 **BP 4020**

**San Bernardino Community College District**

**Board Policy**

Chapter 4 – Academic Affairs

**BP 4020 PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT**

*(Replaces current SBCCD BP 4020)*

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the Chancellor shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures, following the guidelines of Title 5, shall include:

* appropriate involvement of the faculty and Academic Senate in all processes;
* regular review and justification of programs and course descriptions;
* opportunities for training for persons involved in aspects of curriculum development.
* consideration of job market and other related information for career and technical education programs.

All new programs and program discontinuances shall be approved by the Board of Trustees.

All new programs shall be submitted to the California Community College Chancellor’s Office for approval as required.

All courses and programs shall be certified by the Curriculum Chair and Vice President of Instruction each year on October 1.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non-degree-applicable credit and degree-applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

**Credit Hour**

~~Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a “credit hour” program or a “clock hour” program.~~

~~The Chancellor shall establish procedures:~~

* ~~which prescribe the definition of “credit hour” consistent with applicable federal regulations, as they apply to community college districts.~~
* ~~to assure that curriculum at the District complies with the definition of “credit hour” or “clock hour,” where applicable.~~
* ~~for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.~~

 (a) One credit hour of community college work (one unit of credit) shall require a total of at least 48 semester hours of lecture, study, or laboratory student work which may include inside and/or outside-of-class hours.

   (b) A course requiring 96 hours or more of lecture, study or laboratory work at the college shall provide at least 2 units of credit.

. For programs designated by the governing board as clock hour programs, units of credit shall be awarded in a manner consistent with the provisions of 34 Code of Federal Regulations part 600.2.

Credit hours for all courses may be awarded in increments of one unit or less.

* Title 5 Credit Hour Calculation:

 [Total Contact Hours + Outside-of-class Hours]

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**Hours-per-unit Divisor**

Total Contact Hours = total time per term that a student is under the direct supervision of an instructor or other qualified employee including lecture, recitation, discussion, seminar, laboratory, clinical, studio, practica, activity, to-be-arranged, etc.

Outside-of-class Hours = required for calculations, expressed in ratio of in-class to outside-of-class hours, for example:

**1:2**for Lecture (lecture, discussion, seminar and related work) means one our of faculty supervised lecture per week expects two hours of work outside of class

**2:1** for Activity (activity, lab w/ homework, studio, and similar) meaning two hours of faculty supervised activity requires one hour of work outside of class

**3:0** for Laboratory (traditional lab, natural science lab, clinical, and similar) meaning three hours of faculty supervised activity requires zero hours of work outside of class.

**Hours-per-unit Divisor**= 48-54 for semesters

**References:** Education Code Sections 70901(b), 70902(b), and 78016;

Title 5 Sections 51000, 51022, 55100, 55130 and 55150;

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;

34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8;

ACCJC Accreditation Standards II.A and II.A.9

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| **Adopted: 5/13/04**  **Revised: 4/9/09, 10/9/14, 12/11/14, 7/14/16** |  |
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**COMMENTS**

| BP or AP # | Representative group | COMMENT | RESPONSE |
| --- | --- | --- | --- |
| BP 4020 | Legal Update #28 – 4/7/16 | **BP 4020 Program, Curriculum, and Course Development** – This policy was updated to change the word “deletions” to “discontinuances” to maintain consistency in terminology throughout this policy | 5/3/16 – DA Agreed.  7/14/16 – Board approved. |
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**Legal Citations for BP 4020**

**EDUCATION** **CODE SECTIONS** **70901(b) and** **70902(b)**

**70901**. (a) The Board of Governors of the California Community

Colleges shall provide leadership and direction in the continuing

development of the California Community Colleges as an integral and

effective element in the structure of public higher **education** in the

state. The work of the board of governors shall at all times be

directed to maintaining and continuing, to the maximum degree

permissible, local authority and control in the administration of the

California Community Colleges.

**(b) Subject to, and in furtherance of, subdivision (a), and in**

**consultation with community college districts and other interested**

**parties as specified in subdivision (e), the board of governors shall**

**provide general supervision over community college districts, and**

**shall, in furtherance thereof, perform the following functions:**

(1) Establish minimum standards as required by law, including, but

not limited to, the following:

(A) Minimum standards to govern student academic standards

relating to graduation requirements and probation, dismissal, and

readmission policies.

(B) Minimum standards for the employment of academic and

administrative staff in community colleges.

(C) Minimum standards for the formation of community colleges and

districts.

(D) Minimum standards for credit and noncredit classes.

(E) Minimum standards governing procedures established by

governing boards of community college districts to ensure faculty,

staff, and students the right to participate effectively in district

and college governance, and the opportunity to express their opinions

at the campus level and to ensure that these opinions are given

every reasonable consideration, and the right of academic senates to

assume primary responsibility for making recommendations in the areas

of curriculum and academic standards.

(2) Evaluate and issue annual reports on the fiscal and

educational effectiveness of community college districts according to

outcome measures cooperatively developed with those districts, and

provide assistance when districts encounter severe management

difficulties.

(3) Conduct necessary systemwide research on community colleges

and provide appropriate information services, including, but not

limited to, definitions for the purpose of uniform reporting,

collection, compilation, and analysis of data for effective planning

and coordination, and dissemination of information.

(4) Provide representation, advocacy, and accountability for the

California Community Colleges before state and national legislative

and executive agencies.

(5) Administer state support programs, both operational and

capital outlay, and those federally supported programs for which the

board of governors has responsibility pursuant to state or federal

law. In so doing, the board of governors shall do the following:

(A) (i) Annually prepare and adopt a proposed budget for the

California Community Colleges. The proposed budget shall, at a

minimum, identify the total revenue needs for serving educational

needs within the mission, the amount to be expended for the state

general apportionment, the amounts requested for various categorical

programs established by law, the amounts requested for new programs

and budget improvements, and the amount requested for systemwide

administration.

(ii) The proposed budget for the California Community Colleges

shall be submitted to the Department of Finance in accordance with

established timelines for development of the annual Budget Bill.

