

MAR 30 2004
WAYS & MEANS CALENDAR

HOUSE FILE 2559
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2417)

(SUCCESSOR TO HSB 595)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the duties of the college student aid
2 commission and the approval and registration of postsecondary
3 schools by the commission, the department of education, and
4 the secretary of state, and the establishment and collection
5 of fees and chargeable expenses by the state board of
6 education and the secretary of state.

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

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HF 2559

1 Section 1. Section 256.7, subsection 3, Code Supplement
2 2003, is amended to read as follows:

3 3. Prescribe standards and procedures for the approval of
4 practitioner preparation programs and professional development
5 programs, offered in this state by practitioner preparation
6 institutions located within or outside this state and by area
7 education agencies--in-this-state. Procedures provided for
8 approval of programs shall include procedures for enforcement
9 of the prescribed standards and shall not include a procedure
10 for the waiving of any of the standards prescribed. The board
11 may establish by rule and collect from practitioner
12 preparation institutions located outside this state an amount
13 equivalent to the department's necessary travel and actual
14 expenses incurred while engaged in the program approval
15 process for the institution located outside this state.
16 Amounts collected under this subsection shall be deposited in
17 the general fund of the state.

18 Sec. 2. Section 261.2, Code 2003, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 7. Adopt rules to establish reasonable
21 registration standards for the approval, pursuant to section
22 261B.3A, of postsecondary schools that are required to
23 register with the secretary of state in order to operate in
24 this state. The registration standards established by the
25 commission shall ensure that all of the following conditions
26 are satisfied:

27 a. The courses, curriculum, and instruction offered by the
28 postsecondary school are of such quality and content as may
29 reasonably and adequately ensure achievement of the stated
30 objective for which the courses, curriculum, or instruction
31 are offered.

32 b. The postsecondary school has adequate space, equipment,
33 instructional material, and personnel to provide education and
34 training of good quality.

35 c. The educational and experience qualifications of the

1 postsecondary school's directors, administrators, and
2 instructors are such as may reasonably ensure that students
3 will receive instruction consistent with the objectives of the
4 postsecondary school's programs of study.

5 d. Upon completion of training or instruction, students
6 are given certificates, diplomas, or degrees as appropriate by
7 the postsecondary school indicating satisfactory completion of
8 the program.

9 e. The postsecondary school is financially responsible and
10 capable of fulfilling commitments for instruction.

11 The commission may require schools seeking registration
12 under chapter 261B to provide copies of its application to the
13 Iowa coordinating council for post-high school education. The
14 commission may consider comments from the council that are
15 received by the commission within ninety days of the filing of
16 the application. The commission shall render a decision on an
17 application for registration within one hundred eighty days of
18 the filing of the application.

19 NEW SUBSECTION. 8. Establish an advisory committee on
20 postsecondary registration to review and make recommendations
21 relating to applications from schools required to register
22 pursuant to chapter 261B. The commission shall adopt rules
23 pursuant to chapter 17A to establish the policies and
24 procedures of the advisory committee. Meetings of the
25 advisory committee are subject to the requirements of chapter
26 21. The members of the advisory committee shall include one
27 representative from each of the following:

- 28 a. The state board of regents.
- 29 b. The department of education.
- 30 c. The office of the secretary of state.
- 31 d. The office of the attorney general.
- 32 e. A community college located in this state.
- 33 f. An accredited private postsecondary institution as
34 defined in section 261.9, subsection 1, incorporated or
35 otherwise organized under the laws of this state.

1 g. A private postsecondary institution that is
2 incorporated or otherwise organized under the laws of a
3 jurisdiction other than Iowa and which is accredited by an
4 agency or organization approved or recognized by the United
5 States department of education or a successor agency.

6 Sec. 3. Section 261B.3, subsection 1, Code 2003, is
7 amended to read as follows:

8 1. A school that maintains or conducts one or more courses
9 of instruction, including courses of instruction by
10 correspondence, offered in this state or which has a presence
11 in this state and offers courses in other states or foreign
12 countries shall register ~~annually~~ with the secretary.

13 Registrations shall be renewed every four years or upon any
14 substantive change in program offerings, location, or
15 accreditation. Registration shall be made on application
16 forms approved and supplied by the secretary and at the time
17 and in the manner prescribed by the secretary. Upon receipt
18 of a complete and accurate registration application, the
19 secretary shall issue an acknowledgment of document filed and
20 send it to the school.

21 Sec. 4. Section 261B.3, subsection 3, Code 2003, is
22 amended by striking the subsection.

23 Sec. 5. Section 261B.3A, Code 2003, is amended to read as
24 follows:

25 261B.3A REQUIREMENT.

