by Pub.L. 96-374, Title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484.

Effective Date. Section effective Oct. 1, 1980, see section 1393 of Pub.L. 96-374, set out as a note under section 1001 of this title.

Limitation on Authorization of Appropriations to Carry Out This Part for Fiscal Years 1985, 1986, 1987, 1988, and 1989. Pub.L. 98-312, § 4(a), June 12, 1984, 98 Stat. 233, provided that: "Notwithstanding any other provision of law, the total amount which may be appropriated to carry out part E of title IX of the Higher Education Act of 1965 [this part], relating to law school clinical experience programs, shall not exceed \$1,500,000 in fiscal year 1985, \$2,000,000 in fiscal year 1986, \$2,000,000 in fiscal year 1987, \$2,500,000 in fiscal year 1988, and \$3,000,000 in fiscal year 1989."

out part E of title IX of the Higher Education Act of 1965 [this part], relating to law school clinical experience programs, shall not exceed \$1,500,000 in fiscal year 1985, \$2,000,000 in fiscal year 1986, \$2,000,000 in fiscal year 1987, \$2,500,000 in fiscal year 1988, and \$3,000,000 in fiscal year 1989."

Limitation on Authorization of Appropriations to Carry Out This Part for Fiscal Years 1982, 1983, and 1984. Pub.L. 97-35, Title V, § 516(i) (5), Aug. 13, 1981, 95 Stat. 448, provided that: "The total amount of appropriations to carry out part E of title IX of such Act [this part] shall not exceed \$1,000,000 for each of the fiscal year 1982, 1983, and 1984."

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

§ 1134q to 1134r. Repealed. Pub.L. 96-374, Title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484

Section 1134q, Pub.L. 89-329, Title IX, § 964, as added Pub.L. 92-318, Title I, § 181(a), June 23, 1972, 86 Stat. 311; related to fellowship conditions in the program of fellowships other than public service fellowships or fellowships for graduate and professional study.

Section 1134r, Pub.L. 89-329, Title IX, § 965, as added Pub.L. 92-318, Title I, § 181(a), June 23, 1972, 86 Stat. 311; authorized appropriations for the program of fellowships other than public service fellowships or fellowships for graduate and professional study.

Section 1134s-1, Pub.L. 89-329, Title IX, § 966, as added Pub.L. 93-380, Title VIII, § 836(a), Aug. 21, 1974, 88 Stat. 605; and amended Pub.L. 94-482, Title I, § 171(d) (5), Oct. 12, 1976, 90 Stat. 2164; related to a program of assistance for training in the legal profession.

Section 1134r-2, Pub.L. 89-329, Title IX, § 971, as added Pub.L. 94-482, Title I, § 171(e), Oct. 12, 1976, 90 Stat. 2164; related to an annual report on the graduate and assistance program.

Section 1134s, Pub.L. 89-329, Title IX, § 981, as added Pub.L. 92-318, Title X, § 1001(b), June 23, 1972, 86 Stat. 380; related to a program of general assistance to graduate schools. Subsequent to repeal of this section, subsec. (f) of this section was repealed by Pub.L. 96-470, Title I, § 5106(c), Oct. 19, 1980, 94 Stat. 2238.

SUBCHAPTER X—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

PART A—ESTABLISHMENT AND OPERATION OF FUND

Codification. This part, consisting of part A of title X of the Higher Education Act of 1965, Pub.L. 89-329, was originally added to the Act in 1968 and subsequently amended by numerous enactments over the succeeding 12 years. It is shown herein as having been added by Pub.L. 96-374 on Oct. 3, 1980; however, without reference to any of the intervening amendments because of the extensive reorganization, expansion, and general amendment of this part's provisions by Pub.L. 96-374.

96-374 on Oct. 3, 1980; however, without reference to any of the intervening amendments because of the extensive reorganization, expansion, and general amendment of this part's provisions by Pub.L. 96-374.

§ 1135. Authorization of program

Subject to the provisions of section 1135a of this title, the Secretary is authorized to make grants to and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for—

- (1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;
- (2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;
- (3) the establishment of institutions and programs based on the technology of communications;

- (4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;
- (5) the design and introduction of cost-effective methods of instruction and operation;
- (6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;
- (7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and
- (8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto.

(Pub.L. 89-329, Title X, § 1001, as added Pub.L. 96-374, Title X, § 1001(a), Oct. 3, 1980, 94 Stat. 1489.)