(B) To the extent authorized by law, establish the method for

determining and allocating the state general apportionment.

(C) Establish space and utilization standards for facility

planning in order to determine eligibility for state funds for

construction purposes.

(6) Establish minimum conditions entitling districts to receive

state aid for support of community colleges. In so doing, the board

of governors shall establish and carry out a periodic review of each

community college district to determine whether it has met the

minimum conditions prescribed by the board of governors.

(7) Coordinate and encourage interdistrict, regional, and

statewide development of community college programs, facilities, and

services.

(8) Facilitate articulation with other segments of higher

**education** with secondary **education**.

(9) Review and approve comprehensive plans for each community

college district. The plans shall be submitted to the board of

governors by the governing board of each community college district.

(10) (A) Review and approve all educational programs offered by

community college districts. The board of governors shall adopt

regulations defining the conditions under which a community college

district may offer, without the need for approval by the board of

governors, a credit course that is not part of an approved

educational program. Regulations adopted under this paragraph shall

ensure that appropriate safeguards involving training and monitoring

are in place, and shall ensure that the authority to offer credit

courses that are not part of an approved educational program does not

have the effect of permitting community college districts to operate

educational programs without the approval of the board of governors.

(B) In a manner that is consistent with the regulations adopted by

the board of governors under this paragraph, the chancellor shall

monitor courses approved pursuant to the act that adds this

subparagraph. The chancellor shall prepare and submit a report to the

chairpersons of the appropriate policy and fiscal committees of the

Legislature on or before January 1, 2012. This report shall include,

but not necessarily be limited to, a description of the results of

the monitoring and the extent to which community college districts

have complied with applicable regulations of the board of governors.

(11) Exercise general supervision over the formation of new

community college districts and the reorganization of existing

community college districts, including the approval or disapproval of

plans therefor.

(12) Notwithstanding any other provision of law, be solely

responsible for establishing, maintaining, revising, and updating, as

necessary, the uniform budgeting and accounting structures and

procedures for the California Community Colleges.

(13) Establish policies regarding interdistrict attendance of

students.

(14) Advise and assist governing boards of community college

districts on the implementation and interpretation of state and

federal laws affecting community colleges.

(15) Contract for the procurement of goods and services, as

necessary.

(16) Carry out other functions as expressly provided by law.

(c) Subject to, and in furtherance of, subdivision (a), the board

of governors shall have full authority to adopt rules and regulations

necessary and proper to execute the functions specified in this

section as well as other functions that the board of governors is

expressly authorized by statute to regulate.

(d) Wherever in this section or any other statute a power is

vested in the board of governors, the board of governors, by a

majority vote, may adopt a rule delegating that power to the

chancellor, or any officer, employee, or committee of the California

Community Colleges, or community college district, as the board of

governors may designate. However, the board of governors shall not

delegate any power that is expressly made nondelegable by statute.

Any rule delegating authority shall prescribe the limits of

delegation.

(e) In performing the functions specified in this section, the

board of governors shall establish and carry out a process for

consultation with institutional representatives of community college

districts so as to ensure their participation in the development and

review of policy proposals. The consultation process shall also

afford community college organizations, as well as interested

individuals and parties, an opportunity to review and comment on

proposed policy before it is adopted by the board of governors.

(f) This section shall remain in effect only until January 1,

2013, and as of that date is repealed, unless a later enacted

statute, that is enacted before January 1, 2013, deletes or extends

that date.

70902. (a) (1) Every community college district shall be under the

control of a board of trustees, which is referred to herein as the

"governing board." The governing board of each community college

district shall establish, maintain, operate, and govern one or more

community colleges in accordance with law. In so doing, the governing

board may initiate and carry on any program or activity, or may

otherwise act, in any manner that is not in conflict with,

inconsistent with, or preempted by, any law, and that is not in

conflict with the purposes for which community college districts are

established.

(2) The governing board of each community college district shall

establish rules and regulations not inconsistent with the regulations

of the board of governors and the laws of this state for the

government and operation of one or more community colleges in the district.

**(b) In furtherance of subdivision (a), the governing board of each**

**community college district shall do all of the following:**

(1) Establish policies for, and approve, current and long-range

academic and facilities plans and programs, and promote orderly

growth and development of the community colleges within the district.

In so doing, the governing board shall, as required by law,

establish policies for, develop, and approve, comprehensive plans.

The governing board shall submit the comprehensive plans to the board

of governors for review and approval.

(2) (A) Establish policies for and approve credit courses of

instruction and educational programs. The educational programs shall

be submitted to the board of governors for approval. A credit course

of instruction that is not offered in an approved educational program

may be offered without the approval of the board of governors only

under conditions authorized by regulations adopted by the board of

governors.

(B) The governing board shall establish policies for, and approve,

individual courses that are offered in approved educational

programs, without referral to the board of governors.

(3) Establish academic standards, probation, dismissal, and

readmission policies, and graduation requirements not inconsistent

with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the

minimum standards adopted by the board of governors, and establish

employment practices, salaries, and benefits for all employees not

inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the

district's operational and capital outlay budgets. The district

governing board shall determine the need for elections for override

tax levies and bond measures, and request that those elections be

called.

(6) Manage and control district property. The governing board may

contract for the procurement of goods and services as authorized by

law.

(7) Establish procedures not inconsistent with minimum standards

established by the board of governors to ensure faculty, staff, and

students the opportunity to express their opinions at the campus

level, to ensure that these opinions are given every reasonable

consideration, to ensure the right to participate effectively in

district and college governance, and to ensure the right of academic

senates to assume primary responsibility for making recommendations

in the areas of curriculum and academic standards.

(8) Establish rules and regulations governing student conduct.

(9) Establish student fees as it is required to establish by law,

and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and

scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the

purposes of the community college.

(12) Within the framework provided by law, determine the district'

s academic calendar, including the holidays it will observe.

(13) Hold and convey property for the use and benefit of the

district. The governing board may acquire, by eminent domain, any

property necessary to carry out the powers or functions of the

district.

(14) Participate in the consultation process established by the

board of governors for the development and review of policy

proposals.

(c) In carrying out the powers and duties specified in subdivision

(b) or other provisions of statute, the governing board of each

community college district shall have full authority to adopt rules

and regulations, not inconsistent with the regulations of the board

of governors and the laws of this state, that are necessary and

proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate. However, the governing board shall not delegate any power that is expressly made non-delegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

(e) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

**EDUCATION** **CODE** **SECTION 78016**

**78016**. (a) Every vocational or occupational training program

offered by a community college district shall be reviewed every two

years by the governing board of the district to ensure that each

program, as demonstrated by the California Occupational Information

System, including the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance **Code**, or if this program is not available in the labor market area, other available sources of labor market information, does all of the following:

(1) Meets a documented labor market demand.

(2) Does not represent unnecessary duplication of other manpower

training programs in the area.

(3) Is of demonstrated effectiveness as measured by the employment

and completion success of its students.

(b) Any program that does not meet the requirements of subdivision

(a) and the standards promulgated by the governing board shall be

terminated within one year.

(c) The review process required by this section shall include the

review and comments by the local Private Industry Council established

pursuant to Division 8 (commencing with Section 15000) of the

Unemployment Insurance **Code**, which review and comments shall occur

prior to any decision by the appropriate governing body.

(d) This section shall apply to each program commenced subsequent

to July 28, 1983.

(e) A written summary of the findings of each review shall be made

available to the public.

Title 5 Sections 51000, 51022, 55100, 55130 and 55150

5 CCR s 51000  
Cal. Admin. Code tit. 5, s 51000

TITLE 5. EDUCATION

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 2. COMMUNITY COLLEGE STANDARDS

SUBCHAPTER 1. MINIMUM CONDITIONS

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|  | s 51000. Scope. |  |

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid, including state general apportionment, for the support of its community colleges.

5 CCR s 51022  
Cal. Admin. Code tit. 5, s 51022

TITLE 5. EDUCATION

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 2. COMMUNITY COLLEGE STANDARDS

SUBCHAPTER 1. MINIMUM CONDITIONS

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|  | s 51022. Instructional Programs. |  |

(a) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.  
  
(b) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies and procedures to provide that its courses and programs are articulated with proximate baccalaureate colleges and high schools.

5 CCR s 55100  
Cal. Admin. Code tit. 5, s 55100

TITLE 5. EDUCATION

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 6. CURRICULUM AND INSTRUCTION

SUBCHAPTER 2. APPROVAL BY THE CHANCELLOR

ARTICLE 1. APPROVAL OF CREDIT EDUCATIONAL PROGRAMS

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|  | s 55100. Course Approval. |  |

(a) The governing board of each community college district shall establish policies for, and may approve individual degree-applicable credit courses which are offered as part of an educational program approved by the Chancellor pursuant to section 55130. Such courses need not be separately approved by the Chancellor.  
  
(b) Effective for courses to be offered beginning in Fall 2007, a community college district may, until December 31, 2012, approve and offer nondegree- applicable credit courses and degree-applicable credit courses which are not part of an approved educational program without separate approval by the Chancellor, provided that the district continuously complies with the following requirements:

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|  | (1) the college curriculum committee and district governing board have approved each such course pursuant to section 55002; |  |

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|  | (2) the district submits a certification by September 30th of each year verifying that the persons who will serve on the curriculum committee and others who will be involved in the curriculum approval process at each college within the district for that academic year have received training consistent with guidelines prescribed by the Chancellor on the review and approval of courses not part of educational programs; |  |

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|  | (3) no course which has previously been denied separate approval by the Chancellor or is part of a program that has been disapproved by the Chancellor may be offered pursuant to this subdivision unless the proposed course has been modified to adequately address the reasons for denial and has been subsequently reapproved by the college curriculum committee and district governing board; |  |

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|  | (4) no group of courses approved pursuant to this subdivision which total 18 or more semester units or 27 or more quarter units in a single four-digit Taxonomy of Programs code may be linked to one another by means of prerequisites or corequisites; |  |

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|  | (5) no student may be permitted to count 18 or more semester units or 27 or more quarter units of coursework approved pursuant to this subdivision toward satisfying the requirements for a certificate or other document evidencing completion of an educational program or towards a major or area of emphasis for completion of an associate degree; and |  |

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|  | (6) the district promptly reports all courses approved pursuant to this subdivision to the Chancellor through the Chancellor's Office Management Information System. |  |

(c) The Chancellor may, at any time, terminate the ability of a district to offer courses pursuant to subdivision (b) if he or she determines that a district has failed to comply with all of the conditions set forth in that subdivision. In that event, the district will become immediately subject to the requirements of subdivision (d).  
  
(d) Effective January 1, 2013, or earlier if so required by subdivision (c), the governing board of each community college district shall separately submit for approval by the Chancellor all nondegree-applicable credit courses and individual degree-applicable credit courses which are not part of any approved educational program.

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|  | Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 78401, Education Code. |

5 CCR s 55130  
Cal. Admin. Code tit. 5, s 55130

TITLE 5. EDUCATION

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 6. CURRICULUM AND INSTRUCTION

SUBCHAPTER 2. APPROVAL BY THE CHANCELLOR

ARTICLE 1. APPROVAL OF CREDIT EDUCATIONAL PROGRAMS

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|  | s 55130. Approval of Credit Programs. |  |

(a) Before offering any credit course as part of an educational program at a college, the governing board of a district shall obtain approval of the educational program from the Chancellor in accordance with the provisions of this article. Approval shall be requested on forms provided by the Chancellor.  
  
(b) The application for approval shall contain at least the following:

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|  | (1) The name of the proposed program. |  |

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|  | (2) The description of the proposed program. |  |

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|  | (3) a list of required courses to be included in the program. |  |

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|  | (4) course outlines of records for all courses in the program. |  |

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|  | (5) The purposes and specific objectives of the proposed program. |  |

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|  | (6) The place of the proposed program in the district master plan. |  |

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|  | (7) An explanation of how the program is appropriate to the objectives and conditions of higher education and community college education in California and how it conforms to statewide master planning. |  |

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|  | (8) The need for the proposed program ascertained with regard to at least the following factors: |  |

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|  | (A) Other community colleges in the area currently offering the program; |  |

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|  | (B) Other programs closely related to the proposed program offered by the college; |  |

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|  | (C) Relation of the proposed program to job market analysis, where applicable; |  |

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|  | (D) Enrollment projection for the proposed program; |  |

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|  | (E) Recommendations of career technical education regional consortia, when applicable; and |  |

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|  | (F) The classification of the courses in the program in accordance with section 55001. |  |

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|  | (9) The need for and present adequacy of the following resources shall be determined in relation to the proposed program: |  |

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|  | (A) Library and media center resources; |  |

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|  | (B) Facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan. |  |

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|  | (C) Availability of adequate or proposed financial support; and |  |

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|  | (D) Availability of faculty. |  |

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.  
  
(d) An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. The Chancellor may evaluate an educational program, after its approval, on the basis of factors listed in this section. If on the basis of such an evaluation the Chancellor determines that an educational program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.  
  
(e) In multicollege districts, program approval is granted for a specific college.

5 CCR s 55150  
Cal. Admin. Code tit. 5, s 55150

TITLE 5. EDUCATION

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 6. CURRICULUM AND INSTRUCTION

SUBCHAPTER 2. APPROVAL BY THE CHANCELLOR

ARTICLE 2. APPROVAL OF NONCREDIT COURSES AND PROGRAMS

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|  | s 55150. Approval of Noncredit Courses and Programs. |  |

(a) Each noncredit course shall be approved by the Chancellor in accordance with this article on forms provided by the Chancellor.  
  
(b) Noncredit programs shall be approved by the Chancellor as provided in sections 55152, 55153 and 55154 on forms provided by the Chancellor. An approval is effective until the program or implementation of the program is discontinued or modified in any substantial way. The Chancellor may evaluate a noncredit program, after its approval, on the basis of factors listed in sections 55152, 55153 or 55154, as applicable. If on the basis of such an evaluation the Chancellor determines that the program should no longer be offered, the Chancellor may terminate the approval and determine the effective date of termination.  
  
(c) Course outlines for all noncredit courses prepared in accordance with subdivision (c) of section 55002 shall be on file in the community college offering the course.  
  
(d) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.  
  
(e) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved by the Chancellor pursuant to sections 55151 or 55152.

Title 34: Education   
[PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=9891ee484a6dcadac2095a615576dded&n=34y3.1.3.1.1&r=PART&ty=HTML)   
[Subpart A—General](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=9891ee484a6dcadac2095a615576dded&n=34y3.1.3.1.1.1&r=SUBPART&ty=HTML)

## §600.2   Definitions.

The following definitions apply to terms used in this part:

*Accredited:* The status of public recognition that a nationally recognized accrediting agency grants to an institution or educational program that meets the agency's established requirements.

*Award year:* The period of time from July 1 of one year through June 30 of the following year.

*Branch Campus:* A location of an institution that is geographically apart and independent of the main campus of the institution. The Secretary considers a location of an institution to be independent of the main campus if the location—

(1) Is permanent in nature;

(2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

(3) Has its own faculty and administrative or supervisory organization; and

(4) Has its own budgetary and hiring authority.

*Clock hour:* A period of time consisting of—

(1) A 50- to 60-minute class, lecture, or recitation in a 60-minute period;

(2) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; or

(3) Sixty minutes of preparation in a correspondence course.

*Correspondence course:* (1) A course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced.

(2) If a course is part correspondence and part residential training, the Secretary considers the course to be a correspondence course.

(3) A correspondence course is not distance education.

*Credit hour:* Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

*Direct assessment program:* A program as described in 34 CFR 668.10.

*Distance education* means education that uses one or more of the technologies listed in paragraphs (1) through (4) of this definition to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include—

(1) The internet;

(2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(3) Audio conferencing; or

(4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3) of this definition.

*Educational program:* (1) A legally authorized postsecondary program of organized instruction or study that:

(i) Leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential, or is a comprehensive transition and postsecondary program, as described in 34 CFR part 668, subpart O; and

(ii) May, in lieu of credit hours or clock hours as a measure of student learning, utilize direct assessment of student learning, or recognize the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment and with the provisions of §668.10.

(2) The Secretary does not consider that an institution provides an educational program if the institution does not provide instruction itself (including a course of independent study) but merely gives credit for one or more of the following: Instruction provided by other institutions or schools; examinations or direct assessments provided by agencies or organizations; or other accomplishments such as “life experience.”

*Eligible institution:* An institution that—

(1) Qualifies as—

(i) An institution of higher education, as defined in §600.4;

(ii) A proprietary institution of higher education, as defined in §600.5; or

(iii) A postsecondary vocational institution, as defined in §600.6; and

(2) Meets all the other applicable provisions of this part.

*Federal Family Education Loan (FFEL) Programs:* The loan programs (formerly called the Guaranteed Student Loan (GSL) programs) authorized by title IV-B of the HEA, including the Federal Stafford Loan, Federal PLUS, Federal Supplemental Loans for Students (Federal SLS), and Federal Consolidation Loan programs, in which lenders use their own funds to make loans to enable students or their parents to pay the costs of the students' attendance at eligible institutions. The Federal Stafford Loan, Federal PLUS, Federal SLS, and Federal Consolidation Loan programs are defined in 34 CFR part 668.

*Incarcerated student:* A student who is serving a criminal sentence in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, or other similar correctional institution. A student is not considered incarcerated if that student is in a half-way house or home detention or is sentenced to serve only weekends.

*Legally authorized:* The legal status granted to an institution through a charter, license, or other written document issued by the appropriate agency or official of the State in which the institution is physically located.

*Nationally recognized accrediting agency:* An agency or association that the Secretary recognizes as a reliable authority to determine the quality of education or training offered by an institution or a program offered by an institution. The Secretary recognizes these agencies and associations under the provisions of 34 CFR part 602 and publishes a list of the recognized agencies in the Federal Register.

