

House Study Bill 57 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON HIGHER
EDUCATION BILL BY CHAIRPERSON
COLLINS)

A BILL FOR

1 An Act relating to accreditation of postsecondary
2 educational institutions, prohibiting adverse action by
3 accrediting agencies against certain postsecondary educational
4 institutions for compliance with state law, providing
5 remedies, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Accreditation Autonomy Act".

3 Sec. 2. Section 147A.1, subsection 13, Code 2025, is amended
4 to read as follows:

5 13. "*Training program*" means an Iowa college approved by ~~the~~
6 ~~higher learning commission~~ any federally recognized accreditor
7 of postsecondary educational institutions, an Iowa hospital
8 authorized by the department, or a medical care ambulance service
9 or nontransport service that has received authorization from the
10 department to conduct emergency medical care services training.

11 Sec. 3. Section 147A.17, subsection 1, Code 2025, is amended
12 to read as follows:

13 1. An Iowa college approved by ~~the higher learning commission~~
14 any federally recognized accreditor of postsecondary educational
15 institutions, an Iowa hospital in this state, or a medical
16 care ambulance service or nontransport service that desires
17 to provide emergency medical care services training leading to
18 certification as an emergency medical care provider shall apply
19 to the department for authorization to establish a training
20 program.

21 Sec. 4. Section 256.183, subsection 1, paragraphs a, b, and
22 c, Code 2025, are amended to read as follows:

23 a. Is accredited by ~~the higher learning commission~~ any
24 federally recognized accreditor of postsecondary educational
25 institutions.

26 b. Is accredited by ~~the higher learning commission~~ any
27 federally recognized accreditor of postsecondary educational
28 institutions, is exempt from taxation under section 501(c)(3)
29 of the Internal Revenue Code, and annually provides a matching
30 aggregate amount of institutional financial aid equal to at least
31 seventy-five percent of the amount received in a fiscal year
32 by the institution's students for Iowa tuition grant assistance
33 under this part. Commencing with the fiscal year beginning
34 July 1, 2006, the matching aggregate amount of institutional
35 financial aid shall increase by the percentage of increase each

1 fiscal year of funds appropriated for Iowa tuition grants under
2 section 256.194, subsection 1, to a maximum match of one hundred
3 percent. The institution shall file annual reports with the
4 commission prior to receipt of tuition grant moneys under this
5 part. An institution whose income is not exempt from taxation
6 under section 501(c) of the Internal Revenue Code and whose
7 students were eligible to receive Iowa tuition grant money in
8 the fiscal year beginning July 1, 2003, shall meet the match
9 requirements of this paragraph no later than June 30, 2005.

10 c. Is a specialized college that is accredited by ~~the~~
11 ~~higher learning commission~~ any federally recognized accreditor
12 of postsecondary educational institutions, and which offers
13 health professional programs that are affiliated with health care
14 systems located in Iowa.

15 Sec. 5. Section 260C.47, subsection 1, unnumbered paragraph
16 1, Code 2025, is amended to read as follows:

17 The state board of education shall establish an accreditation
18 process for community college programs. The process shall
19 be jointly developed and agreed upon by the department of
20 education and the community colleges. The state accreditation
21 process shall be integrated with the accreditation process of
22 ~~the higher learning commission~~ a federally recognized accreditor
23 of postsecondary educational institutions selected by the board,
24 including the evaluation cycle, the self-study process, and the
25 criteria for evaluation, which shall incorporate the standards
26 for community colleges developed under section 260C.48; and shall
27 identify and make provision for the needs of the state that are
28 not met by the ~~commission's~~ accreditor's accreditation process.
29 The department of education shall use a two-component process for
30 the continued accreditation of community college programs.

31 Sec. 6. NEW SECTION. **261K.1 Definitions.**

32 For purposes of this chapter, unless the context otherwise
33 requires:

34 1. "Accrediting agency" means an entity that provides
35 accreditation of public institutions of higher education and that

1 is not a government agency.

2 2. "Public institution of higher education" means an
3 institution of higher learning governed by the state board of
4 regents or a community college.

5 Sec. 7. NEW SECTION. **261K.2 Accrediting agencies — adverse**
6 **action against institutions for compliance with state law**
7 **prohibited.**

8 1. An accrediting agency shall not take any adverse action
9 against a public institution of higher education for complying
10 with a state law or refusing to violate a state law.

11 2. Any adverse action taken by an accrediting agency against
12 a public institution of higher education based, in whole or in
13 part, on the institution's compliance with a state law or refusal
14 to violate a state law constitutes a violation of this section
15 that is subject to section 261K.3.

16 Sec. 8. NEW SECTION. **261K.3 Civil action.**

17 A public institution of higher education that is negatively
18 affected by adverse action taken against the institution by an
19 accrediting agency in violation of section 261K.2 may bring a
20 civil action against the accrediting agency in this state if
21 authorized by the attorney general. The attorney general may
22 bring the action on behalf of the institution. The institution
23 or attorney general may obtain injunctive relief and liquidated
24 damages in the amount of the federal financial aid received by
25 the institution in the academic year preceding the violation, as
26 well as court costs and reasonable attorney fees.

27 Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate
28 importance, takes effect upon enactment.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill prohibits an accrediting agency from taking any
33 adverse action against a public institution of higher education
34 for complying with a state law or refusing to violate a state
35 law. The bill defines "accrediting agency" as an entity that

1 provides accreditation of public institutions of higher education
2 and that is not a government agency. The bill defines "public
3 institution of higher education" as an institution of higher
4 learning governed by the state board of regents or a community
5 college.

6 Any adverse action taken by an accrediting agency against
7 a public institution of higher education based, in whole or
8 in part, on the institution's compliance with a state law or
9 refusal to violate a state law constitutes a violation of the
10 prohibition.

11 The bill provides that a public institution of higher
12 education that is negatively affected by adverse action taken
13 against the institution by an accrediting agency in this manner
14 may bring a civil action against the accrediting agency in
15 this state if authorized by the attorney general. The attorney
16 general may bring the action on behalf of the institution. The
17 institution or attorney general may obtain injunctive relief and
18 liquidated damages in the amount of the federal financial aid
19 received by the institution in the academic year preceding the
20 violation, as well as court costs and reasonable attorney fees.

21 The bill also strikes references in the Iowa Code to
22 the higher learning commission, a nongovernmental entity that
23 provides an accreditation process for postsecondary institutions
24 that grant degrees. The bill instead provides references to
25 federally recognized accreditors of postsecondary educational
26 institutions.

27 The bill takes effect upon enactment.