Prior Provisions. A prior section 1135, Pub.L. 89-329, Title X, § 1001, as added Pub.L. 92-318, Title I, § 186(a) (1), June 23, 1972, 86 Stat. 312, and amended Pub.L. 93-380, Title VIII, § 837, Aug. 21, 1974, 88 Stat. 606; Pub.L. 94-482, Title I, § 176(a) (3)-(5), Oct. 12, 1976, 90 Stat. 2165; Pub.L. 95-180, § 1(c), Nov. 15, 1977, 91 Stat. 1372; Pub.L. 96-49, § 10(a), Aug. 13, 1979, 93 Stat. 354, related to the development plans for the expansion or improvement of postsecondary education programs in community colleges.

Effective Date. Section effective Oct. 1, 1980; see section 1393 of Pub.L. 96-374, set out as a note under section 1001 of this title.

§ 1135a. Consultation.

No grant shall be made or contract entered into under section 1135 of this title for a project or program with any institution of postsecondary education unless it has been submitted to the appropriate State entity having an agreement under section 1143 of this title, and an opportunity has been afforded such entity to submit its comments and recommendations to the Secretary.

(Pub.L. 89-329, Title X, § 1002, as added Pub.L. 96-374, Title X, § 1001(a), Oct. 3, 1980, 94 Stat. 1489.)

Prior Provisions. A prior section 1135a, Pub.L. 89-329, Title X, § 1011, as added Pub.L. 92-318, Title I, § 186(a) (1), June 23, 1972, 86 Stat. 313, and amended Pub.L. 94-482, Title I, § 176(b) (2), Oct. 12, 1976, 90 Stat. 2165; Pub.L. 96-49, § 10(b), Aug. 13, 1979, 93 Stat. 354, authorized appropriations for a program of establishment and expansion of community colleges.

§ 1135a-1. National Board of the Fund for the Improvement of Postsecondary Education.

(a) Establishment.

There is established a National Board of the Fund for the Improvement of Postsecondary Education. The Board shall consist of fifteen members appointed by the Secretary for overlapping three-year terms. A majority of the Board shall constitute a quorum. Any member of the Board who has served for six consecutive years shall thereafter be ineligible for appointment to the Board during a two-year period following the expiration of such sixth year.

(b) Chairman; membership.

The Secretary shall designate one of the members as Chairman. A majority of the members of the Board shall be public interest representatives, including students, and a minority shall be educational representatives. All members selected shall be

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

Code of Federal Regulations.

Fund for improvement of postsecondary education, see 34 CFR 630.1 et seq.

Library References.

- Colleges and Universities — 4
- United States — 35, 36, 39, 41
- C.J.S. Colleges and Universities § 9
- C.J.S. United States §§ 17, 35, 36, 37, 41, 43, 47, 62 to 64

Effective Date. Section effective Oct. 1, 1980; see section 1393 of Pub.L. 96-374, set out as a note under section 1001 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

individuals able to contribute an important part in postsecondary education and strategies of

(c) Functions.

The Board shall—

- (1) advise the Secretary and the Director of Postsecondary Education on priorities for education and make such recommendation for improvement of postsecondary education and adaptation of demonstrated improve practice;
- (2) advise the Secretary and the Director of programs to be carried out by the Fund in a consideration for support by the Fund in
- (3) advise the Secretary and the Director of the Fund, including advice on planning document grant competitions prepared by the Fund;
- (4) meet at the call of the Chairman, except times during each fiscal year, or (B) when in writing that a meeting be held.

(d) Information and assistance.

The Director shall make available to the Board any information necessary to enable the Board to carry

(Pub.L. 89-329, Title X, § 1003, as added Pub.L. 96-374, Title X, § 1003(a), Oct. 3, 1980, 94 Stat. 1490.)

Prior Provisions. A prior section 1135a-1, Pub.L. 89-329, Title X, § 1012, as added Pub.L. 92-318, Title I, § 186(a) (1), June 23, 1972, 86 Stat. 313, and amended Pub.L. 94-482, Title I, § 176(b) (3), Oct. 12, 1976, 90 Stat. 2165; Pub.L. 95-180, § 1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges.

§ 1135a-2. Administrative provisions.

(a) Appointment of technical employees.

The Secretary may appoint, for terms not to exceed the provisions of Title 5 governing appointments of less than five technical employees to administer this regard to the provisions of chapter 51 and subchapter 5 relating to classification and General Schedule pay.

(b) Review and evaluation procedures.

The Director shall establish procedures for reviewing contracts made or entered into under this title for grant applications or contracts for financial assistance subject to any review outside of officials responsible for the Fund for the Improvement of Postsecondary Education.