*Nonprofit institution:* An institution that—

(1)(i) Is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which benefits any private shareholder or individual;

(ii) Is legally authorized to operate as a nonprofit organization by each State in which it is physically located; and

(iii) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)); or

(2) For a foreign institution—

(i) An institution that is owned and operated only by one or more nonprofit corporations or associations; and

(ii)(A) If a recognized tax authority of the institution's home country is recognized by the Secretary for purposes of making determinations of an institution's nonprofit status for title IV purposes, is determined by that tax authority to be a nonprofit educational institution; or

(B) If no recognized tax authority of the institution's home country is recognized by the Secretary for purposes of making determinations of an institution's nonprofit status for title IV purposes, the foreign institution demonstrates to the satisfaction of the Secretary that it is a nonprofit educational institution.

(3) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)).

*One-academic-year training program:* An educational program that is at least one academic year as defined under 34 CFR 668.2.

*Preaccredited:* A status that a nationally recognized accrediting agency, recognized by the Secretary to grant that status, has accorded an unaccredited public or private nonprofit institution that is progressing toward accreditation within a reasonable period of time.

*Recognized equivalent of a high school diploma:* The following are the equivalent of a high school diploma—

(1) A General Education Development Certificate (GED);

(2) A State certificate received by a student after the student has passed a State-authorized examination that the State recognizes as the equivalent of a high school diploma;

(3) An academic transcript of a student who has successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree; or

(4) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who has not completed high school but who excelled academically in high school, documentation that the student excelled academically in high school and has met the formalized, written policies of the institution for admitting such students.

*Recognized occupation:* An occupation that is—

(1) Identified by a Standard Occupational Classification (SOC) code established by the Office of Management and Budget or an Occupational Information Network O\*NET-SOC code established by the Department of Labor and available at*http://online.onetcenter.org* or its successor site; or

(2) Determined by the Secretary in consultation with the Secretary of Labor to be a recognized occupation.

*Regular student:* A person who is enrolled or accepted for enrollment at an institution for the purpose of obtaining a degree, certificate, or other recognized educational credential offered by that institution.

*Secretary:* The Secretary of the Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

*State:* A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States.

*Teach-out plan:* A written plan developed by an institution that provides for the equitable treatment of students if an institution, or an institutional location that provides 100 percent of at least one program, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions.

*Title IV, HEA program:* Any of the student financial assistance programs listed in 34 CFR 668.1(c).

(Authority: 20 U.S.C. 1071, *et seq.,* 1078-2, 1088, 1091, 1094, 1099b, 1099c, 1141; 26 U.S.C. 501(c))

[59 FR 22336, Apr. 29, 1994, as amended at 63 FR 40622, July 29, 1998; 64 FR 58615, Oct. 29, 1999; 71 FR 45692, Aug. 9, 2006; 74 FR 55425, Oct. 27, 2009; 74 FR 55932, Oct. 29, 2009; 75 FR 66946, Oct. 29, 2010, 75 FR 67192, Nov. 1, 2010]

Title 34: Education   
[PART 602—THE SECRETARY'S RECOGNITION OF ACCREDITING AGENCIES](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.3&r=PART&ty=HTML)   
[Subpart B—The Criteria for Recognition](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.3.2&r=SUBPART&ty=HTML)

## §602.24   Additional procedures certain institutional accreditors must have.

If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:

(a) *Branch campus.* (1) The agency must require the institution to notify the agency if it plans to establish a branch campus and to submit a business plan for the branch campus that describes—

(i) The educational program to be offered at the branch campus;

(ii) The projected revenues and expenditures and cash flow at the branch campus; and

(iii) The operation, management, and physical resources at the branch campus.

(2) The agency may extend accreditation to the branch campus only after it evaluates the business plan and takes whatever other actions it deems necessary to determine that the branch campus has sufficient educational, financial, operational, management, and physical resources to meet the agency's standards.

(3) The agency must undertake a site visit to the branch campus as soon as practicable, but no later than six months after the establishment of that campus.

(b) *Change in ownership.* The agency must undertake a site visit to an institution that has undergone a change of ownership that resulted in a change of control as soon as practicable, but no later than six months after the change of ownership.

(c) *Teach-out plans and agreements.* (1) The agency must require an institution it accredits or preaccredits to submit a teach-out plan to the agency for approval upon the occurrence of any of the following events:

(i) The Secretary notifies the agency that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required.

(ii) The agency acts to withdraw, terminate, or suspend the accreditation or preaccreditation of the institution.

(iii) The institution notifies the agency that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.

(iv) A State licensing or authorizing agency notifies the agency that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(2) The agency must evaluate the teach-out plan to ensure it provides for the equitable treatment of students under criteria established by the agency, specifies additional charges, if any, and provides for notification to the students of any additional charges.

(3) If the agency approves a teach-out plan that includes a program that is accredited by another recognized accrediting agency, it must notify that accrediting agency of its approval.

(4) The agency may require an institution it accredits or preaccredits to enter into a teach-out agreement as part of its teach-out plan.

(5) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, to submit that teach-out agreement for approval. The agency may approve the teach-out agreement only if the agreement is between institutions that are accredited or preaccredited by a nationally recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that—

(i) The teach-out institution has the necessary experience, resources, and support services to—

(A) Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations; and

(B) Remain stable, carry out its mission, and meet all obligations to existing students; and

(ii) The teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.

(d) *Closed institution.* If an institution the agency accredits or preaccredits closes without a teach-out plan or agreement, the agency must work with the Department and the appropriate State agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

(e) *Transfer of credit policies.* The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that—

(1) Are publicly disclosed in accordance with §668.43(a)(11); and

(2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

(f) *Credit-hour policies.* The accrediting agency, as part of its review of an institution for initial accreditation or preaccreditation or renewal of accreditation, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours.

