

**283—21.3(261B,261G) State authorization types and requirements.****21.3(1) Registration.**

*a. Qualifying postsecondary schools.* A degree-granting postsecondary school whose operation is primarily outside of the state but that has a presence in Iowa, or an Iowa-originating postsecondary school that does not qualify for an exception under Iowa Code section 261B.11 and that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency, will register with the commission. A postsecondary school that qualifies for an exception from registration may voluntarily submit an application under subrule 21.3(1). In addition, qualifying postsecondary schools that meet the following conditions must register to offer postsecondary education programs to Iowans:

(1) Provide distance education programs to Iowans in which the student participates in a structured field experience at a location in Iowa that is a required component of the distance education program.

(2) Compensate a party to recruit Iowans, the recruiter maintains an Iowa address, and the recruitment activities are not solely occasional or short-term events, such as college fairs or conferences.

*b. Requirements.* Qualifying postsecondary schools must submit information required in Iowa Code sections 256.177(7) and 261B.4 and other information requested by the commission. The commission may require a qualifying postsecondary school to submit a new application if there is a change in ownership or governance or an amendment to an existing application. In addition, a qualifying postsecondary school must:

(1) Certify to the commission that the qualifying postsecondary school's approval to operate in a state has not been revoked by the state, the qualifying postsecondary school has not been sanctioned by a state within a year prior to the date of its application, and the qualifying postsecondary school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority. The postsecondary school will immediately notify the commission of any pending or final sanction by an accrediting agency, state entity, state attorney general, or other enforcement authority.

(2) Certify 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 postsecondary school shall provide the commission with a copy of the postsecondary school's current program participation agreement with the United States Department of Education or its successor agency.

(3) Employ at least one full-time Iowa faculty member or one program or student services coordinator at the Iowa location who is devoted to Iowa students if the postsecondary school operates a location or administrative office at a fixed location in Iowa.

(4) Provide the commission with institutional policies adopted by the postsecondary school that comply with the requirements of Iowa Code section 256.183(1) "e" through "h" and "k."

1. For a program in which a student's academic progress is measured only in clock hours, the postsecondary 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 256.183(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.

2. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 256.183(1) "h" shall apply to individuals the postsecondary school compensates to conduct activities on the postsecondary school's behalf at an Iowa location.

(5) For a covered institution under Iowa Code chapter 261F, adopt a code of conduct that complies with Iowa Code section 261F.2.

(6) For a covered institution under Iowa Code chapter 261F that offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(7) Provide documentation demonstrating that a program that prepares a student for an occupation that requires professional licensure in Iowa and that the postsecondary school proposes to offer under its registration:

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

2. 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 postsecondary school did not offer in its professional licensure preparation program.

(8) Have procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publish contact information to be used by students and graduates who seek to obtain transcript information.

(9) Provide a complaint process for students to file a complaint about the postsecondary school. The postsecondary school must prominently provide on its website the link to the commission's web page for student complaints. The student must complete the postsecondary school's internal complaint or grievance process and receive a decision before filing a complaint with the commission.

(10) Comply with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

(11) Commit to meeting the provisions of rule 283—21.5(261B,261G) and to providing a teach-out plan or providing alternatives for students to complete their programs at other postsecondary schools and ensuring students have continued access to their transcripts if the postsecondary school closes, discontinues a program, or closes an Iowa site before students have completed their program of study.

*c. Limitations and denials.*

(1) A postsecondary school must meet, to the satisfaction of the commission, all requirements identified in paragraph 21.3(1) "b."

(2) Pursuant to Iowa Code section 256.177(7), a nonpublic postsecondary school that is required to register under subrule 21.3(1) must demonstrate that its most recent, official federal financial composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.0. A postsecondary 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 independent auditor. For postsecondary institutions owned and controlled by another entity, the relevant composite score will be the composite score of the parent entity, as identified by the United States Department of Education. A postsecondary school that fails to demonstrate a federal financial composite score of at least 1.0 for two successive years may be subject to restrictions on new Iowa enrollments, may be required to provide a teach-out plan pursuant to subparagraph 21.3(1) "b"(11), or may be required to secure a letter of credit in an amount equal to 10 percent of the tuition charged to Iowa residents during the most recently completed fiscal year.

(3) The commission may take action that includes but is not limited to limiting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's registration as a result of any of the following:

1. An adverse notice, warning, or other sanction issued by the postsecondary school's accrediting agency.
2. An adverse action or sanction issued by the United States Department of Education.
3. A publicly announced lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.
4. A judgment issued by a state attorney general's office or another enforcement authority.
5. Repeated complaints about a postsecondary school received from the postsecondary school's students by the commission, by another state, or by a state attorney general's office.
6. Failure to pay fees due to the commission in accordance with rule 283—21.4(261B,261G).
7. Failure to provide responses to any of the requirements in paragraph 21.3(1) "b" or provide evidence substantiating the postsecondary school's compliance with those requirements.
8. Other actions deemed by the commission as significant evidence that the postsecondary school should not be allowed to operate under this chapter.

*d. Exceptions.* Notwithstanding paragraph 21.3(1) "a," a nonaccredited postsecondary school may qualify for provisional registration if the postsecondary school is authorized under subrule 21.3(2), the postsecondary school is actively seeking accreditation to offer degrees, and the accreditor requires state authorization approval before accreditation approval.

**21.3(2) Exception from registration.**

*a. Qualifying postsecondary schools.* A postsecondary school that meets an exception in Iowa Code section 261B.11, meets the requirements of paragraph 21.3(2) “b,” and has a physical location in the state of Iowa must apply for an exception from registration.

*b. Requirements.* A qualifying postsecondary school must submit information requested by the commission. In addition, a qualifying postsecondary school must meet the following conditions:

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

(2) The postsecondary school adopts institutional policies that comply with the requirements of subparagraph 21.3(1) “b”(4).

(3) The postsecondary school has procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publishes contact information to be used by students and graduates who seek to obtain transcript information.

(4) A covered institution under Iowa Code chapter 261F adopts a code of conduct that complies with Iowa Code section 261F.2.

(5) If a covered institution under Iowa Code chapter 261F offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(6) The postsecondary school provides a complaint process for students to file a complaint pursuant to subparagraph 21.3(1) “b”(9).

(7) The postsecondary school complies with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

*c. Limitations and denials.* The commission may take action that includes but is not limited to restricting a postsecondary school’s program offerings or enrollment or denying or revoking the postsecondary school’s authorization for failure to demonstrate to the commission that the postsecondary school qualifies for the exception and meets consumer protection standards established by the commission.

**21.3(3) Commission-approved interstate reciprocity agreement.**

*a. Qualifying postsecondary schools.* A participating resident institution pursuant to Iowa Code section 261G.2 that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency may qualify to apply to the commission to participate in a commission-approved interstate reciprocity agreement.

*b. Requirements.* A qualifying postsecondary school must be approved under subrule 21.3(1) or subrule 21.3(2), be in compliance with Iowa Code chapters 261B and 261G, and meet the conditions of the interstate reciprocity agreement. In addition, a postsecondary school will prominently disclose on its website the postsecondary school’s participation in the commission-approved interstate reciprocity agreement and provide a process for students to file a complaint pursuant to subparagraph 21.3(1) “b”(9).

*c. Limitations and denials.* A participating nonresident institution pursuant to Iowa Code section 261G.2 is not a postsecondary school that is eligible to apply to the commission to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G.

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