

CHAPTER 21
APPROVAL OF POSTSECONDARY SCHOOLS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

283—21.1(261B,261G) Postsecondary registration, exemption from registration, and participation in the commission-approved reciprocity agreement. The college student aid commission examines college and university applications for registration to operate in Iowa or authorization to operate under an exemption from registration and monitors schools approved by the commission to operate in the state. The commission also examines Iowa college and university applications for participation in an interstate reciprocity agreement under which the commission is an approved participant.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16; ARC 5964C, IAB 10/6/21, effective 11/10/21]

283—21.2(261B,261G) Definitions. As used in this chapter:

“Interstate reciprocity agreement administrator” means the entity with which the commission has an agreement to participate in interstate reciprocity under Iowa Code chapter 261G.

“Registration” means the process by which a school must seek, or voluntarily seeks, the commission’s explicit approval to operate in Iowa or offer courses of instruction to Iowans under Iowa Code chapter 261B.

“School” means a postsecondary educational institution that applies to register or is currently registered to offer all or a portion of a program in Iowa, or applies to operate or is operating under an approved exemption from registration, under Iowa Code chapter 261B. “School” also means a postsecondary educational institution that is seeking to participate in the commission’s approved interstate reciprocity agreement under Iowa Code chapter 261G or that is a “participating resident institution” as defined in Iowa Code section 261G.2. A postsecondary educational institution that maintains a physical location outside of the state of Iowa and that must register under Iowa Code chapter 261B to operate at a physical location in this state is not a school that is eligible to participate in the commission’s approved interstate reciprocity agreement under Iowa Code chapter 261G.

“School closure” means a precipitous or abrupt closure of a school during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16; ARC 5964C, IAB 10/6/21, effective 11/10/21]

283—21.3(261B,261G) Registration approval criteria. The college student aid commission will approve an applicant school that completes a registration application provided by the commission and meets all of the following criteria:

21.3(1) The applicant school is accredited by an agency recognized by the United States Department of Education or its successor agency. The applicant school shall certify to the commission the school’s status with the accrediting agency at the time of the application and provide information about any pending or final action that may affect the school’s status with its accrediting agency.

As applicable, the applicant school shall provide the commission the name of any programmatic accrediting agency recognized by the United States Department of Education that accredits the specific programs the applicant school proposes to offer under its registration.

21.3(2) The applicant school certifies to the commission that the applicant school’s approval to operate in a state has not been revoked by the state, the school has not been sanctioned by a state within a year prior to the date of its application, and the school is not under investigation or bound by the terms of a judgment issued by a state’s attorney general or other enforcement authority.

21.3(3) The applicant school certifies that it is not subject to a limitation, suspension or termination order issued by the United States Department of Education or its successor agency. The applicant school shall provide the commission with a copy of the school’s current program participation agreement with the United States Department of Education.

21.3(4) The applicant school complies with Iowa Code section 261B.7, which prohibits a school from advertising that the school is approved or accredited by the commission or the state of Iowa. However, an applicant school must demonstrate the method by which it will disclose that the school is registered with the commission and provide the commission's contact information for students who wish to inquire about the school or file a complaint.

21.3(5) The applicant school provides the commission with institutional policies adopted by the school that comply with the requirements of Iowa Code section 261.9(1) "e" to "h."

a. For a program in which a student's academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 261.9(1) "g" for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

b. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 261.9(1) "h" shall apply to individuals the school compensates to conduct activities on the school's behalf at an Iowa location.

21.3(6) If required by the commission, the applicant school files annual reports that the commission also requires from all Iowa colleges and universities.

21.3(7) The applicant school demonstrates financial viability by providing a copy of the institution's most recent audit that was prepared by a certified public accounting firm no more than 12 months prior to the date of the application and that provides an unqualified opinion. An applicant school must provide the auditor's report as an attachment to the registration application, which is posted on the commission's Internet site. However, the school may provide financial statements associated with the audit in a separate electronic file that is marked "confidential." Financial statements that a school identifies as "confidential" will not be treated as public records under Iowa Code chapter 22.

21.3(8) The applicant school provides a description of the learning resources it offers to students, including appropriate library and other support services the school provides to its students.