(1) The accrediting agency meets this requirement if—

(i) It reviews the institution's—

(A) Policies and procedures for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for courses and programs; and

(B) The application of the institution's policies and procedures to its programs and coursework; and

(ii) Makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

(2) In reviewing and evaluating an institution's policies and procedures for determining credit hour assignments, an accrediting agency may use sampling or other methods in the evaluation, sufficient to comply with paragraph (f)(1)(i)(B) of this section.

(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (f)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under this paragraph (f), the agency finds systemic noncompliance with the agency's policies or significant noncompliance regarding one or more programs at the institution, the agency must promptly notify the Secretary.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

[64 FR 56617, Oct. 20, 1999, as amended at 74 FR 55428, Oct. 27, 2009; 75 FR 66947, Oct. 29, 2010]

Title 34: Education   
[PART 603—SECRETARY'S RECOGNITION PROCEDURES FOR STATE AGENCIES](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.4&r=PART&ty=HTML)   
[Subpart B—Criteria for State Agencies](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.4.2&r=SUBPART&ty=HTML)

## §603.24   Criteria for State agencies.

The following are the criteria which the Secretary will utilize in designating a State agency as a reliable authority to assess the quality of public postsecondary vocational education in its respective State.

(a) *Functional aspects.* The functional aspects of the State agency must be shown by:

(1) *Its scope of operations.* The agency:

(i) Is statewide in the scope of its operations and is legally authorized to approve public postsecondary vocational institutions or programs;

(ii) Clearly sets forth the scope of its objectives and activities, both as to kinds and levels of public postsecondary vocational institutions or programs covered, and the kinds of operations performed;

(iii) Delineates the process by which it differentiates among and approves programs of varying levels.

(2) *Its organization.* The State agency:

(i) Employs qualified personnel and uses sound procedures to carry out its operations in a timely and effective manner;

(ii) Receives adequate and timely financial support, as shown by its appropriations, to carry out its operations;

(iii) Selects competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices, (A) to participate on visiting teams, (B) to engage in consultative services for the evaluation and approval process, and (C) to serve on decision-making bodies.

(3) *Its procedures.* The State agency:

(i) Maintains clear definitions of approval status and has developed written procedures for granting, reaffirming, revoking, denying, and reinstating approval status;

(ii) Requires, as an integral part of the approval and reapproval process, institutional or program self-analysis and onsite reviews by visiting teams, and provides written and consultative guidance to institutions or programs and visiting teams.

(A) Self-analysis shall be a qualitative assessment of the strengths and limitations of the instructional program, including the achievement of institutional or program objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(B) The visiting team, which includes qualified examiners other than agency staff, reviews instructional content, methods and resources, administrative management, student services, and facilities. It prepares written reports and recommendations for use by the State agency.

(iii) Reevaluates at reasonable and regularly scheduled intervals institutions or programs which it has approved.

(b) *Responsibility and reliability.* The responsibility and reliability of the State agency will be demonstrated by:

(1) Its responsiveness to the public interest. The State agency:

(i) Has an advisory body which provides for representation from public employment services and employers, employees, postsecondary vocational educators, students, and the general public, including minority groups. Among its functions, this structure provides counsel to the State agency relating to the development of standards, operating procedures and policy, and interprets the educational needs and manpower projections of the State's public postsecondary vocational education system;

(ii) Demonstrates that the advisory body makes a real and meaningful contribution to the approval process;

(iii) Provides advance public notice of proposed or revised standards or regulations through its regular channels of communications, supplemented, if necessary, with direct communication to inform interested members of the affected community. In addition, it provides such persons the opportunity to comment on the standards or regulations prior to their adoption;

(iv) Secures sufficient qualitative information regarding the applicant institution or program to enable the institution or program to demonstrate that it has an ongoing program of evaluation of outputs consistent with its educational goals;

(v) Encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program;

(vi) Demonstrates that it approves only those institutions or programs which meet its published standards; that its standards, policies, and procedures are fairly applied; and that its evaluations are conducted and decisions are rendered under conditions that assure an impartial and objective judgment;

(vii) Regularly reviews its standards, policies and procedures in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(viii) Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational institution or program;

(ix) Has written procedures for the review of complaints pertaining to institutional or program quality as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner fair and equitable to the complainant and to the institution or program;

(x) Annually makes available to the public (A) its policies for approval, (B) reports of its operations, and (C) list of institutions or programs which it has approved;

(xi) Requires each approved school or program to report on changes instituted to determine continued compliance with standards or regulations;

(xii) Confers regularly with counterpart agencies that have similar responsibilities in other and neighboring States about methods and techniques that may be used to meet those responsibilities.

(2) Its assurances that due process is accorded to institutions or programs seeking approval. The State agency:

(i) Provides for adequate discussion during the on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(ii) Furnishes as a result of the evaluation visit, a written report to the institution or program commenting on areas of strength, areas needing improvement, and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution or program may not be in compliance with the agency's standards;

(iii) Provides the chief executive officer of the institution or program with opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the agency takes action on the report;

(iv) Provides the chief executive officer of the institution with a specific statement of reasons for any adverse action, and notice of the right to appeal such action before an appeal body designated for that purpose;

(v) Publishes rules of procedure regarding appeals;

(vi) Continues the approval status of the institution or program pending disposition of an appeal;

(vii) Furnishes the chief executive officer of the institution or program with a written decision of the appeal body, including a statement of its reasons therefor.

(c) *Credit-hour policies.* The State agency, as part of its review of an institution for initial approval or renewal of approval, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours.

(1) The State agency meets this requirement if—

(i) It reviews the institution's—

(A) Policies and procedures for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for courses and programs; and

(B) The application of the institution's policies and procedures to its programs and coursework; and

(ii) Makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

(2) In reviewing and evaluating an institution's policies and procedures for determining credit hour assignments, a State agency may use sampling or other methods in the evaluation, sufficient to comply with paragraph (c)(1)(i)(B) of this section.

(3) The State agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (c)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under this paragraph (c), the agency finds systemic noncompliance with the agency's policies or significant noncompliance regarding one or more programs at the institution, the agency must promptly notify the Secretary.

