
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.~~

44 ~~The Chancellor shall establish procedures:~~

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

53
54
55

56 (a) One credit hour of community college work (one unit of credit) shall require a total of

57 at least 48 semester hours of lecture, study, or laboratory student work which may include

58 inside and/or outside-of-class hours.

59 (b) A course requiring 96 hours or more of lecture, study or laboratory work at the

60 college shall provide at least 2 units of credit.

61 . For programs designated by the governing board as clock hour programs, units of credit

62 shall be awarded in a manner consistent with the provisions of 34 Code of Federal

63 Regulations part 600.2.

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

65
66

67 ▶ **Title 5 Credit Hour Calculation:**

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

69
70

71 **Hours-per-unit Divisor**

72 Total Contact Hours = total time per term that a student is under the direct supervision of

73 an instructor or other qualified employee including lecture, recitation, discussion, seminar,

74 laboratory, clinical, studio, practica, activity, to-be-arranged, etc.

75 Outside-of-class Hours = required for calculations, expressed in ratio of in-

76 class to outside-of-class hours, for example:

77 **1:2** for Lecture (lecture, discussion, seminar and related work) means one our of faculty

78 supervised lecture per week expects two hours of work outside of class

79 **2:1** for Activity (activity, lab w/ homework, studio, and similar) meaning two hours of

80 faculty supervised activity requires one hour of work outside of class

81 **3:0** for Laboratory (traditional lab, natural science lab, clinical, and similar) meaning three

82 hours of faculty supervised activity requires zero hours of work outside of class.

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

84
85
86
87
88
89
90
91
92
93
94
95

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

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

96
97

98

COMMENTS

99

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.

100

101

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

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

154 (A) (i) Annually prepare and adopt a proposed budget for the
155 California Community Colleges. The proposed budget shall, at a
156 minimum, identify the total revenue needs for serving educational
157 needs within the mission, the amount to be expended for the state
158 general apportionment, the amounts requested for various categorical
159 programs established by law, the amounts requested for new programs
160 and budget improvements, and the amount requested for systemwide
161 administration.

162 (ii) The proposed budget for the California Community Colleges
163 shall be submitted to the Department of Finance in accordance with
164 established timelines for development of the annual Budget Bill.

165 (B) To the extent authorized by law, establish the method for
166 determining and allocating the state general apportionment.

167 (C) Establish space and utilization standards for facility
168 planning in order to determine eligibility for state funds for
169 construction purposes.

170 (6) Establish minimum conditions entitling districts to receive
171 state aid for support of community colleges. In so doing, the board
172 of governors shall establish and carry out a periodic review of each
173 community college district to determine whether it has met the
174 minimum conditions prescribed by the board of governors.

175 (7) Coordinate and encourage interdistrict, regional, and
176 statewide development of community college programs, facilities, and
177 services.

178 (8) Facilitate articulation with other segments of higher
179 **education** with secondary **education**.

180 (9) Review and approve comprehensive plans for each community
181 college district. The plans shall be submitted to the board of
182 governors by the governing board of each community college district.

183 (10) (A) Review and approve all educational programs offered by
184 community college districts. The board of governors shall adopt
185 regulations defining the conditions under which a community college
186 district may offer, without the need for approval by the board of
187 governors, a credit course that is not part of an approved
188 educational program. Regulations adopted under this paragraph shall
189 ensure that appropriate safeguards involving training and monitoring
190 are in place, and shall ensure that the authority to offer credit
191 courses that are not part of an approved educational program does not
192 have the effect of permitting community college districts to operate
193 educational programs without the approval of the board of governors.

194 (B) In a manner that is consistent with the regulations adopted by
195 the board of governors under this paragraph, the chancellor shall
196 monitor courses approved pursuant to the act that adds this
197 subparagraph. The chancellor shall prepare and submit a report to the
198 chairpersons of the appropriate policy and fiscal committees of the
199 Legislature on or before January 1, 2012. This report shall include,
200 but not necessarily be limited to, a description of the results of
201 the monitoring and the extent to which community college districts
202 have complied with applicable regulations of the board of governors.

203
204 (11) Exercise general supervision over the formation of new

205 community college districts and the reorganization of existing
206 community college districts, including the approval or disapproval of
207 plans therefor.

208 (12) Notwithstanding any other provision of law, be solely
209 responsible for establishing, maintaining, revising, and updating, as
210 necessary, the uniform budgeting and accounting structures and
211 procedures for the California Community Colleges.