21.3(9) The applicant school provides evidence that faculty within an appropriate discipline are involved in developing and evaluating curriculum for the program(s) being registered in Iowa.

21.3(10) The applicant school provides documentation or information posted on its Internet site that describes the educational and experiential qualifications of all faculty or instructors who teach in the programs the school proposes to offer under its registration and the general subject matter in which faculty members or instructors teach. The applicant school shall also provide the number of full-time and part-time faculty and instructors who will teach the courses offered to Iowans.

21.3(11) The applicant school provides documentation demonstrating that a program which prepares a student for an occupation that requires professional licensure in Iowa and which the school proposes to offer under its registration:

a. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

b. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the school did not offer in its professional licensure preparation program.

21.3(12) The school submits a request for amendment of its registration subject to commission approval in the event the school makes a substantive change in location, program offering, or accreditation during its registration term. A substantive change in program offering occurs when a school proposes to initiate a program that requires the approval of the state board of education or any other program that prepares a student for an occupation that requires professional licensure in this state.

21.3(13) During its registration term, the school notifies the commission within 90 days after adding a program that does not require the school to seek the commission's amendment approval under subrule 21.3(12).

21.3(14) The applicant school certifies that it will immediately notify the commission of any pending or final sanction issued by the school's accrediting agency, another state agency that registers or licenses the school during its registration term, or a state attorney general's office or other enforcement authority.

21.3(15) The applicant school provides a statement, signed by its chief executive officer, demonstrating the applicant school's commitment to the delivery of programs offered in Iowa and agreeing to provide alternatives for students to complete their programs at the same or other schools if the applicant school discontinues a program, the applicant school closes, or the applicant school closes an Iowa site before students have completed their courses of study.

Notwithstanding any limitations on student eligibility for a teach-out plan approved by a school's accrediting agency, the alternatives that the school provides under this agreement with the commission shall ensure that all academically eligible students attending the programs the school offers under its registration are provided with a viable option(s) to finish the program(s).

21.3(16) If the applicant school is for profit, the applicant school provides evidence that its most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, does not exceed the threshold established by the United States Department of Education.

21.3(17) If the applicant school is nonpublic, the applicant school provides evidence of its official financial responsibility composite score, as calculated using the method prescribed by the United States Department of Education.

a. A school demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from the United States Department of Education.

b. A school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its accrediting agency. If the school's accrediting agency does not independently verify the school's composite score, the school must submit written confirmation from its independent auditor.

21.3(18) A nonpublic school that does not have a legal governing body, such as a board of directors or board of trustees, shall provide the names, titles, and educational and experiential qualifications of the persons holding key academic and operational leadership positions at the school.

21.3(19) A nonpublic school that is a subsidiary of another organization provides all of the following:

a. The name of the parent organization.

b. The names and titles of the members of the parent organization's legal governing body, such as a board of directors or board of trustees. In the absence of a legal governing body, the school provides the information described in subrule 21.3(18).

c. The name(s) of any other school(s) that is a subsidiary of the same parent organization.

21.3(20) The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

21.3(21) The school provides any additional information the commission requires to evaluate the school.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.4(261B,261G) Additional approval criteria for an applicant school that applies for registration to maintain a fixed location in Iowa. In addition to meeting the registration approval criteria in rule 283—21.3(261B,261G), a school that applies for registration to operate a campus, branch campus, student services center, or administrative office at a fixed location in Iowa shall meet all of the following additional criteria:

1. The applicant school employs at least one full-time Iowa faculty member or one program or student services coordinator devoted to Iowa students.

2. The applicant school provides to the commission the name of and business contact information for a contact person in Iowa.

3. The applicant school demonstrates that it has adequate physical facilities located in Iowa appropriate for the programs and services offered.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.5(261B,261G) Additional criteria for an out-of-state applicant school that applies for registration to offer programs via in-person instruction but in a nontraditional format.

