

CHAPTER 261B

REGISTRATION OF POSTSECONDARY SCHOOLS

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For restriction on sale of courses of instruction, see §714.17 to 714.22

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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.

84 Acts, ch 1098, §1

261B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Commission*” means the college student aid commission created pursuant to section 261.1.

2. “*Degree*” means a postsecondary credential conferring on the recipient the title of associate, bachelor, master, or doctor, or an equivalent title, signifying educational attainment based on any one or a combination of study or the equivalent experience or achievement testing. A postsecondary degree under this chapter shall not include an honorary degree or other unearned degree.

3. “*Presence*” means maintaining an address within Iowa.

4. “*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.

5. “*Student*” means a person who enrolls in or seeks to enroll in a course of instruction offered or conducted by a school.

84 Acts, ch 1098, §2; 96 Acts, ch 1158, §5, 6; 2009 Acts, ch 12, §3, 4

261B.3 Registration.

1. Except as provided in section 261B.11, a school that maintains or conducts one or more courses of instruction, including courses of instruction by correspondence or other distance delivery method, offered in this state or which has a presence in this state and offers courses in other states or foreign countries shall register with the commission. Registrations shall be renewed every four years or upon any substantive change in location or accreditation. Registration shall be made on application forms approved and supplied by the commission and at the time and in the manner prescribed by the commission. Upon receipt of a complete and accurate registration application, the commission shall issue an acknowledgment of document filed and send it to the school.

2. The commission may request additional information as necessary to enable the commission to determine the accuracy and completeness of the information contained in

the registration application. If the commission believes that false, misleading, or incomplete information has been submitted in connection with an application for registration, the commission may deny registration. The commission shall conduct a hearing on the denial if a hearing is requested by a school. The commission may withhold an acknowledgment of document filed 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 commission shall deny an acknowledgment of document filed to the school. The commission shall make the final decision on each registration. However, the decision of the commission is subject to judicial review in accordance with section 17A.19.

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

84 Acts, ch 1098, §3; 96 Acts, ch 1158, §7; 2004 Acts, ch 1145, §4, 5; 2009 Acts, ch 12, §5

261B.3A Requirements.

1. In order to register, a school shall be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency, be approved by any other state agency authorized to approve the school in this state, and, subsequently, be approved for operation by the commission.

2. A practitioner preparation program operated by a school that applies to register the program in accordance with this chapter shall, in order to register, be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency, be approved by the state board of education pursuant to section 256.7, subsection 3, and, subsequently, be approved for operation by the commission.

3. Nothing in this chapter shall be construed to exempt a school from the requirements of chapter 490 or 491.

96 Acts, ch 1158, §8; 97 Acts, ch 13, §1; 2000 Acts, ch 1095, §17; 2004 Acts, ch 1145, §6; 2009 Acts, ch 12, §6

261B.4 Registration information.

As a basis for registration, schools shall provide the commission with the following information:

1. The name or title of the school.
2. The principal location of the school in this state, in other states, and in foreign countries, and the location of the place or places in this state, in other states, and in foreign countries 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. The name of the accrediting agency recognized by the United States department of education or a successor agency which has accredited the school 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 and degrees to be offered.
12. A description of procedures for the preservation of student records.
13. The academic and instructional methodologies and delivery systems to be used by the school and the extent to which the school anticipates each methodology and delivery system will be used, including, but not limited to, classroom instruction, correspondence, electronic telecommunications, independent study, and portfolio experience evaluation.

84 Acts, ch 1098, §4; 96 Acts, ch 1158, §9, 10; 2000 Acts, ch 1095, §18; 2009 Acts, ch 12, §7

261B.5 Changes.

If any information provided to the commission under section 261B.3 or 261B.4 changes, the school shall inform the commission within ninety days of the effective date of the change in the format specified by the commission.

84 Acts, ch 1098, §5; 2009 Acts, ch 12, §8

261B.6 List of schools.

The commission 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 22.

84 Acts, ch 1098, §6; 95 Acts, ch 67, §21; 2009 Acts, ch 12, §9

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 commission or the state of Iowa nor shall it use the registration as a reference in promotional materials.

84 Acts, ch 1098, §7; 2009 Acts, ch 12, §10

261B.8 Registration fees.

1. The commission shall set by rule and collect a nonrefundable initial registration fee and a renewal of registration fee from each registered school.

2. Fees shall be set by rule not more than once each year and shall be based upon the costs of administering this chapter.

3. Fees collected under this section shall be deposited in the general fund of the state.

84 Acts, ch 1098, §8; 96 Acts, ch 1158, §11; 2004 Acts, ch 1145, §7; 2009 Acts, ch 12, §11

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. The name of the accrediting agency recognized by the United States department of education or its successor agency which has accredited the school.

84 Acts, ch 1098, §9; 2000 Acts, ch 1095, §19

261B.10 Advisory committee. Repealed by 2010 Acts, ch 1031, § 315.**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 leadership practitioners of that religious organization.

9. Postsecondary educational institutions licensed by the state of Iowa prior to July 1, 2009, to conduct business in the state.

10. Accredited higher education institutions that meet the criteria established under section 261.92, subsection 1.

11. Postsecondary educational institutions offering programs limited to nondegree specialty vocational training programs.

12. Not-for-profit colleges and universities established and authorized by city ordinance to grant degrees.

84 Acts, ch 1098, §11; 96 Acts, ch 1158, §13; 97 Acts, ch 13, §2; 2005 Acts, ch 78, §1; 2009 Acts, ch 12, §13

261B.12 Violations — enforcement.

1. When the commission or the commission's designee believes a school is in violation of this chapter, the commission shall order the school to show cause why the commission should not issue a cease and desist order to the school.

2. After the school's response to the show cause order has been reviewed by the commission, the commission may issue a cease and desist order to the school if the commission believes the school continues to be in violation of this chapter. If the school does not cease and desist, the commission may seek judicial enforcement of the cease and desist order in any district court.

3. A violation of this chapter constitutes an unlawful practice pursuant to section 714.16.

84 Acts, ch 1098, §12; 2009 Acts, ch 12, §14

[P] See also §714.17 – 714.22