

**CHAPTER 1145**

## REGULATION OF POSTSECONDARY EDUCATION

H.F. 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 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.

Approved May 6, 2004