(d) *Capacity to foster ethical practices.* The State agency must demonstrate its capability and willingness to foster ethical practices by showing that it:

(i) Promotes a well-defined set of ethical standards governing institutional or programmatic practices, including recruitment, advertising, transcripts, fair and equitable student tuition refunds, and student placement services;

(ii) Maintains appropriate review in relation to the ethical practices of each approved institution or program.

(Authority: 20 U.S.C. 1094(c)(4))

[39 FR 30042, Aug. 20, 1974, as amended at 75 FR 66947, Oct. 29, 2010]

Title 34: Education   
[PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.34&r=PART&ty=HTML)   
[Subpart A—General](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=dbb06bad8c0ce25fe86254079cef48d4&n=34y3.1.3.1.34.1&r=SUBPART&ty=HTML)

## §668.8   Eligible program.

(a) *General.* An eligible program is an educational program that—

(1) Is provided by a participating institution; and

(2) Satisfies the other relevant requirements contained in this section.

(b) *Definitions.* For purposes of this section—

(1) The Secretary considers the “equivalent of an associate degree” to be—

(i) An associate degree; or

(ii) The successful completion of at least a two-year program that is acceptable for full credit toward a bachelor's degree and qualifies a student for admission into the third year of a bachelor's degree program;

(2) A week is a consecutive seven-day period; and

(3)(i) The Secretary considers that an institution provides one week of instructional time in an academic program during any week the institution provides at least one day of regularly scheduled instruction or examinations, or, after the last scheduled day of classes for a term or a payment period, at least one day of study for final examinations.

(ii) Instructional time does not include any vacation periods, homework, or periods of orientation or counseling.

(c) *Institution of higher education.* An eligible program provided by an institution of higher education must—

(1) Lead to an associate, bachelor's, professional, or graduate degree;

(2) Be at least a two-academic-year program that is acceptable for full credit toward a bachelor's degree; or

(3) Be at least a one-academic-year training program that leads to a certificate, or other nondegree recognized credential, and prepares students for gainful employment in a recognized occupation.

(d) *Proprietary institution of higher education and postsecondary vocational institution.* An eligible program provided by a proprietary institution of higher education or postsecondary vocational institution—

(1)(i) Must require a minimum of 15 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;

(ii) Must be at least 600 clock hours, 16 semester or trimester hours, or 24 quarter hours;

(iii) Must provide undergraduate training that prepares a student for gainful employment in a recognized occupation; and

(iv) May admit as regular students persons who have not completed the equivalent of an associate degree;

(2) Must—

(i) Require a minimum of 10 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;

(ii) Be at least 300 clock hours, 8 semester or trimester hours, or 12 quarter hours;

(iii) Provide training that prepares a student for gainful employment in a recognized occupation as provided under §668.6; and

(iv)(A) Be a graduate or professional program; or

(B) Admit as regular students only persons who have completed the equivalent of an associate degree;

(3) For purposes of the FFEL and Direct Loan programs only, must—

(i) Require a minimum of 10 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;

(ii) Be at least 300 clock hours but less than 600 clock hours;

(iii) Provide undergraduate training that prepares a student for gainful employment in a recognized occupation as provided under §668.6;

(iv) Admit as regular students some persons who have not completed the equivalent of an associate degree; and

(v) Satisfy the requirements of paragraph (e) of this section; or

(4) For purposes of a proprietary institution of higher education only, is a program leading to a baccalaureate degree in liberal arts, as defined in 34 CFR 600.5(e), that—

(i) Is provided by an institution that is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier; and

(ii) The institution has provided continuously since January 1, 2009.

(e) *Qualitative factors.* (1) An educational program that satisfies the requirements of paragraphs (d)(3)(i) through (iv) of this section qualifies as an eligible program only if—

(i) The program has a substantiated completion rate of at least 70 percent, as calculated under paragraph (f) of this section;

(ii) The program has a substantiated placement rate of at least 70 percent, as calculated under paragraph (g) of this section;

(iii) The number of clock hours provided in the program does not exceed by more than 50 percent the minimum number of clock hours required for training in the recognized occupation for which the program prepares students, as established by the State in which the program is offered, if the State has established such a requirement, or as established by any Federal agency; and

(iv) The program has been in existence for at least one year. The Secretary considers an educational program to have been in existence for at least one year only if an institution has been legally authorized to provide, and has continuously provided, the program during the 12 months (except for normal vacation periods and, at the discretion of the Secretary, periods when the institution closes due to a natural disaster that directly affects the institution or the institution's students) preceding the date on which the institution applied for eligibility for that program.

(2) An institution shall substantiate the calculation of its completion and placement rates by having the certified public accountant who prepares its audit report required under §668.23 report on the institution's calculation based on performing an attestation engagement in accordance with the Statements on Standards for Attestation Engagements of the American Institute of Certified Public Accountants (AICPA).

(f) *Calculation of completion rate.* An institution shall calculate its completion rate for an educational program for any award year as follows:

(1) Determine the number of regular students who were enrolled in the program during the award year.

(2) Subtract from the number of students determined under paragraph (f)(1) of this section, the number of regular students who, during that award year, withdrew from, dropped out of, or were expelled from the program and were entitled to and actually received, in a timely manner a refund of 100 percent of their tuition and fees.

(3) Subtract from the total obtained under paragraph (f)(2) of this section the number of students who were enrolled in the program at the end of that award year.

(4) Determine the number of regular students who, during that award year, received within 150 percent of the published length of the educational program the degree, certificate, or other recognized educational credential awarded for successfully completing the program.

(5) Divide the number determined under paragraph (f)(4) of this section by the total obtained under paragraph (f)(3) of this section.

(g) *Calculation of placement rate.* (1) An institution shall calculate its placement rate for an educational program for any award year as follows:

(i) Determine the number of students who, during the award year, received the degree, certificate, or other recognized educational credential awarded for successfully completing the program.

(ii) Of the total obtained under paragraph (g)(1)(i) of this section, determine the number of students who, within 180 days of the day they received their degree, certificate, or other recognized educational credential, obtained gainful employment in the recognized occupation for which they were trained or in a related comparable recognized occupation and, on the date of this calculation, are employed, or have been employed, for at least 13 weeks following receipt of the credential from the institution.