21.5(1) In addition to meeting the approval criteria in rule 283—21.3(261B,261G), an out-of-state school that applies for registration to offer programs via in-person instruction but in a nontraditional format shall notify the commission in writing within 90 days of the date that the school establishes a new Iowa location at which Iowa students will receive instruction in the school's nontraditional program. Notification to the commission via electronic mail is acceptable. If the school's accrediting agency requires preapproval of the new Iowa location, the school's notice to the commission must include a copy of that accrediting agency's approval. If the school's accrediting agency does not require preapproval of the new Iowa location, the school must certify that accrediting agency approval is not required. Such a school is not required to submit a registration amendment request under subrule 21.3(12).

21.5(2) For the purposes of this rule, "nontraditional format" includes, but is not limited to, the following:

- a. A program offered partially via distance education and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.
- b. A program offered partially at the applicant school's out-of-state campus and partially via in-person instruction at a location in Iowa by faculty or instructors compensated by the applicant school.
- c. A program offered at a location in Iowa through compressed courses scheduled on Saturday or Sunday.
- d. A program offered only during the summer months.
- e. A program offered at temporary locations in Iowa where the school identifies cohorts of students who have expressed interest in the program.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.6(261B,261G) Additional approval criteria and exception for an out-of-state applicant school that applies for registration to offer distance education programs.

21.6(1) An out-of-state school offering distance education programs is not required to register in Iowa if its home state approves the school to participate in a commission-approved interstate reciprocity agreement. If an out-of-state applicant school providing distance education programs in Iowa is not approved by the school's home state to participate in a commission-approved interstate reciprocity agreement, in addition to meeting the approval criteria in rule 283—21.3(261B,261G), the out-of-state applicant school shall meet all of the following additional criteria:

- a. The applicant school discloses the name and business contact information of any person compensated by the school (including by honorarium) to remotely provide instruction or academic supervision in the school's distance education courses from any Iowa location.
- b. The applicant school discloses the name, business contact information, and duties of any person the applicant school compensates to remotely perform operational activities from any Iowa location.

21.6(2) Exception. If a school applies for registration solely to offer distance education programs that include a structured field experience in which the student will participate at an Iowa location and the applicant school maintains no other presence in Iowa as defined in Iowa Code section 261B.2, the school is not required to implement a policy that complies with Iowa Code section 261.9(1) "h."

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.7(261B,261G) Recruiting for an out-of-state applicant school's residential programs from an Iowa location.

21.7(1) An out-of-state applicant school that compensates a party to recruit Iowans for its campus-based, residential programs shall apply for registration if the recruiter maintains an Iowa address. In addition to meeting all of the criteria in rule 283—21.3(261B,261G), the applicant school shall disclose the name of and business contact information for its Iowa-based recruiter.

21.7(2) An out-of-state applicant school that compensates a person to recruit students for its campus-based, residential programs is not required to apply for registration if the school's recruitment activities at a location in Iowa are occasional and short-term; for example, at a college fair or conference.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.8(261B,261G) Provisional registration.

21.8(1) The commission may grant provisional registration under the following conditions:

a. An out-of-state applicant school is accredited by an entity or organization recognized by the United States Department of Education or its successor agency at the time the school submits its registration application; and

b. The applicant school must obtain the commission's approval before the school's accrediting agency will consider approving the applicant school to operate at a physical location in Iowa.

21.8(2) The commission may prohibit the school from initiating instruction at a location in Iowa until the school obtains its accrediting agency's approval to operate at an Iowa location.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.9(261B,261G) Duration of registration; application for renewal.

21.9(1) Upon approval by the commission, an applicant school is registered for a period of two calendar years, contingent upon the school's compliance with commission requirements as provided in this chapter.

21.9(2) A registered school shall submit a completed registration renewal application to the commission at least six months before the ending date of the school's current registration term. A school is solely responsible for submitting a timely renewal application.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.10(261B,261G) Limitation, denial, or revocation of registration.

21.10(1) At the time of initial registration or registration renewal and during a registration term, the commission may take action that includes, but is not limited to, limiting a school's program offerings or enrollment or denying or revoking the school's registration as a result of any of the following:

a. An adverse notice, warning, or other sanction issued by the school's accrediting agency.

b. An adverse action or sanction issued by the United States Department of Education.

c. A lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.

d. A judgment issued by a state attorney general's office or another enforcement authority.

e. A for-profit school's most recently calculated percentage of revenue derived from funds received under Title IV of the Higher Education Act of 1965, as amended, that exceeds the threshold established by the United States Department of Education.

f. Repeated complaints about a school received from the school's students by the commission, by another state, or by a state attorney general's office.

g. Notice that the school has experienced a change of ownership or governance. The school shall notify the commission no later than 30 calendar days after the change in ownership or governance.

h. Failure to pay fees due to the commission in accordance with rule 283—21.12(261B,261G).

i. Other actions deemed by the commission as significant evidence that the school should not be allowed to operate under this chapter.

21.10(2) Reserved.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.11(261B,261G) School, Iowa site, or program closure.

21.11(1) No later than 90 days before a registered school takes action to discontinue a program that is offered by the school under its registration, close an Iowa site, or close the school, the school must notify the commission in writing.

21.11(2) The school's notice to the commission shall include all of the following:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the school's Iowa campus(es). The school shall organize this list in alphabetical order by student last name.

b. Documentation of the school's proposed notice to students.

c. The school's specific plan to provide alternatives for affected students to complete the programs offered under the school's registration in accordance with the agreement described in subrule 21.3(15). The

school shall obtain the prior approval of the commission for any agreement the school proposes to establish with another institution that provides completion alternatives for programs the school offered under its registration.

d. The school's plan for permanent storage and retrieval of student transcript information.
e. Specific information about how the school will provide transitional support to affected students.
f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the school and, if applicable, the school's private preferred lender(s).

21.11(3) The commission may require a registered school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 to maintain the bond, at minimum, for one year after the school ceases operation in Iowa, closes an Iowa site, or ceases new enrollment in programs previously offered to Iowa resident students.

21.11(4) If the commission takes action to discontinue a school's program, close a school's Iowa site, or terminate a school's operation in Iowa, the school shall provide to the commission the information in subrule 21.11(2) and shall be subject to the requirements of subrule 21.11(3).

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.12(261B,261G) Initial registration application fees and subsequent annual fees.

21.12(1) A school that applies for initial registration as required under Iowa Code chapter 261B shall remit an initial registration application fee payable to the commission in the amount of \$5,000. This fee is nonrefundable regardless of the commission's decision with respect to the school's eligibility for registration in Iowa. A school that fails to pay the initial registration application fee shall be denied initial registration consideration.

21.12(2) A school that is approved for registration shall remit an annual fee payable to the commission in the amount due on July 15 of each year. If a school's registration terminates during a year, the school shall pay the annual fee to the commission if the school's registration is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – \$2,000.
- 2,500 to 9,999 FTE – \$4,000.
- 10,000 FTE or more – \$6,000.

21.12(3) A school that registers and pays fees under rule 283—21.12(261B,261G) is not required to pay fees under rule 283—21.15(261B,261G) if participating in the interstate reciprocity agreement.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.13(261B,261G) Authorization to operate in Iowa for certain nonpublic, nonprofit colleges and universities exempt from registration.

21.13(1) The state of Iowa considers a nonpublic, nonprofit institution located in Iowa, which qualifies for an exemption from registration under Iowa Code section 261B.11(1)“j” and “l,” to be authorized to lawfully operate in Iowa as a postsecondary educational institution that grants a degree, diploma, or certificate for the purpose of state authorization regulations established by the United States Department of Education, provided the institution meets the following additional conditions:

a. The institution is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code on or after July 1, 2013; and

b. The institution originated in this state and has undergone no change in ownership or control since July 1, 2011.

21.13(2) The following Iowa colleges and universities are authorized under subrule 21.13(1):

- a.* Allen College;
- b.* Briar Cliff University;
- c.* Buena Vista University;
- d.* Central College;
- e.* Clarke University;
- f.* Coe College;
- g.* Cornell College;
- h.* Des Moines University;
- i.* Divine Word College;
- j.* Dordt College;
- k.* Drake University;
- l.* Emmaus Bible College;
- m.* Faith Baptist Bible College and Theological Seminary;
- n.* Graceland University;
- o.* Grand View University;
- p.* Grinnell College;
- q.* Iowa Wesleyan College;
- r.* Loras College;
- s.* Luther College;
- t.* Maharishi University of Management;
- u.* Mercy College of Health Sciences;
- v.* Mercy St. Luke's School of Radiologic Technology;
- w.* Morningside College;
- x.* Mount Mercy College;
- y.* Northwestern College;
- z.* Palmer College of Chiropractic;
- aa.* Simpson College;
- ab.* St. Ambrose University;
- ac.* St. Luke's College;
- ad.* Unity Point Health – Des Moines School of Radiologic Technology;
- ae.* University of Dubuque;
- af.* Upper Iowa University;
- ag.* Wartburg College;
- ah.* Wartburg Theological Seminary; and
- ai.* William Penn University.