26 1. In order to register, a school shall be accredited by
27 an agency or organization approved or recognized by the United
28 States department of education or a successor agency and,
29 except as provided in subsection 2, be approved for operation
30 by the college student aid commission.

31 2. A practitioner preparation program that is operated by
32 a school that applies to register the program in accordance
33 with this chapter shall, in order to register, be accredited
34 by an agency or organization approved or recognized by the
35 United States department of education or a successor agency

1 and, in addition, be approved by the state board of education
2 pursuant to section 256.7, subsection 3.

3 Sec. 6. Section 261B.8, Code 2003, is amended to read as
4 follows:

5 261B.8 REGISTRATION FEES.

6 1. The secretary shall set by rule and collect an a
7 nonrefundable initial registration fee of-one-thousand-dollars
8 and an-annual a renewal of registration fee of-five-hundred
9 dollars from each registered school.

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

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

15 EXPLANATION

16 This bill relates to the approval or registration of
17 postsecondary schools by the department of education, the
18 college student aid commission, and the secretary of state.

19 The bill requires that practitioner preparation programs
20 offered by out-of-state schools be approved by the state board
21 of education and authorizes the state board to collect an
22 amount equivalent to the department's necessary travel and
23 actual expenses incurred while engaged in the approval of,
24 out-of-state practitioner preparation programs.

25 The bill directs the college student aid commission to
26 adopt rules to establish standards for the approval of
27 postsecondary schools that are required to register with the
28 secretary. It permits the commission to require schools
29 seeking registration to provide copies of their application to
30 the Iowa coordinating council for post-high-school education
31 and permits the commission to consider the council's comments.
32 It also allows the commission to establish an advisory
33 committee to make recommendations regarding the applications.

34 The bill strikes language that requires postsecondary
35 schools to annually register with the secretary of state, and

1 instead requires the schools to register once every four
2 years, or upon any substantive change in program offerings,
3 location, or accreditation.

4 The bill directs the secretary of state to establish
5 registration and renewal fees for postsecondary schools
6 required to register with the secretary. Currently, the Code
7 sets the fee for initial registration at \$1,000, with annual
8 renewals at \$500. Moneys collected by the department for
9 expenses and by the secretary in the form of fees must be
10 deposited in the general fund of the state.

11 The bill strikes a requirement that the secretary of state
12 utilize the state advisory committee for postsecondary school
13 registration.

HOUSE FILE 2559

H-8342

1 Amend House File 2559 as follows:

2 1. Page 3, by striking lines 1 through 5.

3 2. Page 3, by inserting before line 6 the
4 following:

5 "Sec. ____ . Section 261.37, subsection 7, Code
6 Supplement 2003, is amended to read as follows:

7 7. To establish an effective system for the
8 collection of delinquent loans, including the adoption
9 of an agreement with the department of administrative
10 services to set off against a defaulter's income tax
11 refund or rebate the amount that is due because of a
12 default on a guaranteed or parental loan made under
13 this division. The commission shall adopt rules under
14 chapter 17A necessary to assist the department of
15 administrative services in the implementation of the
16 student loan setoff program as established under
17 section 8A.504. The commission shall apply
18 administrative wage garnishment procedures authorized
19 under the federal Higher Education Act of 1965, as
20 amended and codified in 20 U.S.C. § 1071 et seq., for
21 all delinquent loans, including loans authorized under
22 section 261.38, when a defaulter who is financially
23 capable of paying fails to voluntarily enter into a
24 reasonable payment agreement. In no case shall the
25 commission garnish more than the amount authorized by
26 federal law for all loans being collected by the
27 commission, including those authorized under section
28 261.38."

29 3. By renumbering as necessary.

By DOLECHECK of Ringgold
UPMEYER of Hancock

HOUSE FILE 2559
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2417)
(SUCCESSOR TO HSB 595)

(As Amended and Passed by the House April 5, 2004)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties of the college student aid
2 commission and the approval and registration of postsecondary
3 schools by the commission, the department of education, and
4 the secretary of state, and the establishment and collection
5 of fees and chargeable expenses by the state board of
6 education and the secretary of state.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 256.7, subsection 3, Code Supplement
2 2003, is amended to read as follows:

3 3. Prescribe standards and procedures for the approval of
4 practitioner preparation programs and professional development
5 programs, offered in this state by practitioner preparation
6 institutions located within or outside this state and by area
7 education agencies,--in-this-state. Procedures provided for
8 approval of programs shall include procedures for enforcement
9 of the prescribed standards and shall not include a procedure
10 for the waiving of any of the standards prescribed. The board
11 may establish by rule and collect from practitioner
12 preparation institutions located outside this state an amount
13 equivalent to the department's necessary travel and actual
14 expenses incurred while engaged in the program approval
15 process for the institution located outside this state.
16 Amounts collected under this subsection shall be deposited in
17 the general fund of the state.

