**Issue 3 – Certification Procedures for Participation In Tilte IV, HEA Programs**

**34 CFR 668.13 – Certification procedures**

**§ 668.13 – Certification Procedures**

(a) ***Requirements for certification****.* (1)(i) The Secretary certifies an institution to participate in the title IV, HEA programs if the institution qualifies as an eligible institution under [34 CFR part 600](https://www.lawserver.com/law/country/us/cfr/34_cfr_part_600), meets the standards of this subpart and [34 CFR part 668](https://www.lawserver.com/law/country/us/cfr/34_cfr_part_668), subpart L, and satisfies the requirements of paragraph (a)(2) of this section.

Terms Used In 34 CFR 668.13

* **Evidence**: Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.
* **Fiscal year**: The fiscal year is the accounting period for the government. For the federal government, this begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, fiscal year 2006 begins on October 1, 2005 and ends on September 30, 2006.

(ii) On application from the institution, the Secretary certifies a location of an institution that meets the requirements of § 668.13(a)(1)(i) as a branch if it satisfies the definition of branch in [34 CFR 600.2](https://www.lawserver.com/law/country/us/cfr/34_cfr_600-2).

(2) Except as provided in paragraph (a)(3) of this section, if an institution wishes to participate for the first time in the title IV, HEA programs or has undergone a change in ownership that results in a change in control as described in [34 CFR 600.31](https://www.lawserver.com/law/country/us/cfr/34_cfr_600-31), the institution must require the following individuals to complete title IV, HEA program training provided or approved by the Secretary no later than 12 months after the institution executes its program participation agreement under Â§ 668.14:

(i) The individual the institution designates under Â§ 668.16(b)(1) as its title IV, HEA program administrator.

(ii) The institution’s chief administrator or a high level institutional official the chief administrator designates.

(3)(i) An institution may request the Secretary to waive the training requirement for any individual described in paragraph (a)(2) of this section.

(ii) When the Secretary receives a waiver request under paragraph (a)(3)(i) of this section, the Secretary may grant or deny the waiver, require another institutional official to take the training, or require alternative training.

(b) ***Period of participation****.* (1) If the Secretary certifies that an institution meets the standards of this subpart, the Secretary also specifies the period for which the institution may participate in a title IV, HEA program. An institution’s period of participation expires no more than six years after the date that the Secretary certifies that the institution meets the standards of this subpart, except that –

(i) The period of participation for a private, for profit foreign institution expires three years after the date of the Secretary’s certification; and

(ii) The Secretary may specify a shorter period.

(2) Provided that an institution has submitted an application for a renewal of certification that is materially complete at least 90 days prior to the expiration of its current period of participation, the institution’s existing certification will be extended on a month to month basis following the expiration of the institution’s period of participation until the end of the month in which the Secretary issues a decision on the application for recertification.

(3) In the event that the Secretary does not make a determination to grant or deny certification within 12 months of the expiration of its current period of participation, the institution will automatically be granted renewal of certification, which may be provisional.

(c) ***Provisional certification****.* (1)(i) The Secretary may provisionally certify an institution if –

(A) The institution seeks initial participation in a Title IV, HEA program;

(B) The institution is an eligible institution that has undergone a change in ownership that results in a change in control according to the provisions of [34 CFR part 600](https://www.lawserver.com/law/country/us/cfr/34_cfr_part_600);

(C) The institution is a participating institution –

(*1*) That is applying for a certification that the institution meets the standards of this subpart;

(*2*) That the Secretary determines has jeopardized its ability to perform its financial responsibilities by not meeting the factors of financial responsibility under Â§ 668.15 and subpart L of this part or the standards of administrative capability under Â§ 668.16; and

(*3*) Whose participation has been limited or suspended under subpart G of this part, or voluntarily enters into provisional certification;

(D) The institution seeks a renewal of participation in a Title IV, HEA program after the expiration of a prior period of participation in that program;

(E) The institution is a participating institution that was accredited or preaccredited by a nationally recognized accrediting agency on the day before the Secretary withdrew the Secretary’s recognition of that agency according to the provisions contained in [34 CFR part 603](https://www.lawserver.com/law/country/us/cfr/34_cfr_part_603); or

(F) The institution is a participating institution that has been provisionally recertified under the automatic recertification requirement in paragraph (b)(3) of this section.