[ARC 1216C, IAB 12/11/13, effective 1/15/14; ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.14(261B,261G) Verification of exemption from registration to operate in Iowa.

21.14(1) A school claiming an exemption from registration under Iowa Code chapter 261B shall demonstrate the following:

a. The school provides the reference under which it requests exemption from registration under Iowa Code section 261B.11.

b. If the school offers a course of instruction leading to a degree, with the exception of a school that qualifies for an exemption under Iowa Code section 261B.11(1)“*h*,” the school is accredited by an accrediting agency recognized by the United States Department of Education and will notify the commission of any negative changes to its accrediting status.

c. The school has a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on school-owned or -leased property or in conjunction with activities sponsored by the school. The school will provide information about the policy to all students and employees, including any sanctions for violation of the policy and any substance abuse prevention programs for students and employees.

d. The school has a policy addressing sexual abuse including counseling, campus security, education, and facilitating accurate and prompt reporting of sexual abuse.

e. The school has an employee policy for reporting suspected incidents of child physical or sexual abuse that includes individuals whom the school compensates to conduct activities on the school's behalf at an Iowa location.

f. The school has a military refund policy for students who are members of the Iowa national guard or reserve forces of the United States and the spouses of such members if the members have dependent children when the members are ordered into active duty as required by Iowa Code sections 261.9(1) "g," 262.9(30), and 260C.14(20). The policy shall include:

(1) Withdrawal from all or a portion of the student's registration and receipt of a full refund of tuition and mandatory fees that the school assessed for courses from which the student withdrew. For a program in which a student's academic progress is measured only in clock hours, the school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

(2) Making arrangements for instructors to report grades or report incomplete grades that will be completed at a later date.

g. The school posts a list of required and suggested textbooks for all courses and corresponding international standard book numbers for such textbooks at least 14 days before the start of each semester or term at the locations where textbooks are sold on campus and on the school's Internet site.

h. The school has procedures for preservation of student records and the contact information to be used by students and graduates who seek to obtain transcript information.

i. A covered institution under Iowa Code chapter 261F has a code of conduct that complies with Iowa Code section 261F.2.

j. A covered institution under Iowa Code chapter 261F with a preferred lender list meets the requirements of Iowa Code section 261F.6.

k. The school provides the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response. The commission will provide a link to a page on its website for students to use to seek additional information about a school or to file a complaint about a school. A school that is approved for an exemption from registration will prominently provide on its website the link to the commission's web page for students.

21.14(2) A nonpublic school must provide evidence of financial responsibility under Iowa Code section 714.18 or demonstrate eligibility for an exemption under Iowa Code section 714.19.

21.14(3) A for-profit school must demonstrate and maintain compliance with Iowa Code section 714.23. The school shall apply the policy it adopts under Iowa Code section 714.23 to students who attend its campus(es) in Iowa, if applicable, as well as to Iowa resident students who attend distance education programs.

21.14(4) A for-profit school that does not participate in the student financial assistance programs administered by the United States Department of Education must demonstrate and maintain compliance with Iowa Code section 714.25.

[ARC 2580C, IAB 6/22/16, effective 5/27/16]

283—21.15(261B,261G) Approval criteria for a school seeking to participate or renew participation in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G. A school that applies to participate in a commission-approved interstate reciprocity agreement shall meet the following criteria:

21.15(1) The applicant school shall be in compliance with Iowa Code chapter 261B as provided in this chapter.

21.15(2) The applicant school shall submit an institutional participation application as required by the commission-approved interstate reciprocity agreement. The application shall be signed by the school's chief executive officer or chief academic officer.