18 Sec. 2. Section 261.2, Code 2003, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 7. Adopt rules to establish reasonable
21 registration standards for the approval, pursuant to section
22 261B.3A, of postsecondary schools that are required to
23 register with the secretary of state in order to operate in
24 this state. The registration standards established by the
25 commission shall ensure that all of the following conditions
26 are satisfied:

27 a. The courses, curriculum, and instruction offered by the
28 postsecondary school are of such quality and content as may
29 reasonably and adequately ensure achievement of the stated
30 objective for which the courses, curriculum, or instruction
31 are offered.

32 b. The postsecondary school has adequate space, equipment,
33 instructional material, and personnel to provide education and
34 training of good quality.

35 c. The educational and experience qualifications of the

1 postsecondary school's directors, administrators, and
2 instructors are such as may reasonably ensure that students
3 will receive instruction consistent with the objectives of the
4 postsecondary school's programs of study.

5 d. Upon completion of training or instruction, students
6 are given certificates, diplomas, or degrees as appropriate by
7 the postsecondary school indicating satisfactory completion of
8 the program.

9 e. The postsecondary school is financially responsible and
10 capable of fulfilling commitments for instruction.

11 The commission may require schools seeking registration
12 under chapter 261B to provide copies of its application to the
13 Iowa coordinating council for post-high school education. The
14 commission may consider comments from the council that are
15 received by the commission within ninety days of the filing of
16 the application. The commission shall render a decision on an
17 application for registration within one hundred eighty days of
18 the filing of the application.

19 NEW SUBSECTION. 8. Establish an advisory committee on
20 postsecondary registration to review and make recommendations
21 relating to applications from schools required to register
22 pursuant to chapter 261B. The commission shall adopt rules
23 pursuant to chapter 17A to establish the policies and
24 procedures of the advisory committee. Meetings of the
25 advisory committee are subject to the requirements of chapter
26 21. The members of the advisory committee shall include one
27 representative from each of the following:

- 28 a. The state board of regents.
- 29 b. The department of education.
- 30 c. The office of the secretary of state.
- 31 d. The office of the attorney general.
- 32 e. A community college located in this state.
- 33 f. An accredited private postsecondary institution as
34 defined in section 261.9, subsection 1, incorporated or
35 otherwise organized under the laws of this state.

* 1

Sec. 3. Section 261.37, subsection 7, Code Supplement
2 2003, is amended to read as follows:

3 7. To establish an effective system for the collection of
4 delinquent loans, including the adoption of an agreement with
5 the department of administrative services to set off against a
6 defaulter's income tax refund or rebate the amount that is due
7 because of a default on a guaranteed or parental loan made
8 under this division. The commission shall adopt rules under
9 chapter 17A necessary to assist the department of
10 administrative services in the implementation of the student
11 loan setoff program as established under section 8A.504. The
12 commission shall apply administrative wage garnishment
13 procedures authorized under the federal Higher Education Act
14 of 1965, as amended and codified in 20 U.S.C. § 1071 et seq.,
15 for all delinquent loans, including loans authorized under
16 section 261.38, when a defaulter who is financially capable of
17 paying fails to voluntarily enter into a reasonable payment
18 agreement. In no case shall the commission garnish more than
19 the amount authorized by federal law for all loans being
20 collected by the commission, including those authorized under
21 section 261.38.

22 Sec. 4. Section 261B.3, subsection 1, Code 2003, is
23 amended to read as follows:

24 1. A school that maintains or conducts one or more courses
25 of instruction, including courses of instruction by
26 correspondence, offered in this state or which has a presence
27 in this state and offers courses in other states or foreign
28 countries shall register annually with the secretary.
29 Registrations shall be renewed every four years or upon any
30 substantive change in program offerings, location, or
31 accreditation. Registration shall be made on application
32 forms approved and supplied by the secretary and at the time
33 and in the manner prescribed by the secretary. Upon receipt
34 of a complete and accurate registration application, the
35 secretary shall issue an acknowledgment of document filed and

1 send it to the school.

2 Sec. 5. Section 261B.3, subsection 3, Code 2003, is
3 amended by striking the subsection.

4 Sec. 6. Section 261B.3A, Code 2003, is amended to read as
5 follows:

6 261B.3A REQUIREMENT.

7 1. In order to register, a school shall be accredited by
8 an agency or organization approved or recognized by the United
9 States department of education or a successor agency and,
10 except as provided in subsection 2, be approved for operation
11 by the college student aid commission.

