

CHAPTER 1098
REGISTRATION OF POST SECONDARY SCHOOLS
H.F. 509

AN ACT to require registration with the secretary of state of certain schools that maintain or conduct courses of instruction.

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

Section 1. NEW SECTION. 261B.1 POLICY. The general assembly finds that the availability of courses and programs leading to educational degrees and the existence of institutions of postsecondary education that offer courses and programs leading to educational degrees are in the best interest of the state. The general assembly has found that the state can provide protection for persons choosing institutions and programs by ensuring that accurate and complete information about institutions and programs is available to these persons and to the public.

Sec. 2. NEW SECTION. 261B.2 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Secretary" means the secretary of state.
2. "School" means an agency of the state or political subdivision of the state, individual, partnership, company, firm, society, trust, association, corporation, or any combination which meets any of the following criteria:
 - a. Is, owns, or operates a nonprofit postsecondary educational institution.
 - b. Provides a postsecondary instructional program or course leading to a degree.
 - c. Uses in its name the term "college", "academy", "institute", or "university" or a similar term to imply that the person is primarily engaged in the education of students at the postsecondary level, and which makes a charge for its services.
3. "Degree" means a title or symbol which signifies or purports to signify completion of the requirements of an academic, educational, or professional program of study beyond the secondary school level.
4. "Student" means a person who enrolls in or seeks to enroll in a course of instruction offered or conducted by a school.

Sec. 3. NEW SECTION. 261B.3 REGISTRATION. A school that maintains or conducts one or more courses of instruction, including courses of instruction by correspondence, in this state shall register annually with the secretary. Registration shall be made on application forms approved and supplied by the secretary and at the time and in the manner prescribed by the secretary. Upon receipt of a complete and accurate registration application, the secretary shall issue a certificate of registration and send it to the school.

The secretary may request additional information as necessary to enable the secretary to determine the accuracy and completeness of the information contained in the registration application. If the secretary believes that false, misleading, or incomplete information has been submitted in connection with an application for registration, the secretary may deny registration. The secretary shall conduct a hearing on the denial if a hearing is requested by a

school. The secretary may withhold a certificate of registration pending the outcome of the hearing. Upon a finding after the hearing that information contained in the registration application is false, misleading, or incomplete, the secretary shall deny a certificate of registration to the school. The decision of the secretary is subject to judicial review in accordance with section 17A.19.

The secretary shall adopt rules under chapter 17A for the implementation of this chapter.

Sec. 4. NEW SECTION. 261B.4 REGISTRATION INFORMATION. As a basis for registration, schools shall provide the secretary with the following information:

1. The name or title of the school.
2. The principal location of the school and the location of the place or places in this state where instruction is likely to be given.
3. A schedule of tuition charges, fees, and other costs payable to the school by a student.
4. The refund policy of the school for the return of refundable portions of tuition, fees, or other charges.
5. The degrees granted by the school.
6. The names and addresses of the principal owners of the school or the officers and members of the legal governing body of the school.
7. The name and address of the chief executive officer of the school.
8. A copy of or a description of the means by which the school intends to comply with section 261B.9.
9. Whether the school is accredited by any accrediting agency recognized by the United States department of education or a successor agency and, if so, the name of the accreditation body and the status under which accreditation is held.
10. The name, address, and telephone number of a contact person in this state.
11. The names or titles and a description of the courses to be offered in this state.
12. A description of procedures for the preservation of student records.

Sec. 5. NEW SECTION. 261B.5 CHANGES. If any information provided to the secretary under section 261B.3 or 261B.4 changes, the school shall inform the secretary within ninety days of the effective date of the change on forms prescribed and furnished by the secretary.

Sec. 6. NEW SECTION. 261B.6 LIST OF SCHOOLS. The secretary shall maintain a list of registered schools and the list and the information submitted under sections 261B.3 and 261B.4 are public records under chapter 28A.

Sec. 7. NEW SECTION. 261B.7 UNAUTHORIZED REPRESENTATION. Neither a school nor its officials or employees shall advertise or represent that the school is approved or accredited by the secretary or the state of Iowa nor shall it use the registration as a reference in promotional materials.

Sec. 8. NEW SECTION. 261B.8 REGISTRATION FEES. The secretary shall collect an initial registration fee of fifty dollars and an annual renewal of registration fee of twenty-five dollars from each registered school.

Sec. 9. NEW SECTION. 261B.9 DISCLOSURE TO STUDENTS. Prior to the commencement of a course of instruction and prior to the receipt of a tuition charge or fee for a course of instruction, a school shall provide written disclosure to students of the following information accompanied by a statement that the information is being provided in compliance with this section:

1. The name or title of the course.
2. A brief description of the subject matter of the course.
3. The tuition charge or other fees charged for the course. If a student is enrolled in more than one course at the school, the tuition charge or fee for all courses may be stated in one sum.
4. The refund policy of the school for the return of the refundable portion of tuition, fees, or other charges. If refunds are not to be paid, the information shall state that fact.
5. Whether the credential or certificate issued, awarded, or credited to a student upon completion of the course or the fact of completion of the course is applicable toward a degree granted by the school and, if so, under what circumstances the application will be made.
6. Whether the school is accredited by an accrediting agency recognized by the United States department of education or its successor agency.

Sec. 10. NEW SECTION. 261B.10 ADVISORY COMMITTEE. The state advisory committee for postsecondary school registration is created. The committee shall consist of seven members appointed by the coordinating council for post-high school education. Members shall serve for staggered four-year terms and shall include representatives from public and private two-year and four-year colleges, universities, and specialized and vocational schools.

The committee shall meet at least annually to advise the secretary and other agencies in matters relating to the administration of this chapter and to serve as a resource to the secretary as needed.

Sec. 11. NEW SECTION. 261B.11 EXCEPTIONS. This chapter does not apply to the following types of schools and courses of instruction:

1. Schools and educational programs conducted by firms, corporations, or persons for the training of their own employees.
2. Apprentice or other training programs provided by labor unions to members or applicants for membership.
3. Courses of instruction of an avocational or recreational nature that do not lead to an occupational objective.
4. Seminars, refresher courses, and programs of instruction sponsored by professional, business, or farming organizations or associations for the members and employees of members of these organizations or associations.
5. Courses of instruction conducted by a public school district or a combination of public school districts.
6. Colleges and universities authorized by the laws of this state to grant degrees.
7. Schools or courses of instruction or courses of training that are offered by a vendor to the purchaser or prospective purchaser of the vendor's product when the objective of the school or course is to enable the purchaser or the purchaser's employees to gain skills and knowledge to enable the purchaser to use the product.
8. Schools and educational programs conducted by religious organizations solely for the religious instruction of members of that religious organization.

Sec. 12. NEW SECTION. 261B.12 ENFORCEMENT. When the secretary or the secretary's designee believes a school is in violation of this chapter, the secretary shall order the school to show cause why the secretary should not issue a cease and desist order to the school.

After the school's response to the show cause order has been reviewed by the secretary, the secretary may issue a cease and desist order to the school if the secretary believes the school continues to be in violation of this chapter. If the school does not cease and desist, the

secretary may seek judicial enforcement of the cease and desist order in any district court.

Sec. 13. For the initial advisory committee, four members shall be appointed for two-year terms and three members shall be appointed for four-year terms.

Approved April 17, 1984

CHAPTER 1099
PUBLIC WATER SUPPLY SYSTEMS
H.F. 2387

AN ACT relating to the authority of the department of water, air and waste management over public water supply systems.

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

Section 1. Section 455B.183, subsection 1 and unnumbered paragraph 4, Code Supplement 1983, are amended to read as follows:

1. The construction, installation or modification of any disposal system or public water supply system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section and private sewage disposal systems. A permit shall be issued for the construction, installation or modification of a public water supply ~~distribution~~ system or part of a system if a qualified, registered engineer certifies to the commission that the plans for the system or part of the system meet the requirements of state and federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements of all applicable state and federal laws and regulations and the review of the department shall be advisory.

Plans and specifications for all other waste disposal systems and public water supply systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. Plans and specifications for public water supply systems and water supply distribution system extensions must be certified by a registered engineer as provided in subsection 1. The construction of any such waste disposal system or public water supply system shall be in accordance with standards formulated and adopted by the commission pursuant to section 455B.173, subsections 6 to 9, ~~or otherwise approved by the department.~~ If it is necessary or desirable to make material changes in the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit. The revised plans and specifications for a public water supply system must be certified by a registered engineer as provided in subsection 1.