212 (13) Establish policies regarding interdistrict attendance of
213 students.

214 (14) Advise and assist governing boards of community college
215 districts on the implementation and interpretation of state and
216 federal laws affecting community colleges.

217 (15) Contract for the procurement of goods and services, as
218 necessary.

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

220 (c) Subject to, and in furtherance of, subdivision (a), the board
221 of governors shall have full authority to adopt rules and regulations
222 necessary and proper to execute the functions specified in this
223 section as well as other functions that the board of governors is
224 expressly authorized by statute to regulate.

225 (d) Wherever in this section or any other statute a power is
226 vested in the board of governors, the board of governors, by a
227 majority vote, may adopt a rule delegating that power to the
228 chancellor, or any officer, employee, or committee of the California
229 Community Colleges, or community college district, as the board of
230 governors may designate. However, the board of governors shall not
231 delegate any power that is expressly made nondelegable by statute.
232 Any rule delegating authority shall prescribe the limits of
233 delegation.

234 (e) In performing the functions specified in this section, the
235 board of governors shall establish and carry out a process for
236 consultation with institutional representatives of community college
237 districts so as to ensure their participation in the development and
238 review of policy proposals. The consultation process shall also
239 afford community college organizations, as well as interested
240 individuals and parties, an opportunity to review and comment on
241 proposed policy before it is adopted by the board of governors.

242 (f) This section shall remain in effect only until January 1,
243 2013, and as of that date is repealed, unless a later enacted
244 statute, that is enacted before January 1, 2013, deletes or extends
245 that date.

246
247

248 70902. (a) (1) Every community college district shall be under the
249 control of a board of trustees, which is referred to herein as the
250 "governing board." The governing board of each community college
251 district shall establish, maintain, operate, and govern one or more
252 community colleges in accordance with law. In so doing, the governing
253 board may initiate and carry on any program or activity, or may
254 otherwise act, in any manner that is not in conflict with,
255 inconsistent with, or preempted by, any law, and that is not in
256 conflict with the purposes for which community college districts are

257 established.

258 (2) The governing board of each community college district shall
259 establish rules and regulations not inconsistent with the regulations
260 of the board of governors and the laws of this state for the
261 government and operation of one or more community colleges in the
262 district.

263 **(b) In furtherance of subdivision (a), the governing board of each**
264 **community college district shall do all of the following:**

265 (1) Establish policies for, and approve, current and long-range
266 academic and facilities plans and programs, and promote orderly
267 growth and development of the community colleges within the district.
268 In so doing, the governing board shall, as required by law,
269 establish policies for, develop, and approve, comprehensive plans.
270 The governing board shall submit the comprehensive plans to the board
271 of governors for review and approval.

272 (2) (A) Establish policies for and approve credit courses of
273 instruction and educational programs. The educational programs shall
274 be submitted to the board of governors for approval. A credit course
275 of instruction that is not offered in an approved educational program
276 may be offered without the approval of the board of governors only
277 under conditions authorized by regulations adopted by the board of
278 governors.

279 (B) The governing board shall establish policies for, and approve,
280 individual courses that are offered in approved educational
281 programs, without referral to the board of governors.

282 (3) Establish academic standards, probation, dismissal, and
283 readmission policies, and graduation requirements not inconsistent
284 with the minimum standards adopted by the board of governors.

285 (4) Employ and assign all personnel not inconsistent with the
286 minimum standards adopted by the board of governors, and establish
287 employment practices, salaries, and benefits for all employees not
288 inconsistent with the laws of this state.

289 (5) To the extent authorized by law, determine and control the
290 district's operational and capital outlay budgets. The district
291 governing board shall determine the need for elections for override
292 tax levies and bond measures, and request that those elections be
293 called.

294 (6) Manage and control district property. The governing board may
295 contract for the procurement of goods and services as authorized by
296 law.

297 (7) Establish procedures not inconsistent with minimum standards
298 established by the board of governors to ensure faculty, staff, and
299 students the opportunity to express their opinions at the campus
300 level, to ensure that these opinions are given every reasonable
301 consideration, to ensure the right to participate effectively in
302 district and college governance, and to ensure the right of academic
303 senates to assume primary responsibility for making recommendations
304 in the areas of curriculum and academic standards.