(ii) A proprietary institution’s certification automatically becomes provisional at the start of a fiscal year after it did not derive at least 10 percent of its revenue for its preceding fiscal year from sources other than Title IV, HEA program funds, as required under Â§ 668.14(b)(16).

(2) If the Secretary provisionally certifies an institution, the Secretary also specifies the period for which the institution may participate in a Title IV, HEA program. Except as provided in paragraphs (c) (3) and (4) of this section, a provisionally certified institution’s period of participation expires –

(i) Not later than the end of the first complete award year following the date on which the Secretary provisionally certified the institution under paragraph (c)(1)(i) of this section;

(ii) Not later than the end of the third complete award year following the date on which the Secretary provisionally certified the institution under paragraphs (c)(1)(ii), (iii), (iv) or (e)(2) of this section; and

(iii) If the Secretary provisionally certified the institution under paragraph (c)(1)(v) of this section, not later than 18 months after the date that the Secretary withdrew recognition from the institutions nationally recognized accrediting agency.

(3) Notwithstanding the maximum periods of participation provided for in paragraph (c)(2) of this section, if the Secretary provisionally certifies an institution, the Secretary may specify a shorter period of participation for that institution.

(4) For the purposes of this section, provisional certification means that the Secretary certifies that an institution has demonstrated to the Secretary’s satisfaction that the institution –

(i) Is capable of meeting the standards of this subpart within a specified period; and

(ii) Is able to meet the institution’s responsibilities under its program participation agreement, including compliance with any additional conditions specified in the institution’s program participation agreement that the Secretary requires the institution to meet in order for the institution to participate under provisional certification.

(d) ***Revocation of provisional certification****.* (1) If, before the expiration of a provisionally certified institution’s period of participation in a Title IV, HEA program, the Secretary determines that the institution is unable to meet its responsibilities under its program participation agreement, the Secretary may revoke the institution’s provisional certification for participation in that program.

(2)(i) If the Secretary revokes the provisional certification of an institution under paragraph (d)(1) of this section, the Secretary sends the institution a notice by certified mail, return receipt requested. The Secretary also may transmit the notice by other, more expeditious means, if practical.

(ii) The revocation takes effect on the date that the Secretary mails the notice to the institution.

(iii) The notice states the basis for the revocation, the consequences of the revocation to the institution, and that the institution may request the Secretary to reconsider the revocation. The consequences of a revocation are described in Â§ 668.26.

(3)(i) An institution may request reconsideration of a revocation under this section by submitting to the Secretary, within 20 days of the institution’s receipt of the Secretary’s notice, written evidence that the revocation is unwarranted. The institution must file the request with the Secretary by hand-delivery, mail, or electronic transmission.

(ii) The filing date of the request is the date on which the request is –

(A) Hand-delivered;

(B) Mailed; or

(C) Sent by electronic transmission.

(iii) Documents filed by electronic transmission must be transmitted to the Secretary in accordance with instructions provided by the Secretary in the notice of revocation.

(4)(i) The designated department official making the decision concerning an institution’s request for reconsideration of a revocation is different from, and not subject to supervision by, the official who initiated the revocation of the institution’s provisional certification. The deciding official promptly considers an institution’s request for reconsideration of a revocation and notifies the institution, by certified mail, return receipt requested, of the final decision. The Secretary also may transmit the notice by other, more expeditious means, if practical.

(ii) If the Secretary determines that the revocation is warranted, the Secretary’s notice informs the institution that the institution may apply for reinstatement of participation only after the later of the expiration of –

(A) Eighteen months after the effective date of the revocation; or

(B) A debarment or suspension of the institution under Executive Order (E.O.) 12549 (3 CFR, 1986 comp., p. 189) or the Federal Acquisition Regulations, [48 CFR part 9](https://www.lawserver.com/law/country/us/cfr/48_cfr_part_9), subpart 9.4.

(iii) If the Secretary determines that the revocation of the institution’s provisional certification is unwarranted, the Secretary’s notice informs the institution that the institution’s provisional certification is reinstated, effective on the date that the Secretary’s original revocation notice was mailed, for a specified period of time.

(5) The mailing date of a notice of revocation or a request for reconsideration of a revocation is the date evidenced on the original receipt of mailing from the U.S. Postal Service or another service that provides delivery confirmation for that document.