
Applying for and Maintaining Participation in the FSA Programs

In this chapter, we will discuss how and when a school applies for approval to participate in any Federal Student Aid (FSA) program. We also discuss changes that can affect a school's participation and how and when to report these changes.

APPLYING TO PARTICIPATE

To participate in any of the FSA programs—the Pell Grant Program, the Federal Direct Loan Program, the Federal Family Education Loan (FFEL) Program, and the campus-based programs (Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Work-Study (FWS), and Federal Perkins Loan)—a school must be certified by the Department.

To apply for institutional participation, a school must submit an *Application for Approval to Participate in Federal Student Financial Aid Programs* (Application) to the Department. In evaluating the school and deciding whether to approve or deny the request to participate in any FSA program, the Department examines the Application and accompanying submissions. In addition, for schools that are participating or have participated in the FSA programs, the Department will examine a school's audits and program reviews. The Department also will check to see if a school has submitted all the required financial statements and compliance audits. The Department may request additional materials (such as school catalogs or copies of contracts with third-party servicers) and ask additional questions.

The Department uses the information provided by the school to examine three major factors about the school: institutional eligibility, administrative capability, and financial responsibility. These subjects are discussed in detail in chapters 1-4. The Amendments of 1998 clarify that the Application is to contain information that allows the Department to evaluate a school's financial responsibility and administrative capability. In addition, the Amendments require that the Application provide, at the option of a school, for participation in one or more of the FFEL and Direct Loan programs.

Application form cite
Sec. 498(b)

This chapter covers

- when a school should submit an Application,
- the steps a school must follow when submitting an Application,
- how to submit changes to an Application,
- the Quality Assurance Program, and
- the Experimental Sites Initiative.

Electronic application

Applications for

- initial certification,
- recertification,
- reinstatement,
- change in ownership,
- reporting changes to previous applications, or
- expanding eligibility and certification

must be submitted to the Department electronically through the Internet (see chapter 3). A signature page is required and must be mailed separately along with all required supporting documentation. The Department has made the Application available on the Department's Web site. The address is

<http://www.eligcert.ed.gov>

The date of submission for an electronic application is the date a school uses the *Submit Application* page to electronically submit the Application or the date the signature page and supporting documents were postmarked or sent by a delivery service, whichever is later.

Foreign schools that cannot provide their applications electronically may request permission to send a paper application. For an Application that is mailed or delivered, the Department considers the date of submission to be the postmark date or a delivery service's or courier's written verification or printout of the shipping date.

If a school has questions, it is encouraged to contact Case Management and Oversight.

How The Application Is Organized

This Application is divided into 13 sections, plus a glossary at the end.

| <i>This Section . . .</i> | <i>is for . . .</i> |
|---------------------------|--|
| <i>A through D</i> | <i>General questions about the school.</i> |
| <i>E and F</i> | <i>Questions about educational programs and locations that the school wishes to be eligible for FSA programs.</i> |
| <i>G</i> | <i>Questions about telecommunications and/or correspondence (tele/corr) courses, students enrolled under ability-to-benefit provisions, and incarcerated students.</i> |
| <i>H</i> | <i>Schools that are initial applicants, schools with a change in ownership or structure, and schools seeking reinstatement.</i> |
| <i>I</i> | <i>Foreign institutions, including foreign graduate medical schools.</i> |
| <i>J</i> | <i>Questions about third-party servicers that perform any function relating to the school's FSA program</i> |
| <i>K</i> | <i>Questions about the school's administrative capability and financial responsibility.</i> |
| <i>L</i> | <i>The school's President/CEO/Chancellor to sign.</i> |
| <i>M</i> | <i>A checklist of copies of documents that must be included as applicable.¹</i> |
| <i>Glossary</i> | <i>Specific definitions of terms used in the application.</i> |

¹These include the school's current letter of accreditation; valid state authorization; and, in some cases, audited financial statements, a default management plan and, for a school undergoing a change in ownership, an audited balance sheet showing the financial condition of the school at the time of the change in ownership.

WHEN TO COMPLETE AN APPLICATION

Materially complete

An institution submits a materially complete application if it submits a fully completed electronic application form supported by

- a copy of the institution's state license or other equivalent document authorizing the institution to provide a program of postsecondary education in the state in which it is physically located,
- a copy of a document from its accrediting agency that grants it accreditation status, including approval of the nondegree programs it offers, and
- any other required supporting documentation.

A school submits a materially complete application to the Department when it:

- wishes to be approved for the first time (initial certification) to participate in the FSA programs;
- wishes to be reapproved (*Recertification*) to participate in the FSA programs;
- wishes to be designated as an *eligible institution* so that its students may receive deferments under the FSA programs, its students may be eligible for the HOPE Scholarship tax credit, or so that the school may apply to participate in federal HEA programs other than the FSA programs;
- wishes to be reinstated to participate in the FSA programs;
- undergoes a change in ownership, a conversion from a for-profit institution to a nonprofit institution or vice versa, or a merger of two or more institutions (referred to collectively as a *change in ownership, structure, or governance* for the remainder of the chapter) and wishes to participate in the FSA programs;
- must update information previously reported; or
- wishes to expand its Title IV eligibility and certification.

