
San Bernardino Community College District
Board Policy
Chapter 5 – Student Services

BP 5010 ADMISSIONS

(Replaces current SBCCD BP 5010)

NOTE: The language in red ink is legally required.

❖ From current SBCCD BP 5010 titled Admissions

The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

- Any person over the age of 18 and possessing a high school diploma or its equivalent. ~~Any individual who has graduated from high school or who has been awarded a California Certificate of Proficiency or who has successfully completed the GED.~~
- Other pPersons who are over the age of 18 years ~~18 years of age or above~~ and who, in the judgment of the Chancellor or his/ er her designee are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.
- Persons who are apprentices as defined in Labor Code Section 3077 ~~of the Labor Code.~~
- ~~Any pupil enrolled in grades K-12 from a public school district in accordance with state laws governing concurrent enrollment and BP6020.~~

The District may deny or place conditions on a student's enrollment upon a finding by the Board of Trustees or designee that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.

44 **NOTE:** *The following policy language is legally required in an effort to show good faith*
45 *compliance with the applicable federal regulations.*

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47 The District shall in its discretion, or as otherwise federally mandated, evaluate the
48 validity of a student's high school completion. The Chancellor shall establish
49 procedures for evaluating the validity of a student's high school completion.

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51 **NOTE:** *Admission of high school and younger students is not mandated by law.*
52 *However, if the District wishes to do so and there is agreement with the school*
53 *district(s), this board policy should identify students who may be admitted (generally by*
54 *age or grade level) and the status (special part-time [Education Code Section 48800], or*
55 *special full time [Education Code Section 48800.5]).*

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57 *Districts may also make a statement regarding summer school attendance. Examples*
58 *of such policies are listed below.*

59
60 *Boards that admit special part-time or full-time students must comply with the*
61 *requirements of Education Code Section 76001(b) regarding findings and reasons for*
62 *denying any such request by pupils who are identifies as highly gifted. Language is*
63 *included below. Apportionment for the concurrent enrollment of high school students*
64 *can only be claimed if the enrollment meets the criteria of Education Code Section*
65 *76002. Language is included below.*

66
67 **Admission** – Any student whose age or class level is equal to grades [insert grade
68 levels] is eligible to attend as a special part-time student for advanced scholastic or
69 career/technical education (vocational) courses.

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71 Any student whose age or class level is equal to grades [insert grade levels] is
72 eligible to attend as a special full-time student.

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74 Any student enrolled in [insert grade level] may attend summer session.

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76 **Denial of Requests for Admission** – If the Board of Trustees denies a request for
77 special full time or part time enrollment by a pupil who is identified as highly gifted, the
78 Board will record its findings and the reason for denying the request in writing within 60
79 days.

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81 The written recommendation and denial shall be issued at the next regularly scheduled
82 board meeting that occurs at least 30 days after the pupil submits the request to the
83 District.

84
85 **Claims for State Apportionment for Concurrent Enrollment** – Claims for state
86 apportionment submitted by the district based on enrollment of high school pupils shall
87 satisfy the criteria established by statute and any applicable regulations of the Board of
88 Governors.

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90 **NOTE:** Nonresident students, including international students, are addressed in BP
91 5020 titled Nonresident Tuition. The District is not required to admit nonresident
92 students, and thus is not required to admit international students. However, if the
93 District admits nonresident students, it should not exclude international students as a
94 matter of policy based on that status alone, because the district has no authority to
95 discriminate on the basis of national origin.

96
97 **References:** Education Code Sections 76000, 76001, 76002, and 76038;

98 Labor Code Section 3077;

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

102 34 Code of Federal Regulations Section 668.16(p)
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105 **NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and
106 Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy reflects
107 updates/revisions from the Policy and Procedure Service in February 2004, July 2011, June 2013, and
108 October 2013. The language in **black ink** is from current SBCCD BP 5010 titled Admissions adopted on
109 6/10/04. The language in **blue ink** is included for consideration.
110

Adopted: 6/10/04

Revised:

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Legal Citations for BP 5010

EDUCATION CODE SECTIONS 76000-76002

76000. The governing board of a community college district shall admit to the community college any California resident, and may admit any nonresident, possessing a high school diploma or the equivalent thereof.

The governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor **Code**, who, in the judgment of the governing board, is capable of profiting from the instruction offered.

The governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board, is capable of profiting from the instruction offered. If the governing board determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the board of governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Section 78401 or to any persons attending on a part-time basis only.

76001. (a) The governing board of a community college district may admit to any community college under its jurisdiction as a special part-time or full-time student in any session or term any student who is eligible to attend community college pursuant to Section 48800 or 48800.5.

(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college for a pupil who is identified as highly gifted, the board shall record its findings and the reasons for denial of the request in writing within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled board meeting that falls at least 30 days after the request has been submitted.

(c) The attendance of a pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance, for which the community college shall be credited or reimbursed pursuant to Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

(d) For purposes of this section, a special part-time student may enroll in up to, and including, 11 units per semester, or the equivalent thereof, at the community college.

(e) The governing board of a community college district shall assign a low enrollment priority to special part-time or full-time

163 students described in subdivision (a) in order to ensure that these
164 students do not displace regularly admitted students.

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167 **76002.** (a) For the purposes of receiving state apportionments, a
168 community college district may include high school pupils who attend a
169 community college within the district pursuant to Sections 48800 and
170 76001 in the district's report of full-time equivalent students (FTES)
171 only if those pupils are enrolled in community college classes that
172 meet all of the following criteria:

173 (1) The class is open to the general public.

174 (2) (A) The class is advertised as open to the general public in
175 one or more of the following:

176 (i) The college catalog.

177 (ii) The regular schedule of classes.

178 (iii) An addenda to the college catalog or regular schedule of
179 classes.

180 (B) If a decision to offer a class on a high school campus is made
181 after the publication of the regular schedule of classes, and the
182 class is solely advertised to the general public through electronic
183 media, the class shall be so advertised for a minimum of 30 continuous
184 days prior to the first meeting of the class.

185 (3) If the class is offered at a high school campus, the class may
186 not be held during the time the campus is closed to the general
187 public, as defined by the governing board of the school district
188 during a regularly scheduled board meeting.

189 (4) If the class is a physical **education** class, no more than 10
190 percent of its enrollment may be comprised of special part-time or
191 full-time students. A community college district may not receive
192 state apportionments for special part-time and full-time students
193 enrolled in physical **education** courses in excess of 5 percent of the
194 district's total reported full-time equivalent enrollment of special
195 part-time and full-time students.

196 (b) The governing board of a community college district may
197 restrict the admission or enrollment of a special part-time or full-
198 time student during any session based on any of the following
199 criteria:

200 (1) Age.

201 (2) Completion of a specified grade level.

202 (3) Demonstrated eligibility for instruction using assessment
203 methods and procedures established pursuant to Chapter 2 (commencing
204 with Section 78210) of Part 48 and regulations adopted by the Board of
205 Governors of the California Community Colleges.

206 (c) The Chancellor of the California Community Colleges shall
207 prepare and submit to the Department of Finance and the Legislature,
208 on or before March 1, 2004, and March 1 of each year thereafter, a
209 report on the amount of FTES claimed by each community college
210 district for special part-time and special full-time students for the
211 preceding academic year in each of the following class categories:

212 (1) Noncredit.

213 (2) Nondegree-applicable.

214 (3) Degree-applicable, excluding physical **education**.

215 (4) Degree-applicable physical **education**.
216 (d) The Board of Governors of the California Community Colleges
217 shall adopt rules and regulations to implement this section.

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220 **EDUCATION CODE - EDC**

221 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

222 (*Title 3 enacted by Stats. 1976, Ch. 1010.*)

223 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

224 (*Division 7 enacted by Stats. 1976, Ch. 1010.*)

225 **PART 47. STUDENTS [76000 - 76407]**

226 (*Part 47 enacted by Stats. 1976, Ch. 1010.*)

227 **CHAPTER 1. General Provisions [76000 - 76143]**

228 (*Chapter 1 enacted by Stats. 1976, Ch. 1010.*)

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230 **ARTICLE 3. Removal, Suspension, or Expulsion [76030 - 76038]**

231 (*Article 3 repealed and added by Stats. 1983, Ch. 1032, Sec. 2.*)

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233 **76038.**

234 (a) If the governing board of a community college district receives an application
235 for admission from an individual who has been expelled from another district
236 pursuant to this article within the preceding five years, or who is undergoing
237 expulsion procedures in another district, for any of the offenses listed in subdivision
238 (b), before taking action to deny enrollment or permit conditional enrollment as
239 authorized by subdivision (e), the governing board or delegate pursuant to
240 subdivision (f) shall hold a hearing, conducted in accordance with this section and
241 the applicable rules and regulations governing enrollment hearings authorized by
242 this section and adopted in accordance with Section 66300, to determine whether
243 that individual poses a continuing danger to the physical safety of the students and
244 employees of the district.