12 2. A practitioner preparation program that is operated by
13 a school that applies to register the program in accordance
14 with this chapter shall, in order to register, be accredited
15 by an agency or organization approved or recognized by the
16 United States department of education or a successor agency
17 and, in addition, be approved by the state board of education
18 pursuant to section 256.7, subsection 3.

19 Sec. 7. Section 261B.8, Code 2003, is amended to read as
20 follows:

21 261B.8 REGISTRATION FEES.

22 1. The secretary shall set by rule and collect an a
23 nonrefundable initial registration fee ~~of one-thousand-dollars~~
24 ~~and an-annual~~ a renewal of registration fee ~~of five-hundred~~
25 ~~dollars~~ from each registered school.

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

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

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HOUSE FILE 2559

AN ACT

RELATING TO THE DUTIES OF THE COLLEGE STUDENT AID COMMISSION AND THE APPROVAL AND REGISTRATION OF POSTSECONDARY SCHOOLS BY THE COMMISSION, THE DEPARTMENT OF EDUCATION, AND THE SECRETARY OF STATE, AND THE ESTABLISHMENT AND COLLECTION OF FEES AND CHARGEABLE EXPENSES BY THE STATE BOARD OF EDUCATION AND THE SECRETARY OF STATE.

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

Section 1. Section 256.7, subsection 3, Code Supplement 2003, is amended to read as follows:

3. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs, offered in this state by practitioner preparation institutions located within or outside this state and by area education agencies, ~~in this state~~. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and shall not include a procedure for the waiving of any of the standards prescribed. The board may establish by rule and collect from practitioner preparation institutions located outside this state an amount equivalent to the department's necessary travel and actual expenses incurred while engaged in the program approval process for the institution located outside this state. Amounts collected under this subsection shall be deposited in the general fund of the state.

Sec. 2. Section 261.2, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Adopt rules to establish reasonable registration standards for the approval, pursuant to section

261B.3A, of postsecondary schools that are required to register with the secretary of state in order to operate in this state. The registration standards established by the commission shall ensure that all of the following conditions are satisfied:

a. The courses, curriculum, and instruction offered by the postsecondary school are of such quality and content as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum, or instruction are offered.

b. The postsecondary school has adequate space, equipment, instructional material, and personnel to provide education and training of good quality.

c. The educational and experience qualifications of the postsecondary school's directors, administrators, and instructors are such as may reasonably ensure that students will receive instruction consistent with the objectives of the postsecondary school's programs of study.

d. Upon completion of training or instruction, students are given certificates, diplomas, or degrees as appropriate by the postsecondary school indicating satisfactory completion of the program.

e. The postsecondary school is financially responsible and capable of fulfilling commitments for instruction.

The commission may require schools seeking registration under chapter 261B to provide copies of its application to the Iowa coordinating council for post-high school education. The commission may consider comments from the council that are received by the commission within ninety days of the filing of the application. The commission shall render a decision on an application for registration within one hundred eighty days of the filing of the application.

NEW SUBSECTION. 8. Establish an advisory committee on postsecondary registration to review and make recommendations relating to applications from schools required to register

pursuant to chapter 261B. The commission shall adopt rules pursuant to chapter 17A to establish the policies and procedures of the advisory committee. Meetings of the advisory committee are subject to the requirements of chapter 21. The members of the advisory committee shall include one representative from each of the following:

- a. The state board of regents.
- b. The department of education.
- c. The office of the secretary of state.
- d. The office of the attorney general.
- e. A community college located in this state.
- f. An accredited private postsecondary institution as defined in section 261.9, subsection 1, incorporated or otherwise organized under the laws of this state.

Sec. 3. Section 261.37, subsection 7, Code Supplement 2003, is amended to read as follows:

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of administrative services to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed or parental loan made under this division. The commission shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the student loan setoff program as established under section 8A.504. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. § 1071 et seq., for all delinquent loans, including loans authorized under section 261.38, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 261.38.

Sec. 4. Section 261B.3, subsection 1, Code 2003, is amended to read as follows:

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

Sec. 5. Section 261B.3, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 6. Section 261B.3A, Code 2003, is amended to read as follows:

261B.3A REQUIREMENT.

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 and, except as provided in subsection 2, be approved for operation by the college student aid commission.

2. A practitioner preparation program that is 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 and, in addition, be approved by the state board of education pursuant to section 256.7, subsection 3.

Sec. 7. Section 261B.8, Code 2003, is amended to read as follows:

261B.8 REGISTRATION FEES.

1. The secretary shall set by rule and collect an a nonrefundable initial registration fee of-one-thousand-dollars and an-annual a renewal of registration fee of-five-hundred dollars 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.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2559, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor