

HOUSE FILE 509

Education
Anderson, Chair
Ritsenia
Wells

Reprinted 3/13/84

HOUSE FILE 509

BY COMMITTEE ON EDUCATION

MAR 17 1984

Place On Calendar

(Formerly Study Bill 255)

Passed House, Date 1-23-84 (p. 156) Passed Senate, Date _____

Vote: Ayes 72 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

*Motion to reconsider (p. 156) prevailed 47
Repassed House 3-9-84 (p. 856)
91-0*

A BILL FOR

- 1 An Act to require registration with the secretary of state
- 2 of certain schools that maintain or conduct courses of
- 3 instruction.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 509

H-5448

- 1 Amend House File 509 as follows:
- 2 1. Page 5, by inserting after line 27 the
- 3 following:
- 4 " . . . Schools and educational programs conducted
- 5 by religious organizations solely for the religious
- 6 instruction of members of that religious organization."

BY HANSON of Delaware
VARN of Johnson

H-5448 FILED MARCH 7, 1984

Adopted 3/9 (p. 856)

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

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

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

34 Sec. 3. NEW SECTION. 261B.3 REGISTRATION. A school
35 that maintains or conducts one or more courses of instruction,

1 including courses of instruction by correspondence, in this
2 state shall register annually with the secretary. Registration
3 shall be made on application forms approved and supplied by
4 the secretary and at the time and in the manner prescribed
5 by the secretary. Upon receipt of a complete and accurate
6 registration application, the secretary shall issue a
7 certificate of registration and send it to the school.

8 The secretary may request additional information as
9 necessary to enable the secretary to determine the accuracy
10 and completeness of the information contained in the
11 registration application. If the secretary believes that
12 false, misleading, or incomplete information has been submitted
13 in connection with an application for registration, the
14 secretary may deny registration. The secretary shall conduct
15 a hearing on the denial if a hearing is requested by a school.
16 The secretary may withhold a certificate of registration
17 pending the outcome of the hearing. Upon a finding after
18 the hearing that information contained in the registration
19 application is false, misleading, or incomplete, the secretary
20 shall deny a certificate of registration to the school. The
21 decision of the secretary is subject to judicial review in
22 accordance with section 17A.19.

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

25 Sec. 4. NEW SECTION. 261B.4 REGISTRATION INFORMATION.

26 As a basis for registration, schools shall provide the
27 secretary with the following information:

- 28 1. The name or title of the school.
- 29 2. The principal location of the school and the location
30 of the place or places in this state where instruction is
31 likely to be given.
- 32 3. A schedule of tuition charges, fees, and other costs
33 payable to the school by a student.
- 34 4. The refund policy of the school for the return of
35 refundable portions of tuition, fees, or other charges.

- 1 5. The degrees granted by the school.
 - 2 6. The names and addresses of the principal owners of
3 the school or the officers and members of the legal governing
4 body of the school.
 - 5 7. The name and address of the chief executive officer
6 of the school.
 - 7 8. A copy of or a description of the means by which the
8 school intends to comply with section 261B.9.
 - 9 9. Whether the school is accredited by any accrediting
10 agency recognized by the United States department of education
11 or a successor agency and, if so, the name of the accreditation
12 body and the status under which accreditation is held.
 - 13 10. The name, address, and telephone number of a contact
14 person in this state.
 - 15 11. The names or titles and a description of the courses
16 to be offered in this state.
 - 17 12. A description of procedures for the preservation of
18 student records.
- 19 Sec. 5. NEW SECTION. 261B.5 CHANGES. If any information
20 provided to the secretary under section 261B.3 or 261B.4
21 changes, the school shall inform the secretary within ninety
22 days of the effective date of the change on forms prescribed
23 and furnished by the secretary.
- 24 Sec. 6. NEW SECTION. 261B.6 LIST OF SCHOOLS. The
25 secretary shall maintain a list of registered schools and
26 the list and the information submitted under sections 261B.3
27 and 261B.4 are public records under chapter 28A.
- 28 Sec. 7. NEW SECTION. 261B.7 UNAUTHORIZED REPRESENTATION.
29 Neither a school nor its officials or employees shall advertise
30 or represent that the school is approved or accredited by
31 the secretary or the state of Iowa nor shall it use the
32 registration as a reference in promotional materials.
- 33 Sec. 8. NEW SECTION. 261B.8 REGISTRATION FEES. The
34 secretary shall collect an initial registration fee of fifty
35 dollars and an annual renewal of registration fee of twenty-

1 five dollars from each registered school.

2 Sec. 9. NEW SECTION. 261B.9 DISCLOSURE TO STUDENTS.

3 Prior to the commencement of a course of instruction and prior
4 to the receipt of a tuition charge or fee for a course of
5 instruction, a school shall provide written disclosure to
6 students of the following information accompanied by a
7 statement that the information is being provided in compliance
8 with this section:

9 1. The name or title of the course.

10 2. A brief description of the subject matter of the course.

11 3. The tuition charge or other fees charged for the
12 course. If a student is enrolled in more than one course
13 at the school, the tuition charge or fee for all courses may
14 be stated in one sum.

15 4. The refund policy of the school for the return of the
16 refundable portion of tuition, fees, or other charges. If
17 refunds are not to be paid, the information shall state that
18 fact.

19 5. Whether the credential or certificate issued, awarded,
20 or credited to a student upon completion of the course or
21 the fact of completion of the course is applicable toward
22 a degree granted by the school and, if so, under what
23 circumstances the application will be made.

24 6. Whether the school is accredited by an accrediting
25 agency recognized by the United States department of education
26 or its successor agency.