245 (b) For purposes of this section, "offense" means one of the following:

246 (1) Committed or attempted to commit murder.

247 (2) Caused, attempted to cause serious, or threatened to cause physical injury to
248 another person, including assault or battery as defined in Section 240 or 242 of the
249 Penal Code, except in self-defense.

250 (3) Committed or attempted to commit a sexual assault as defined in Section 261,
251 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as
252 defined in Section 243.4 of the Penal Code.

253 (4) Committed or attempted to commit kidnapping, or seized, confined, inveigled,
254 enticed, decoyed, abducted, concealed, kidnapped, or carried away another person
255 by any means with the intent to hold or detain that person for ransom or reward.

256 (5) Committed or attempted to commit robbery or extortion.

257 (6) Committed stalking as defined in Section 646.9 of the Penal Code.

258 (7) Unlawfully possessed, sold, or otherwise furnished a firearm, knife, explosive,
259 or other dangerous object.

260 (c) A community college district may request information, and respond to a request
261 for information, from another community college district to determine whether an
262 applicant continues to pose a danger to the physical safety of others.

263 (d) A community college district may require a student seeking admission who has
264 been previously expelled from a community college in the state for any of the
265 actions listed in subdivision (b) to inform the district of his or her prior expulsion.
266 Failure to do so may be considered by the district in determining whether to grant
267 admission, and a written record of the fact may be maintained by the district with
268 the applicant's file.

269 (e) The governing board of a community college district, upon making a
270 determination pursuant to subdivision (a), shall take into consideration evidence of
271 subsequent offenses and rehabilitative efforts since the offense and may take any
272 of the following actions:

273 (1) Deny enrollment.

274 (2) Permit enrollment.

275 (3) Permit conditional enrollment.

276 (f) The governing board of a community college district may delegate any authority
277 under this section to the superintendent or president of a community college
278 district, or his or her designee, or a threat assessment crisis response team
279 pursuant to rules and regulations adopted pursuant to Section 66300.

280 (g) Before the governing board of a community college district takes action as
281 authorized under this section, the governing board shall establish a formal appeals
282 process for students denied enrollment to appeal the decision to the governing
283 board. A student who is denied enrollment under subdivision (e) may appeal the
284 decision to deny enrollment to the governing board of the community college
285 district.

286 (h) This section shall not be construed to impose any duty on a community college
287 district to review applicants for admission or review previously enrolled students,
288 whether returning or continuing, or to conduct a hearing in response to the receipt
289 of any information regarding a potential, former, or existing student.

290 (i) In accordance with Sections 815.2 and 820.2 of the Government Code, a
291 community college district, a member of the governing board of a community
292 college district, an officer or employee of a community college district, including a
293 superintendent of a community college district, a president of a community college
294 district, and the designee of a president or a superintendent, shall not be liable for
295 an injury resulting from an exercise of discretion pursuant to this section, including,
296 but not limited to, an exercise of discretion not to conduct a hearing when a hearing
297 is not required.

298 (j) This section shall not apply to the admission of students for whom a community
299 college district has discretion to admit pursuant to Section 76000.

300 *(Added by Stats. 2012, Ch. 426, Sec. 1. Effective January 1, 2013.)*

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LABOR CODE SECTION 3077

3077. The term "apprentice" as used in this chapter, means a person at least 16 years of age who has entered into a written agreement, in this chapter called an "apprentice agreement," with an employer or program sponsor. The term of apprenticeship for each apprenticeable occupation shall be approved by the chief, and in no case shall provide for less than 2,000 hours of reasonably continuous employment for such person and for his or her participation in an approved program of training through employment and through education in related and supplemental subjects.

317 34 CFR § 668.16(p) Standards of administrative capability.
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319 To begin and to continue to participate in any Title IV, HEA program, an institution shall
320 demonstrate to the Secretary that the institution is capable of adequately administering
321 that program under each of the standards established in this section. The Secretary
322 considers an institution to have that administrative capability if the institution—

323 (a) Administers the Title IV, HEA programs in accordance with all statutory provisions of
324 or applicable to Title IV of the HEA, all applicable regulatory provisions prescribed under
325 that statutory authority, and all applicable special arrangements, agreements, and
326 limitations entered into under the authority of statutes applicable to Title IV of the HEA;

327 (b)(1) Designates a capable individual to be responsible for administering all the Title IV,
328 HEA programs in which it participates and for coordinating those programs with the
329 institution's other Federal and non-Federal programs of student financial assistance.
330 The Secretary considers an individual to be "capable" under this paragraph if the
331 individual is certified by the State in which the institution is located, if the State requires
332 certification of financial aid administrators. The Secretary may consider other factors in
333 determining whether an individual is capable, including, but not limited to, the
334 individual's successful completion of Title IV, HEA program training provided or
335 approved by the Secretary, and previous experience and documented success in
336 administering the Title IV, HEA programs properly;

337 (2) Uses an adequate number of qualified persons to administer the Title IV, HEA
338 programs in which the institution participates. The Secretary considers the following
339 factors to determine whether an institution uses an adequate number of qualified
340 persons—

341 (i) The number and types of programs in which the institution participates;

342 (ii) The number of applications evaluated;

- 343 (iii) The number of students who receive any student financial assistance at the
344 institution and the amount of funds administered;
- 345 (iv) The financial aid delivery system used by the institution;
- 346 (v) The degree of office automation used by the institution in the administration of the
347 Title IV, HEA programs;
- 348 (vi) The number and distribution of financial aid staff; and
- 349 (vii) The use of third-party servicers to aid in the administration of the Title IV, HEA
350 programs;
- 351 (3) Communicates to the individual designated to be responsible for administering Title
352 IV, HEA programs, all the information received by any institutional office that bears on a
353 student's eligibility for Title IV, HEA program assistance; and
- 354 (4) Has written procedures for or written information indicating the responsibilities of the
355 various offices with respect to the approval, disbursement, and delivery of Title IV, HEA
356 program assistance and the preparation and submission of reports to the Secretary;
- 357 (c)(1) Administers Title IV, HEA programs with adequate checks and balances in its
358 system of internal controls; and
- 359 (2) Divides the functions of authorizing payments and disbursing or delivering funds so
360 that no office has responsibility for both functions with respect to any particular student
361 aided under the programs. For example, the functions of authorizing payments and
362 disbursing or delivering funds must be divided so that for any particular student aided
363 under the programs, the two functions are carried out by at least two organizationally
364 independent individuals who are not members of the same family, as defined in
365 §668.15, or who do not together exercise substantial control, as defined in §668.15,
366 over the institution;
- 367 (d)(1) Establishes and maintains records required under this part and the individual Title
368 IV, HEA program regulations; and
- 369 (2)(i) Reports annually to the Secretary on any reasonable reimbursements paid or
370 provided by a private education lender or group of lenders as described under section
371 140(d) of the Truth in Lending Act (15 U.S.C. 1631(d)) to any employee who is
372 employed in the financial aid office of the institution or who otherwise has
373 responsibilities with respect to education loans, including responsibilities involving the
374 selection of lenders, or other financial aid of the institution, including—
- 375 (A) The amount for each specific instance of reasonable expenses paid or provided;

- 376 (B) The name of the financial aid official, other employee, or agent to whom the
377 expenses were paid or provided;
- 378 (C) The dates of the activity for which the expenses were paid or provided; and
- 379 (D) A brief description of the activity for which the expenses were paid or provided.
- 380 (ii) Expenses are considered to be reasonable if the expenses—
- 381 (A) Meet the standards of and are paid in accordance with a State government
382 reimbursement policy applicable to the entity; or
- 383 (B) Meet the standards of and are paid in accordance with the applicable Federal cost
384 principles for reimbursement, if no State policy that is applicable to the entity exists.
- 385 (iii) The policy must be consistently applied to an institution's employees reimbursed
386 under this paragraph;
- 387 (e) For purposes of determining student eligibility for assistance under a title IV, HEA
388 program, establishes, publishes, and applies reasonable standards for measuring
389 whether an otherwise eligible student is maintaining satisfactory academic progress in
390 his or her educational program. The Secretary considers an institution's standards to be
391 reasonable if the standards are in accordance with the provisions specified in §668.34.
- 392 (f) Develops and applies an adequate system to identify and resolve discrepancies in
393 the information that the institution receives from different sources with respect to a
394 student's application for financial aid under Title IV, HEA programs. In determining
395 whether the institution's system is adequate, the Secretary considers whether the
396 institution obtains and reviews—
- 397 (1) All student aid applications, need analysis documents, Statements of Educational
398 Purpose, Statements of Registration Status, and eligibility notification documents
399 presented by or on behalf of each applicant;
- 400 (2) Any documents, including any copies of State and Federal income tax returns, that
401 are normally collected by the institution to verify information received from the student or
402 other sources; and
- 403 (3) Any other information normally available to the institution regarding a student's
404 citizenship, previous educational experience, documentation of the student's social
405 security number, or other factors relating to the student's eligibility for funds under the
406 Title IV, HEA programs;
- 407 (g) Refers to the Office of Inspector General of the Department of Education for
408 investigation—

409 (1) After conducting the review of an application provided for under paragraph (f) of this
410 section, any credible information indicating that an applicant for Title IV, HEA program
411 assistance may have engaged in fraud or other criminal misconduct in connection with
412 his or her application. The type of information that an institution must refer is that which
413 is relevant to the eligibility of the applicant for Title IV, HEA program assistance, or the
414 amount of the assistance. Examples of this type of information are—

415 (i) False claims of independent student status;

416 (ii) False claims of citizenship;

417 (iii) Use of false identities;

418 (iv) Forgery of signatures or certifications; and

419 (v) False statements of income; and

420 (2) Any credible information indicating that any employee, third-party servicer, or other
421 agent of the institution that acts in a capacity that involves the administration of the Title
422 IV, HEA programs, or the receipt of funds under those programs, may have engaged in
423 fraud, misrepresentation, conversion or breach of fiduciary responsibility, or other illegal
424 conduct involving the Title IV, HEA programs. The type of information that an institution
425 must refer is that which is relevant to the eligibility and funding of the institution and its
426 students through the Title IV, HEA programs;

427 (h) Provides adequate financial aid counseling to eligible students who apply for Title IV,
428 HEA program assistance. In determining whether an institution provides adequate
429 counseling, the Secretary considers whether its counseling includes information
430 regarding—

431 (1) The source and amount of each type of aid offered;

432 (2) The method by which aid is determined and disbursed, delivered, or applied to a
433 student's account; and

434 (3) The rights and responsibilities of the student with respect to enrollment at the
435 institution and receipt of financial aid. This information includes the institution's refund
436 policy, the requirements for the treatment of title IV, HEA program funds when a student
437 withdraws under §668.22, its standards of satisfactory progress, and other conditions
438 that may alter the student's aid package;

439 (i) Has provided all program and fiscal reports and financial statements required for
440 compliance with the provisions of this part and the individual program regulations in a
441 timely manner;

442 (j) Shows no evidence of significant problems that affect, as determined by the
443 Secretary, the institution's ability to administer a Title IV, HEA program and that are
444 identified in—

445 (1) Reviews of the institution conducted by the Secretary, the Department of Education's
446 Office of Inspector General, nationally recognized accrediting agencies, guaranty
447 agencies as defined in 34 CFR part 682, the State agency or official by whose authority
448 the institution is legally authorized to provide postsecondary education, or any other law
449 enforcement agency; or

450 (2) Any findings made in any criminal, civil, or administrative proceeding;

451 (k) Is not, and does not have any principal or affiliate of the institution (as those terms
452 are defined in 34 CFR part 85) that is—

453 (1) Debarred or suspended under Executive Order (E.O.) 12549 (3 CFR, 1986 Comp.,
454 p. 189) or the Federal Acquisition Regulations (FAR), 48 CFR part 9, subpart 9.4; or

455 (2) Engaging in any activity that is a cause under 34 CFR 85.305 or 85.405 for
456 debarment or suspension under E.O. 12549 (3 CFR, 1986 Comp., p. 189) or the FAR,
457 48 CFR part 9, subpart 9.4;