(Pub.L. 89-329, Title X, § 1004, as added Pub.L. 96-374, Title X, § 1004, Oct. 3, 1980, 94 Stat. 1490.)

References in Text. The provisions of Title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

Prior Provisions. A prior section 1135a-2, Pub.L. 89-329, Title X, § 1013, as added Pub.L. 92-318, Title I, § 186(a) (1), June 23, 1972, 86 Stat. 313, and amended Pub.L. 94-482, Title I, § 176(b) (3), Oct. 12, 1976, 90 Stat. 2165; Pub.L. 95-180, § 1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges.

individuals able to contribute an important perspective on priorities for improvement in postsecondary education and strategies of educational and institutional change.

(c) Functions

The Board shall—

(1) advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education on priorities for the improvement of postsecondary education and make such recommendations as it may deem appropriate for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation of demonstrated improvements in postsecondary educational practice;

(2) advise the Secretary and the Director of the Fund on the development of programs to be carried out by the Fund and on the selection of projects under consideration for support by the Fund in its competitions;

(3) advise the Secretary and the Director of the Fund on the operation of the Fund, including advice on planning documents, guidelines, and procedures for grant competitions prepared by the Fund; and

(4) meet at the call of the Chairman, except that it shall meet (A) at least four times during each fiscal year, or (B) whenever one-third of the members request in writing that a meeting be held.

(d) Information and assistance

The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

(Pub.L. 89-329, Title X, § 1003, as added Pub.L. 96-374, Title X, § 1001(a), Oct. 3, 1980, 94 Stat. 1490.)

Prior Provisions. A prior section 1135a-1, Pub.L. 89-329, Title X, § 1012, as added Pub.L. 92-318, Title I, § 186(a)(1), June 23, 1972, 86 Stat. 313, and amended Pub.L. 94-482, Title I, § 176(b)(3), Oct. 12, 1976, 90 Stat. 2165; Pub.L. 95-180, § 1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges.

Effective Date. Section effective Oct. 1, 1980, see section 1393 of Pub.L. 96-374, set out as a note under section 1001 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

Code of Federal Regulations. Fund for improvement of postsecondary education, see 34 CFR 630.1 et seq.

§ 1135a-2. Administrative provisions

(a) Appointment of technical employees

The Secretary may appoint, for terms not to exceed three years, without regard to the provisions of Title 5 governing appointments in the competitive service, not more than five technical employees to administer this subchapter who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Title 5 relating to classification and General Schedule pay rates.

(b) Review and evaluation procedures

The Director shall establish procedures for reviewing and evaluating grants and contracts made or entered into under this subchapter. Procedures for reviewing grant applications or contracts for financial assistance under this section may not be subject to any review outside of officials responsible for the administration of the Fund for the Improvement of Postsecondary Education.

(Pub.L. 89-329, Title X, § 1004, as added Pub.L. 96-374, Title X, § 1001(a), Oct. 3, 1980, 94 Stat. 1490.)

References in Text. The provisions of Title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

Stat. 314, provided for establishment grants and defined the term "new community college".

Effective Date. Section effective Oct. 1, 1980, see section 1393 of Pub.L. 96-374, set out as a note under section 1001 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

Prior Provisions. A prior section 1135a-2, Pub.L. 89-329, Title X, § 1013, as added Pub.L. 92-318, Title I, § 186(a)(1), June 23, 1972, 86

(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule under section 5332 of Title 5.

(Pub.L. 89-329; Title X, § 1022, formerly § 1072, as added Pub.L. 92-318, Title I, § 186(a)(1), June 23, 1972, 86 Stat. 323, amended Pub.L. 96-88, Title III, § 301(b)(2), Oct. 17, 1979, 93 Stat. 678, and renumbered and amended Pub.L. 96-374, Title X, § 1001(b)(1), Title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1491, 1503; Pub.L. 98-524, § 4(c)(3), Oct. 19, 1984, 98 Stat. 2488.)

References in Text. The Carl D. Perkins Vocational Education Act, referred to in subsec. (a) is Pub.L. 98-524 which is classified to section 2301 et seq. of this title.

1984 Amendment. Subsec. (a). Pub.L. 98-524, substituted "the Carl D. Perkins Vocational Education Act" for "the Vocational Education Act of 1963".

1980 Amendment. Subsec. (a). Pub.L. 96-374, § 1391(a)(1), substituted "Secretary" for "Commissioner".

Effective Date of 1984 Amendment. Amendment by Pub.L. 98-524 effective for fiscal years beginning on or after Oct. 1, 1984, except as otherwise provided, see section 2 of Pub.L. 98-524, set out as a note under section 2301 of this title.