(iii) Divide the number of students determined under paragraph (g)(1)(ii) of this section by the total obtained under paragraph (g)(1)(i) of this section.

(2) An institution shall document that each student described in paragraph (g)(1)(ii) of this section obtained gainful employment in the recognized occupation for which he or she was trained or in a related comparable recognized occupation. Examples of satisfactory documentation of a student's gainful employment include, but are not limited to—

(i) A written statement from the student's employer;

(ii) Signed copies of State or Federal income tax forms; and

(iii) Written evidence of payments of Social Security taxes.

(h) *Eligibility for Federal Pell Grant, ACG, National SMART Grant, TEACH Grant, and FSEOG Programs.* In addition to satisfying other relevant provisions of the section—

(1) An educational program qualifies as an eligible program for purposes of the Federal Pell Grant Program only if the educational program is an undergraduate program or a postbaccalaureate teacher certificate or licensing program as described in 34 CFR 690.6(c);

(2) An educational program qualifies as an eligible program for purposes of the ACG, National SMART Grant, and FSEOG programs only if the educational program is an undergraduate program; and

(3) An educational program qualifies as an eligible program for purposes of the TEACH Grant program if it satisfies the requirements of the definition of TEACH Grant-eligible program in 34 CFR 686.2(d).

(i) *Flight training.* In addition to satisfying other relevant provisions of this section, for a program of flight training to be an eligible program, it must have a current valid certification from the Federal Aviation Administration.

(j) *English as a second language (ESL).* (1) In addition to satisfying the relevant provisions of this section, an educational program that consists solely of instruction in ESL qualifies as an eligible program if—

(i) The institution admits to the program only students who the institution determines need the ESL instruction to use already existing knowledge, training, or skills; and

(ii) The program leads to a degree, certificate, or other recognized educational credential.

(2) An institution shall document its determination that ESL instruction is necessary to enable each student enrolled in its ESL program to use already existing knowledge, training, or skills with regard to the students that it admits to its ESL program under paragraph (j)(1)(i) of this section.

(3) An ESL program that qualifies as an eligible program under this paragraph is eligible for purposes of the Federal Pell Grant Program only.

(k) *Undergraduate educational program in credit hours.* (1) Except as provided in paragraph (k)(2) of this section, if an institution offers an undergraduate educational program in credit hours, the institution must use the formula contained in paragraph (l) of this section to determine whether that program satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and the number of credit hours in that educational program for purposes of the title IV, HEA programs, unless—

(i) The program is at least two academic years in length and provides an associate degree, a bachelor's degree, a professional degree, or an equivalent degree as determined by the Secretary; or

(ii) Each course within the program is acceptable for full credit toward that institution's associate degree, bachelor's degree, professional degree, or equivalent degree as determined by the Secretary provided that—

(A) The institution's degree requires at least two academic years of study; and

(B) The institution demonstrates that students enroll in, and graduate from, the degree program.

(2) A program is considered to be a clock-hour program for purposes of the title IV, HEA programs if—

(i) Except as provided in paragraph (k)(3) of this section, a program is required to measure student progress in clock hours when—

(A) Receiving Federal or State approval or licensure to offer the program; or

(B) Completing clock hours is a requirement for graduates to apply for licensure or the authorization to practice the occupation that the student is intending to pursue;

(ii) The credit hours awarded for the program are not in compliance with the definition of a credit hour in 34 CFR 600.2; or

(iii) The institution does not provide the clock hours that are the basis for the credit hours awarded for the program or each course in the program and, except as provided in §668.4(e), requires attendance in the clock hours that are the basis for the credit hours awarded.

(3) The requirements of paragraph (k)(2)(i) of this section do not apply to a program if there is a State or Federal approval or licensure requirement that a limited component of the program must include a practicum, internship, or clinical experience component of the program that must include a minimum number of clock hours.

(l) *Formula.* (1) Except as provided in paragraph (l)(2) of this section, for purposes of determining whether a program described in paragraph (k) of this section satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and of determining the number of credit hours in that educational program with regard to the title IV, HEA programs—

(i) A semester hour must include at least 37.5 clock hours of instruction;

(ii) A trimester hour must include at least 37.5 clock hours of instruction; and

(iii) A quarter hour must include at least 25 clock hours of instruction.

(2) The institution's conversions to establish a minimum number of clock hours of instruction per credit may be less than those specified in paragraph (l)(1) of this section, if the institution's designated accrediting agency, or recognized State agency for the approval of public postsecondary vocational institutions, for participation in the title IV, HEA programs has not identified any deficiencies with the institution's policies and procedures, or their implementation, for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for programs and courses, in accordance with 34 CFR 602.24(f), or, if applicable, 34 CFR 603.24(c), so long as—

(i) The institution's student work outside of class combined with the clock-hours of instruction meet or exceed the numeric requirements in paragraph (l)(1) of this section; and

(ii)(A) A semester hour must include at least 30 clock hours of instruction;

(B) A trimester hour must include at least 30 clock hours of instruction; and

(C) A quarter hour must include at least 20 hours of instruction.

(m) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for title IV, HEA program purposes if the program is offered by an institution, other than a foreign institution, that has been evaluated and is accredited for its effective delivery of distance education programs by an accrediting agency or association that—

(1) Is recognized by the Secretary under subpart 2 of part H of the HEA; and

(2) Has accreditation of distance education within the scope of its recognition.

(n) For Title IV, HEA program purposes, *eligible program* includes a direct assessment program approved by the Secretary under §668.10 and a comprehensive transition and postsecondary program approved by the Secretary under §668.232.

(Authority: 20 U.S.C. 1070a, 1070a-1, 1070b, 1070c-1, 1070c-2, 1070g, 1085, 1087aa-1087hh, 1088, 1091; 42 U.S.C. 2753)

[59 FR 22421, Apr. 29, 1994]

<http://www2.ed.gov/about/offices/list/ope/policy.html>

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/negreg-summerfall.html>