458 (l) For an institution that seeks initial participation in a Title IV, HEA program, does not
459 have more than 33 percent of its undergraduate regular students withdraw from the
460 institution during the institution's latest completed award year. The institution must count
461 all regular students who are enrolled during the latest completed award year, except
462 those students who, during that period—

463 (1) Withdrew from, dropped out of, or were expelled from the institution;

464 (2) Were entitled to and actually received in a timely manner, a refund of 100 percent of
465 their tuition and fees;

466 (m)(1) Has a cohort default rate—

467 (i) That is less than 25 percent for each of the three most recent fiscal years during
468 which rates have been issued, to the extent those rates are calculated under subpart M
469 of this part;

470 (ii) On or after 2014, that is less than 30 percent for at least two of the three most recent
471 fiscal years during which the Secretary has issued rates for the institution under subpart
472 N of this part; and

473 (iii) As defined in 34 CFR 674.5, on loans made under the Federal Perkins Loan
474 Program to students for attendance at that institution that does not exceed 15 percent.

475 (2)(i) However, if the Secretary determines that an institution's administrative capability
476 is impaired solely because the institution fails to comply with paragraph (m)(1) of this
477 section, and the institution is not subject to a loss of eligibility under §§668.187(a) or
478 668.206(a), the Secretary allows the institution to continue to participate in the Title IV,
479 HEA programs. In such a case, the Secretary may provisionally certify the institution in
480 accordance with §668.13(c) except as provided in paragraphs (m)(2)(ii), (m)(2)(iii),
481 (m)(2)(iv), and (m)(2)(v) of this section.

482 (ii) An institution that fails to meet the standard of administrative capability under
483 paragraph (m)(1)(ii) based on two cohort default rates that are greater than or equal to
484 30 percent but less than or equal to 40 percent is not placed on provisional certification
485 under paragraph (m)(2)(i) of this section—

486 (A) If it has timely filed a request for adjustment or appeal under §§668.209, 668.210, or
487 668.212 with respect to the second such rate, and the request for adjustment or appeal
488 is either pending or succeeds in reducing the rate below 30 percent; or

489 (B) If it has timely filed an appeal under §§668.213 or 668.214 after receiving the
490 second such rate, and the appeal is either pending or successful.

491 (iii) The institution may appeal the loss of full participation in a Title IV, HEA program
492 under paragraph (m)(2)(i) of this section by submitting an erroneous data appeal in
493 writing to the Secretary in accordance with and on the grounds specified in §§668.192
494 or 668.211 as applicable;

495 (iv) If you have 30 or fewer borrowers in the three most recent cohorts of borrowers
496 used to calculate your cohort default rate under subpart N of this part, we will not
497 provisionally certify you solely based on cohort default rates;

498 (v) If a rate that would otherwise potentially subject you to provisional certification under
499 paragraph (m)(1)(ii) and (m)(2)(i) of this section is calculated as an average rate, we will
500 not provisionally certify you solely based on cohort default rates;

501 (n) Does not otherwise appear to lack the ability to administer the Title IV, HEA
502 programs competently;

503 (o) Participates in the electronic processes that the Secretary—

504 (1) Provides at no substantial charge to the institution; and

505 (2) Identifies through a notice published in the Federal Register ; and

506 (p) Develops and follows procedures to evaluate the validity of a student's high school
507 completion if the institution or the Secretary has reason to believe that the high school
508 diploma is not valid or was not obtained from an entity that provides secondary school
509 education.

510 (Approved by the Office of Management and Budget under control number 1845–0022)

511 (Authority:20 U.S.C. 1082, 1085, 1092, 1094, and 1099c)

512 [59 FR 22431, Apr. 29, 1994, as amended at 59 FR 34964, July 7, 1994; 59 FR 61180,
513 Nov. 29, 1994; 60 FR 34431, June 30, 1995; 60 FR 42408, Aug. 15, 1995; 61 FR
514 60603, Nov. 29, 1996; 62 FR 27128, May 16, 1997; 63 FR 40624, July 29, 1998; 64 FR
515 59038, Nov. 1, 1999; 65 FR 65637, Nov. 1, 2000; 74 FR 55648, Oct. 28, 2009; 75 FR
516 66951, Oct. 29, 2010; 76 FR 52272, Aug. 22, 2011]