21.15(3) A nonpublic applicant school must submit evidence that its most recent, official financial responsibility composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.5. A school demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from the United States Department of Education. In accordance with policies established by the interstate reciprocity agreement administrator, the commission shall determine the official financial responsibility composite score for a school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education.

21.15(4) The commission will consider the application of a nonpublic school whose most recent, official financial responsibility composite score is between 1.0 and 1.49. The applicant school must submit a copy of the school's most recently audited financial statements accompanied by a written explanation of the circumstances that caused the school's composite score to be below 1.5 and the school's plan to raise its composite score to 1.5 within a time frame determined by the commission. The commission may approve, provisionally approve, or deny the school's application.

21.15(5) A for-profit applicant school must demonstrate and maintain compliance with Iowa Code sections 714.18 and 714.23. The school shall apply the policy it adopts under Iowa Code section 714.23 to students who attend its campus(es) in Iowa and to Iowa resident and nonresident students who attend distance education programs the school offers under the commission-approved interstate reciprocity agreement.

21.15(6) The applicant school shall demonstrate that the military deployment tuition and fee refund policy required under Iowa Code sections 261.9(1) "g," 262.9(30), and 260C.14(20), subrule 21.3(5) and paragraph 21.14(1) "f" applies to students who attend its campus(es) in Iowa and to Iowa resident and nonresident students who attend distance education programs the school offers under the commission-approved interstate reciprocity agreement.

21.15(7) An approved school will prominently disclose on its website the school's participation in the commission-approved interstate reciprocity agreement and provide the commission's contact information in a format prescribed by the commission for students who wish to inquire about the school or file a complaint. The school will provide the commission with the name of and business contact information for a person whom the school designates to receive student complaints from the commission and coordinate the school's response.

21.15(8) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit an annual fee payable and due to the commission on July 15 of each year. The school shall pay the annual fee to the commission if the commission's approval to participate in the interstate reciprocity agreement is valid as of July 15 of that year. The annual fee is nonrefundable and will be assessed based on a school's full-time equivalent (FTE) enrollment as follows:

- Under 2,500 FTE – \$2,000.
- 2,500 to 9,999 FTE – \$4,000.
- 10,000 FTE or more – \$6,000.

21.15(9) A school that is approved to participate in the commission-approved interstate reciprocity agreement shall remit to the interstate reciprocity agreement administrator any required fees.

21.15(10) Upon approval by the interstate reciprocity agreement administrator, a school may continue its participation in the reciprocity agreement as long as it meets all requirements of the interstate reciprocity agreement.

[ARC 2580C, IAB 6/22/16, effective 5/27/16; ARC 3678C, IAB 3/14/18, effective 4/18/18]

283—21.16(261B,261G) School closures. In the event of a school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

21.16(1) Student eligibility. The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence when the school abruptly closed.

21.16(2) Assistance to impacted eligible students. The commission may provide the following forms of assistance to eligible students impacted by a school closure:

- a. Procure, evaluate, and store records needed to establish the validity of claims against a school for failure to faithfully perform all contracts and agreements.
- b. Pay institutional charges on behalf of Iowans who enrolled at the school.
- c. Support an arrangement in which the school provides its current students with the opportunity to complete the students' courses of study after the school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.
- d. Pay private educational loan debt incurred by Iowans for attendance at the school during the enrollment term that the college closes.
- e. Reimburse Iowans who enrolled at the school for other financial loss, as determined by the commission.

21.16(3) Claims process. An eligible student making a claim for reimbursement under paragraph 21.16(2) "b," "d," or "e" must contact the commission for a claim form and provide the following supporting information and documentation:

- a. Proof of enrollment at the time of school closing.
- b. Proof of attendance at the time of school closing.
- c. Proof of Iowa residency at the time of school closing.
- d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.
- e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

21.16(4) Approval process. The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year to ensure all claims related to a school closure are received.

21.16(5) Awarding of approved claims.

- a. All claims for reimbursement shall be submitted and approved within one year of the date of the school closure.
- b. Claims for reimbursement will first be made against the school's surety bond.
- c. If the school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds.

21.16(6) Appeal process. The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

[ARC 5964C, IAB 10/6/21, effective 11/10/21]

These rules are intended to implement Iowa Code chapters 261, 261B, and 261G.

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