305 (8) Establish rules and regulations governing student conduct.

306 (9) Establish student fees as it is required to establish by law,
307 and, in its discretion, fees as it is authorized to establish by law.

308

309 (10) In its discretion, receive and administer gifts, grants, and
310 scholarships.

311 (11) Provide auxiliary services as deemed necessary to achieve the
312 purposes of the community college.

313 (12) Within the framework provided by law, determine the district'
314 s academic calendar, including the holidays it will observe.

315 (13) Hold and convey property for the use and benefit of the
316 district. The governing board may acquire, by eminent domain, any
317 property necessary to carry out the powers or functions of the
318 district.

319 (14) Participate in the consultation process established by the
320 board of governors for the development and review of policy
321 proposals.

322 (c) In carrying out the powers and duties specified in subdivision
323 (b) or other provisions of statute, the governing board of each
324 community college district shall have full authority to adopt rules
325 and regulations, not inconsistent with the regulations of the board
326 of governors and the laws of this state, that are necessary and
327 proper to executing these prescribed functions.

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

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

339

340

341 **EDUCATION CODE SECTION 78016**

342

343 **78016.** (a) Every vocational or occupational training program
344 offered by a community college district shall be reviewed every two
345 years by the governing board of the district to ensure that each
346 program, as demonstrated by the California Occupational Information
347 System, including the State-Local Cooperative Labor Market Information
348 Program established in Section 10533 of the Unemployment Insurance
349 **Code**, or if this program is not available in the labor market area,
350 other available sources of labor market information, does all of the
351 following:

352 (1) Meets a documented labor market demand.

353 (2) Does not represent unnecessary duplication of other manpower
354 training programs in the area.

355 (3) Is of demonstrated effectiveness as measured by the employment
356 and completion success of its students.

357 (b) Any program that does not meet the requirements of subdivision
358 (a) and the standards promulgated by the governing board shall be
359 terminated within one year.

360 (c) The review process required by this section shall include the
361 review and comments by the local Private Industry Council established
362 pursuant to Division 8 (commencing with Section 15000) of the
363 Unemployment Insurance **Code**, which review and comments shall occur
364 prior to any decision by the appropriate governing body.

365 (d) This section shall apply to each program commenced subsequent
366 to July 28, 1983.

367 (e) A written summary of the findings of each review shall be made
368 available to the public.
369

370
371 Title 5 Sections 51000, 51022, 55100, 55130 and 55150
372

373 5 CCR s 51000
374 Cal. Admin. Code tit. 5, s 51000
375

376 TITLE 5. EDUCATION
377 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
378 CHAPTER 2. COMMUNITY COLLEGE STANDARDS
379 SUBCHAPTER 1. MINIMUM CONDITIONS

s 51000. Scope.

380
381 The provisions of this chapter are adopted under the authority of Education Code section
382 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions,
383 satisfaction of which entitles a district maintaining community colleges to receive state aid,
384 including state general apportionment, for the support of its community colleges.
385

386
387 5 CCR s 51022
388 Cal. Admin. Code tit. 5, s 51022
389

390 TITLE 5. EDUCATION
391 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
392 CHAPTER 2. COMMUNITY COLLEGE STANDARDS
393 SUBCHAPTER 1. MINIMUM CONDITIONS

s 51022. Instructional Programs.

394
395 (a) Within six months of the formation of a community college district, the governing board shall
396 adopt and carry out its policies for the establishment, modification, or discontinuance of courses
397 or programs. Such policies shall incorporate statutory responsibilities regarding vocational or
398 occupational training program review as specified in section 78016 of the Education Code.
399

400 (b) Within six months of the formation of a community college district, the governing board shall
401 adopt and carry out its policies and procedures to provide that its courses and programs are
402 articulated with proximate baccalaureate colleges and high schools.
403
404

405 5 CCR s 55100
406 Cal. Admin. Code tit. 5, s 55100
407

408 TITLE 5. EDUCATION
409 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
410 CHAPTER 6. CURRICULUM AND INSTRUCTION
411 SUBCHAPTER 2. APPROVAL BY THE CHANCELLOR
412 ARTICLE 1. APPROVAL OF CREDIT EDUCATIONAL PROGRAMS
s 55100. Course Approval.