Effective Date of 1980 Amendment. Amendment by Pub.L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub.L. 96-374, set out as a note under section 1001 of this title.

Transfer of Functions. "Department of Education" was substituted for "Office of Education" in subsec. (a) pursuant to section 301(b)(2) of Pub.L. 96-88, which is classified to section 3441(b)(2) of this title and which transferred the Office of Edu-

cation including the Community College Unit to the Department of Education.

For authority of Secretary of Education to consolidate, alter, or discontinue the Community College Unit, or to reallocate any functions vested by statute in the Unit, see section 413 of Pub.L. 96-88, which is classified to section 3473 of this title.

Office of Education, Bureau of Occupational and Adult Education and Community College Unit; Additional Positions. Section 186(a)(2) of Pub.L. 92-318 provided that the positions created by sections 1135c and 1135c-1 of this title would be in addition to the number of positions placed in the appropriate grades under section 5108 of Title 5.

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141. See, also, Pub.L. 98-524, 1984 U.S. Code Cong. and Adm. News, p. 4097.

Code of Federal Regulations

Fund for improvement of postsecondary education, see 34 CFR 630.1 et seq.

SUBCHAPTER XI—URBAN GRANT UNIVERSITY PROGRAM

Codification. This subchapter, consisting of title XI of the Higher Education Act of 1965, Pub.L. 89-329, was added to the Act in 1968 and subsequently amended by numerous enactments over the succeeding 12 years. It is shown herein as having been added by Pub.L. 96-374 on Oct. 3,

1980; however, without reference to any of the intervening amendments because of the extensive reorganization, expansion, and general amendment of this subchapter's provisions by Pub.L. 96-374.

§ 1136. Congressional findings and declaration of purpose

(a) The Congress finds and declares—

- (1) that there exists within the Nation's urban universities an underutilized reservoir of skills, talents, and knowledge applicable toward the amelioration of the multitude of problems that face the Nation's urban centers;
- (2) that the skills, talents, and knowledge of urban universities must be applied in a systematic and sustained manner to make a significant contribution toward the solution of these problems;
- (3) that the application of the skills, talents, and knowledge of urban universities is hindered by the limited funds available to sustain their commitment; and
- (4) that it is the policy of the United States to encourage and facilitate the application of the skills, talents, and knowledge of urban universities toward serving the needs of urban centers of the Nation.

(b) The Secretary shall carry out programs in accordance with the provisions of this subchapter, for the purpose of aiding urban universities to help find answers to urban problems, and aiding such universities to make their resources more readily and effectively available to the urban communities in which they are located.

(Pub.L. 89-329, Title XI, § 1101, as added Pub.L. 96-374, Title XI, § 1101, Oct. 3, 1980, 94 Stat. 1491.)

Prior Provisions. A prior section 1136, Pub.L. 89-329, Title XI, § 1101, as added Pub.L. 90-575, Title II, § 281, Oct. 16, 1968, 82 Stat. 1048, and amended Pub.L. 92-318, Title I,

out this subchapter. \$20,000,000 for fiscal year 1985.

Title X, § 1001(a), Oct. 3, 1980, 94 Stat. 1491.

The total amount of appropriations for title X of the Higher Education Act [this subchapter] shall not exceed \$40,000,000 for each of the fiscal years 1982 and 1984.

Legislative History. For legislative history and purpose of Pub.L. 96-374, see 1980 U.S. Code Cong. and Adm. News, p. 3141.

Federal Regulations

For improvement of postsecondary education, see 34 CFR 630.1 et seq.

Title X, § 1001(a), Oct. 3, 1980,

1972, 86 Stat. 315, authorized payment to approved applicants.

Pub.L. 89-329, Title X, as added Pub.L. 92-318, Title I, § 186(a)

1972, 86 Stat. 315, and amended Pub.L. 96-88, Title I, § 178, Oct. 12, 1976, 90

defined the term "community college."

Sections repealed by Pub.L. 96-374, set out as an Effective Date of Amendment note under section 1001 of this title.

AGENCIES

(c) (3), Oct. 12, 1976, 90 Stat.

Pub.L. 96-374, Title XI, § 1101(b)(2), Oct. 3, 1980, 94 Stat. 1491.

"this title," be stricken out from this title without reference to the fact that this title has been repealed in 1976 by Pub.L.

Education, a Community College shall have the responsibility for programs which affect, or can benefit, under this chapter, and the section 2301 et seq.]

