

## CHAPTER 261G

## POSTSECONDARY DISTANCE EDUCATION — INTERSTATE RECIPROCITY

Referred to in [§261.2](#), [261B.8](#), [261B.11B](#)

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**261G.1 Purpose.**

The purpose of [this chapter](#) is to authorize the college student aid commission to enter into or recognize agreements that will create interstate reciprocity in the regulation of postsecondary distance education for the purpose of encouraging cost savings for students and greater efficiencies and effectiveness for institutions of higher education providing distance education.

[2014 Acts, ch 1063, §5](#)

**261G.2 Definitions.**

1. “*Commission*” means the college student aid commission created pursuant to [section 261.1](#).

2. “*Interstate reciprocity agreement*” means an interstate reciprocity agreement entered into and administered, or recognized, by the commission in accordance with [section 261.2](#), [subsection 12](#).

3. “*Participating institution*” means an institution that meets the definition of [subsection 4 or 5](#).

4. “*Participating nonresident institution*” means a postsecondary institution without a physical presence in Iowa that is offering instructional programs or courses in Iowa leading to a degree, is a member in good standing in an interstate reciprocity agreement, and is registered with and regulated by a state agency or authority that is a member in good standing in an interstate reciprocity agreement.

5. “*Participating resident institution*” means a postsecondary institution located in Iowa that is a member in good standing in an interstate reciprocity agreement and is offering instructional programs or courses in Iowa leading to a degree, including but not limited to the following institutions:

a. A community college as defined in [section 260C.2](#).

b. An institution of higher learning governed by the state board of regents.

c. An accredited private institution as defined in [section 261.9](#).

d. A school or postsecondary educational institution that voluntarily registers with the commission pursuant to [section 261B.11B](#) in order to comply with [this chapter](#) or for purposes of institutional eligibility under [34 C.F.R. §600.9\(a\)](#).

6. “*Physical presence*” means any of the following:

a. Establishing a physical location in Iowa for students to receive synchronous or asynchronous instruction.

b. Requiring students to physically meet in a location in Iowa for instructional purposes.

c. Establishing an administrative office in Iowa, for any of the following purposes:

(1) Providing information to prospective students or the general public about the institution, for enrolling students, or for providing services to enrolled students.

(2) Providing office space to instructional or noninstructional staff.

(3) Establishing an Iowa mailing address, street address, or telephone number.

[2014 Acts, ch 1063, §6](#)

Referred to in [§261.2](#)

**261G.3 Execution of duties.**

The commission shall only enter into or recognize an interstate reciprocity agreement if the agreement contains sufficient consumer protection provisions and is otherwise in the best interests of students enrolled in institutions of higher education in this state.

[2014 Acts, ch 1063, §7](#)

#### **261G.4 Effect of agreement.**

1. Notwithstanding any other provision of law to the contrary, a participating nonresident institution shall not be required to register under [chapter 261B](#) or to comply with the registration and disclosure requirements of [chapter 261](#) or [261B](#) or [section 714.17, subsections 2 and 3](#), or [sections 714.18, 714.20, 714.21, and 714.23](#), or [section 714.24, subsections 1, 2, 3, 4, and 5](#), or [section 714.25](#), if the provisions of an interstate reciprocity agreement prohibit such registration or compliance.

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under [chapter 261B](#) or to comply with the registration and disclosure requirements of [chapter 261](#) or [261B](#) or [section 714.17, subsections 2 and 3](#), or [sections 714.18, 714.20, 714.21, and 714.23](#), or [section 714.24, subsections 1, 2, 3, 4, and 5](#), or [section 714.25](#), if the provisions of the interstate reciprocity agreement require such registration or compliance.

3. A participating institution offering instructional programs or courses under an interstate reciprocity agreement entered into or recognized by the commission must notify the commission of any change of status relating in any way to the interstate reciprocity agreement.

4. [This chapter](#) shall not be construed to prevent the commission or the state from requiring a school or other postsecondary educational institution to register under [chapter 261B](#) or from taking enforcement action against a participating institution in any of the following circumstances:

a. A participating nonresident institution leaves or otherwise ceases to be a member in good standing in an interstate reciprocity agreement.

b. The participating institution is physically or administratively housed in a state that does not join or ceases to be a member in good standing in an interstate reciprocity agreement entered into or recognized by the commission.

c. The discovery of acts or omissions subject to the enforcement action but which occurred prior to the commission's entering into or recognizing an interstate reciprocity agreement.

5. Students attending a participating nonresident institution are ineligible for state student financial aid programs established under [chapter 261](#).

[2014 Acts, ch 1063, §8; 2015 Acts, ch 107, §1, 3; 2016 Acts, ch 1073, §90](#)

Referred to in [§714.23](#)

#### **261G.5 Postsecondary registration fees.**

1. The commission shall set by rule and collect a nonrefundable initial registration fee and a renewal of registration fee from each participating institution that voluntarily registers with the commission pursuant to [section 261B.11B](#) in order to comply with [this chapter](#) or for purposes of institutional eligibility under [34 C.F.R. §600.9\(a\)](#).

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 a separate account in the postsecondary registration fund created pursuant to [section 261B.8, subsection 3](#), and shall be used for purposes of administering [this chapter](#).

[2014 Acts, ch 1063, §9](#)

#### **261G.6 Enforcement.**

[This chapter](#) shall not be construed to affect the authority of the attorney general pursuant to [section 714.16](#).

[2014 Acts, ch 1063, §10](#)