413
414 (a) The governing board of each community college district shall establish policies for, and may
415 approve individual degree-applicable credit courses which are offered as part of an educational
416 program approved by the Chancellor pursuant to section 55130. Such courses need not be
417 separately approved by the Chancellor.

418
419 (b) Effective for courses to be offered beginning in Fall 2007, a community college district may,
420 until December 31, 2012, approve and offer nondegree- applicable credit courses and degree-
421 applicable credit courses which are not part of an approved educational program without
422 separate approval by the Chancellor, provided that the district continuously complies with the
423 following requirements:

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

424

(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;

425

(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;

426

(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;

427

(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

428

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

429
430
431
432
433
434
435
436
437
438
439

(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.

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

440
441
442
443

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

444
445
446
447
448

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
s 55130. Approval of Credit Programs.

449
450
451
452
453
454
455

(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:

456

457

458

459

460

- (1) The name of the proposed program.
- (2) The description of the proposed program.
- (3) a list of required courses to be included in the program.
- (4) course outlines of records for all courses in the program.
- (5) The purposes and specific objectives of the proposed program.
- (6) The place of the proposed program in the district master plan.

461

(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.

462

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

463

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

464

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

465

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

466

(D) Enrollment projection for the proposed program;

467

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

468

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

469

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

470

(A) Library and media center resources;

471

(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.

472

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

473

(D) Availability of faculty.

474

(c) The development, establishment and evaluation of an education program shall include representative faculty involvement.

476

477

(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

479

480 its approval, on the basis of factors listed in this section. If on the basis of such an evaluation
481 the Chancellor determines that an educational program should no longer be offered, the
482 Chancellor may terminate the approval and determine the effective date of termination.

483

484 (e) In multicollege districts, program approval is granted for a specific college.

485

486 5 CCR s 55150

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

488

489

TITLE 5. EDUCATION

490

DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

491

CHAPTER 6. CURRICULUM AND INSTRUCTION

492

SUBCHAPTER 2. APPROVAL BY THE CHANCELLOR

493

ARTICLE 2. APPROVAL OF NONCREDIT COURSES AND PROGRAMS

s 55150. Approval of Noncredit Courses and Programs.

494

495 (a) Each noncredit course shall be approved by the Chancellor in accordance with this article on
496 forms provided by the Chancellor.

497

498 (b) Noncredit programs shall be approved by the Chancellor as provided in sections 55152,
499 55153 and 55154 on forms provided by the Chancellor. An approval is effective until the
500 program or implementation of the program is discontinued or modified in any substantial way.
501 The Chancellor may evaluate a noncredit program, after its approval, on the basis of factors
502 listed in sections 55152, 55153 or 55154, as applicable. If on the basis of such an evaluation the
503 Chancellor determines that the program should no longer be offered, the Chancellor may
504 terminate the approval and determine the effective date of termination.

505

506 (c) Course outlines for all noncredit courses prepared in accordance with subdivision (c) of
507 section 55002 shall be on file in the community college offering the course.

508

509 (d) Authorities of each community college maintaining noncredit courses shall keep such current
510 records and reports as may be required by the Chancellor.

511

512 (e) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5
513 and 84760.5, a career development or college preparation noncredit course must be part of a
514 program or sequence of courses approved by the Chancellor pursuant to sections 55151 or
515 55152.

516

517

518 Title 34: Education

519 [PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED](#)

520 [Subpart A—General](#)

521

522 **§600.2 Definitions.**

523 The following definitions apply to terms used in this part:

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

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

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

530 (1) Is permanent in nature;

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

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

534 (4) Has its own budgetary and hiring authority.

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

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

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

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

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

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

547 (3) A correspondence course is not distance education.

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

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

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

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

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

563 (1) The internet;

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

566 (3) Audio conferencing; or

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

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

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

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

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

583 *Eligible institution:* An institution that—

584 (1) Qualifies as—

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

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

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

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

589 *Federal Family Education Loan (FFEL) Programs:* The loan programs (formerly called the
590 Guaranteed Student Loan (GSL) programs) authorized by title IV-B of the HEA, including the Federal
591 Stafford Loan, Federal PLUS, Federal Supplemental Loans for Students (Federal SLS), and Federal
592 Consolidation Loan programs, in which lenders use their own funds to make loans to enable students or
593 their parents to pay the costs of the students' attendance at eligible institutions. The Federal Stafford
594 Loan, Federal PLUS, Federal SLS, and Federal Consolidation Loan programs are defined in 34 CFR part
595 668.

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

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

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

607 *Nonprofit institution:* An institution that—

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

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

612 (iii) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions
613 are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C.
614 501(c)(3)); or

615 (2) For a foreign institution—

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

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

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

624 (3) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions
625 are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C.
626 501(c)(3)).

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

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

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

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

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

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

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

643 *Recognized occupation:* An occupation that is—

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

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

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

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

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

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

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

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

664 [59 FR 22336, Apr. 29, 1994, as amended at 63 FR 40622, July 29, 1998; 64 FR 58615, Oct. 29, 1999; 71 FR 45692,
665 Aug. 9, 2006; 74 FR 55425, Oct. 27, 2009; 74 FR 55932, Oct. 29, 2009; 75 FR 66946, Oct. 29, 2010, 75 FR 67192,
666 Nov. 1, 2010]

667
668

669 Title 34: Education
670 [PART 602—THE SECRETARY'S RECOGNITION OF ACCREDITING AGENCIES](#)
671 [Subpart B—The Criteria for Recognition](#)

672

673 **§602.24 Additional procedures certain institutional accreditors must have.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

738 (1) The accrediting agency meets this requirement if—

739 (i) It reviews the institution's—

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

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

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

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

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

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

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

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

757 [64 FR 56617, Oct. 20, 1999, as amended at 74 FR 55428, Oct. 27, 2009; 75 FR 66947, Oct. 29, 2010]

758

759

760 Title 34: Education

761 [PART 603—SECRETARY'S RECOGNITION PROCEDURES FOR STATE AGENCIES](#)

762 [Subpart B—Criteria for State Agencies](#)

763

764 **§603.24 Criteria for State agencies.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

851 (v) Publishes rules of procedure regarding appeals;

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

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

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

858 (1) The State agency meets this requirement if—

859 (i) It reviews the institution's—

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

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

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

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

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

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

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

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

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

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

883 [39 FR 30042, Aug. 20, 1974, as amended at 75 FR 66947, Oct. 29, 2010]

884

885

889
890 **§668.8 Eligible program.**

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

892 (1) Is provided by a participating institution; and

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

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

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

896 (i) An associate degree; or

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

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

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

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

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

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

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

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

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

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

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

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

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

923 (2) Must—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1000 (h) *Eligibility for Federal Pell Grant, ACG, National SMART Grant, TEACH Grant, and FSEOG*
1001 *Programs.* In addition to satisfying other relevant provisions of the section—

1002 (1) An educational program qualifies as an eligible program for purposes of the Federal Pell Grant
1003 Program only if the educational program is an undergraduate program or a postbaccalaureate teacher
1004 certificate or licensing program as described in 34 CFR 690.6(c);

1005 (2) An educational program qualifies as an eligible program for purposes of the ACG, National
1006 SMART Grant, and FSEOG programs only if the educational program is an undergraduate program; and

1007 (3) An educational program qualifies as an eligible program for purposes of the TEACH Grant
1008 program if it satisfies the requirements of the definition of TEACH Grant-eligible program in 34 CFR
1009 686.2(d).

1010 (i) *Flight training.* In addition to satisfying other relevant provisions of this section, for a program of
1011 flight training to be an eligible program, it must have a current valid certification from the Federal Aviation
1012 Administration.

1013 (j) *English as a second language (ESL).* (1) In addition to satisfying the relevant provisions of this
1014 section, an educational program that consists solely of instruction in ESL qualifies as an eligible program
1015 if—

1016 (i) The institution admits to the program only students who the institution determines need the ESL
1017 instruction to use already existing knowledge, training, or skills; and

1018 (ii) The program leads to a degree, certificate, or other recognized educational credential.

1019 (2) An institution shall document its determination that ESL instruction is necessary to enable each
1020 student enrolled in its ESL program to use already existing knowledge, training, or skills with regard to the
1021 students that it admits to its ESL program under paragraph (j)(1)(i) of this section.

1022 (3) An ESL program that qualifies as an eligible program under this paragraph is eligible for
1023 purposes of the Federal Pell Grant Program only.

1024 (k) *Undergraduate educational program in credit hours.* (1) Except as provided in paragraph (k)(2) of
1025 this section, if an institution offers an undergraduate educational program in credit hours, the institution
1026 must use the formula contained in paragraph (l) of this section to determine whether that program
1027 satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and the number of credit
1028 hours in that educational program for purposes of the title IV, HEA programs, unless—

1029 (i) The program is at least two academic years in length and provides an associate degree, a
1030 bachelor's degree, a professional degree, or an equivalent degree as determined by the Secretary; or

1031 (ii) Each course within the program is acceptable for full credit toward that institution's associate
1032 degree, bachelor's degree, professional degree, or equivalent degree as determined by the Secretary
1033 provided that—

1034 (A) The institution's degree requires at least two academic years of study; and

1035 (B) The institution demonstrates that students enroll in, and graduate from, the degree program.

1036 (2) A program is considered to be a clock-hour program for purposes of the title IV, HEA programs
1037 if—

1038 (i) Except as provided in paragraph (k)(3) of this section, a program is required to measure student
1039 progress in clock hours when—

1040 (A) Receiving Federal or State approval or licensure to offer the program; or

1041 (B) Completing clock hours is a requirement for graduates to apply for licensure or the authorization
1042 to practice the occupation that the student is intending to pursue;

1043 (ii) The credit hours awarded for the program are not in compliance with the definition of a credit
1044 hour in 34 CFR 600.2; or

1045 (iii) The institution does not provide the clock hours that are the basis for the credit hours awarded
1046 for the program or each course in the program and, except as provided in §668.4(e), requires attendance
1047 in the clock hours that are the basis for the credit hours awarded.

1048 (3) The requirements of paragraph (k)(2)(i) of this section do not apply to a program if there is a
1049 State or Federal approval or licensure requirement that a limited component of the program must include
1050 a practicum, internship, or clinical experience component of the program that must include a minimum
1051 number of clock hours.

1052 (l) *Formula.* (1) Except as provided in paragraph (l)(2) of this section, for purposes of determining
1053 whether a program described in paragraph (k) of this section satisfies the requirements contained in
1054 paragraph (c)(3) or (d) of this section, and of determining the number of credit hours in that educational
1055 program with regard to the title IV, HEA programs—

1056 (i) A semester hour must include at least 37.5 clock hours of instruction;

1057 (ii) A trimester hour must include at least 37.5 clock hours of instruction; and

1058 (iii) A quarter hour must include at least 25 clock hours of instruction.

1059 (2) The institution's conversions to establish a minimum number of clock hours of instruction per
1060 credit may be less than those specified in paragraph (l)(1) of this section, if the institution's designated
1061 accrediting agency, or recognized State agency for the approval of public postsecondary vocational
1062 institutions, for participation in the title IV, HEA programs has not identified any deficiencies with the
1063 institution's policies and procedures, or their implementation, for determining the credit hours, as defined
1064 in 34 CFR 600.2, that the institution awards for programs and courses, in accordance with 34 CFR
1065 602.24(f), or, if applicable, 34 CFR 603.24(c), so long as—

1066 (i) The institution's student work outside of class combined with the clock-hours of instruction meet
1067 or exceed the numeric requirements in paragraph (l)(1) of this section; and

1068 (ii)(A) A semester hour must include at least 30 clock hours of instruction;

1069 (B) A trimester hour must include at least 30 clock hours of instruction; and

1070 (C) A quarter hour must include at least 20 hours of instruction.

1071 (m) An otherwise eligible program that is offered in whole or in part through telecommunications is
1072 eligible for title IV, HEA program purposes if the program is offered by an institution, other than a foreign
1073 institution, that has been evaluated and is accredited for its effective delivery of distance education
1074 programs by an accrediting agency or association that—

1075 (1) Is recognized by the Secretary under subpart 2 of part H of the HEA; and

1076 (2) Has accreditation of distance education within the scope of its recognition.

1077 (n) For Title IV, HEA program purposes, *eligible program* includes a direct assessment program
1078 approved by the Secretary under §668.10 and a comprehensive transition and postsecondary program
1079 approved by the Secretary under §668.232.

1080 (Authority: 20 U.S.C. 1070a, 1070a-1, 1070b, 1070c-1, 1070c-2, 1070g, 1085, 1087aa-1087hh, 1088, 1091; 42
1081 U.S.C. 2753)

1082 [59 FR 22421, Apr. 29, 1994]

1083

1084

1085 <http://www2.ed.gov/about/offices/list/ope/policy.html>

1086

1087

1088 <http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/negreg-summerfall.html>

1089

1090