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

35 The committee shall meet at least annually to advise the

1 secretary and other agencies in matters relating to the
2 administration of this chapter and to serve as a resource
3 to the secretary as needed.

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

7 1. Schools and educational programs conducted by firms,
8 corporations, or persons for the training of their own
9 employees.

10 2. Apprenticeship or other training programs provided by labor
11 unions to members or applicants for membership.

12 3. Courses of instruction of an avocational or recreational
13 nature that do not lead to an occupational objective.

14 4. Seminars, refresher courses, and programs of instruction
15 sponsored by professional, business, or farming organizations
16 or associations for the members and employees of members of
17 these organizations or associations.

18 5. Courses of instruction conducted by a public school
19 district or a combination of public school districts.

20 6. Colleges and universities authorized by the laws of
21 this state to grant degrees.

22 7. Schools or courses of instruction or courses of training
23 that are offered by a vendor to the purchaser or prospective
24 purchaser of the vendor's product when the objective of the
25 school or course is to enable the purchaser or the purchaser's
26 employees to gain skills and knowledge to enable the purchaser
27 to use the product.

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

33 After the school's response to the show cause order has
34 been reviewed by the secretary, the secretary may issue a
35 cease and desist order to the school if the secretary believes

1 the school continues to be in violation of this chapter.
 2 If the school does not cease and desist, the secretary may
 3 seek judicial enforcement of the cease and desist order in
 4 any district court.

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

8 EXPLANATION

9 This bill requires that schools that maintain or conduct
 10 one or more courses of instruction in this state must register
 11 information about the schools, courses and tuition and fees
 12 with the secretary of state. However, colleges and
 13 universities authorized by state law to grant degrees are
 14 exempt from the requirements. The bill adds a new chapter
 15 261B to the Code. It takes effect July 1 following its

HOUSE FILE 509

FISCAL NOTE

REQUESTED BY REPRESENTATIVE GROTH

In compliance with a written request received March 15, 1983,
 there is hereby submitted a Fiscal Note for House File 509
 pursuant to Joint Rule 17. Background information used in
 developing this Fiscal Note is available from the Legislative
 Fiscal Bureau, to members of the Legislature upon request.

House File 509 is an Act that requires schools that maintain or
 conduct one or more courses of instruction in this state must register
 information about the schools, courses and tuitions and fees with the
 secretary of state. However, colleges and universities authorized by
 state law to grant degrees, and certain other courses, are exempt from
 the requirements.

It is unclear how many schools would be required to register each
 year. Estimates range from 10 to 60 schools would register and/or
 renew their registration each year. The secretary of state would
 collect a fee of \$50 for each registration and \$25 for each renewal of
 registration.

The requirements upon the secretary of state are estimated to result
 in minimal costs.

(1230H, 83-381, GPD)

SOURCE: SECRETARY OF STATE
 FILED MARCH 29, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 1230H 70

HOUSE FILE 509

BY COMMITTEE ON EDUCATION
(As Amended and Passed by the House)

Passed House, Date 1-23-84 (p. 156) Passed Senate, Date 3-26-84 (p. 1053)
Vote: Ayes 92 Nays 0 Vote: Ayes 46 Nays 0
Approved April 17, 1984 (p. 2116)

A BILL FOR

1 An Act to require registration with the secretary of state
2 of certain schools that maintain or conduct courses of
3 instruction.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Amendments _____

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2 assembly finds that the availability of courses and programs
3 leading to educational degrees and the existence of
4 institutions of postsecondary education that offer courses
5 and programs leading to educational degrees are in the best
6 interest of the state. The general assembly has found that
7 the state can provide protection for persons choosing
8 institutions and programs by ensuring that accurate and
9 complete information about institutions and programs is
10 available to these persons and to the public.

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12 this chapter, unless the context otherwise requires:

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14 2. "School" means an agency of the state or political
15 subdivision of the state, individual, partnership, company,
16 firm, society, trust, association, corporation, or any
17 combination which meets any of the following criteria:

18 a. Is, owns, or operates a nonprofit postsecondary educa-
19 tional institution.

20 b. Provides a postsecondary instructional program or
21 course leading to a degree.

22 c. Uses in its name the term "college", "academy",
23 "institute", or "university" or a similar term to imply that
24 the person is primarily engaged in the education of students
25 at the postsecondary level, and which makes a charge for its
26 services.

27 3. "Degree" means a title or symbol which signifies or
28 purports to signify completion of the requirements of an
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22 accordance with section 17A.19.

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24 implementation of this chapter.

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4 body of the school.

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8 school intends to comply with section 261B.9.

9 9. Whether the school is accredited by any accrediting
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13 nature that do not lead to an occupational objective.

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16 or associations for the members and employees of members of
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19 district or a combination of public school districts.

20 6. Colleges and universities authorized by the laws of
21 this state to grant degrees.

22 7. Schools or courses of instruction or courses of training
23 that are offered by a vendor to the purchaser or prospective
24 purchaser of the vendor's product when the objective of the
25 school or course is to enable the purchaser or the purchaser's
26 employees to gain skills and knowledge to enable the purchaser
27 to use the product.

28 8. Schools and educational programs conducted by religious
29 organizations solely for the religious instruction of members
30 of that religious organization.

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

1 After the school's response to the show cause order has
2 been reviewed by the secretary, the secretary may issue a
3 cease and desist order to the school if the secretary believes
4 the school continues to be in violation of this chapter.
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6 seek judicial enforcement of the cease and desist order in
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HOUSE FILE 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.

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academic, educational, or professional program of study beyond the secondary school level.

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

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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.

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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.
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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.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 509, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 17, 1984

TERRY E. BRANSTAD
Governor