Each of these circumstances is discussed in more detail in the next section of this chapter.

A school seeking initial certification to participate in the FSA programs

- may submit an Application to the Department at any time;
- must submit a materially complete application to the Department;
- Following submission of an Application, the Department will contact the school if it has additional questions about the Application. (A school that has never been certified, will not be considered certified during the review period.)
- Depending on the outcome of its review, the Department either will send the school two copies of the PPA to sign and return, or notify it that its application is not approved.

Note: In the case of a proprietary institution and a postsecondary vocational institution, there is an eligibility requirement that the school must have been legally authorized to provide and has provided the same or similar postsecondary instruction continuously for at least two consecutive years before it can participate in the FSA Programs. This is known as the *Two-Year Rule* (see chapter 1).

For schools subject to the two-year rule, during the school's initial period of participation in the FSA programs, the Department will not approve additional programs that would expand the scope of the institution's eligibility. An exception would be considered if the school demonstrates that the program for which it is seeking approval has been legally authorized and continuously provided for at least two years prior to the date of the request.

Application process for schools seeking initial eligibility and participation



1. A school seeking initial certification should enter the web site,

<http://www.eligcert.ed.gov>

above, and click on the hot link marked, *initial applicants*. The hot link provides specific requirements that the school needs to review and follow to gain eligibility and certification.

2. If the school believes it meets all the requirements and wants to apply for approval, it must provide answers to certain basic questions from the Application. These questions are taken from the Application and are numbered to correspond.
3. Once the school answers these questions, the school prints and faxes them to the Case Management and Oversight (CMO) Team responsible for the school's home state. A current list of CMO phone numbers can be found on the Electronic Application Web site under *Introduction* and at the end of chapter 11.
4. The information provided will be entered into the CMO database and will appear on the Web Application. This reduces the need to answer the question more than once.
5. CMO then provides the school with an OPEID number that gives the school access to the entire electronic application on the Internet. The school reenters the Web site and completes the electronic application.

CMO recommends that a school keep a copy of its application and supporting documents and retain proof of the date it submitted the Application. The completed electronic version of the Application is sent to the Department. The school must submit *Section L* of the Application containing the original authorizing signature of the school's President/Chief Executive Officer (CEO)/Chancellor and the required supporting documents.

PRECERTIFICATION TRAINING REQUIREMENT

Precertification training cite

34 CFR 668.13(a)(2) and (3)

In order to participate in any FSA program, a school must send two representatives (an administrative official and a financial aid representative) to a precertification training workshop offered by the Department. The Department also requires a school that has undergone a change in ownership, structure, or governance to attend the training.

Precertification workshops provide a general overview of the FSA programs and their administration. They do not cover fiscal and accounting procedures in detail; the Department offers fiscal officer training separately.

- For all institutions, the regulations provide that the chief executive may elect to send for FSA certification training another executive level officer of the institution in his or her place. Both the designated financial aid administrator and the chief executive of the institution, or designee, must attend the certification training up to one year prior to but no later than twelve months after the institution executes its program participation agreement.
- The attending financial aid representative must be the person designated by the school to be responsible for administering the FSA programs. The financial aid representative must attend all four and one-half days of the workshop.
- If the school uses a consultant to administer its financial aid, the consultant must attend the training as the school's financial aid representative. Because the school ultimately is responsible for proper FSA program administration, the Department strongly recommends that a financial aid employee from the school attend the training as well.

The institution may request a waiver of the training requirement for the financial aid administrator and/or the chief administrator from its case management team. The Department may grant or deny the waiver for the required individual, require another official to take the training, or require alternative training.

RECERTIFICATION

A school seeking to be recertified to continue to participate in the FSA programs

- is notified by the Department six months prior to the expiration of the institution's Program Participation Agreement (PPA); and
- must submit a materially complete Application before the expiration date listed in its PPA.

Expiration of certification

Sec. 498(g)

- Generally, if an institution’s eligibility lapses the institution may not continue to disburse Title IV, HEA program funds until it receives the Department’s notification that the institution again is eligible to participate in the programs.

If the school submits its materially complete application to the Department no later than 90 calendar days before its PPA expires, its eligibility to participate in the FSA programs continues until its application is either approved or not approved. This is true even if the Department does not complete its evaluation of the application before the PPA’s expiration date. (For example, if a school’s PPA expires on June 30 and it submits its Application by April 1, the school remains certified during the Department’s review period—even if the review period extends beyond June 30.) If the 90th day before the PPA’s expiration falls on a weekend or a federal holiday and the school submits its application no later than the next business day, the Department considers the application to be submitted 90 days before the PPA expires. If the school’s application is not received at least 90 days before the PPA expires or is not materially complete, the school’s PPA will expire on the scheduled expiration date and the FSA program funding will cease.

- Following submission of an Application, the Case Team will contact the school if it has additional questions about the application. Generally, this will be within 90 days of the Department receiving an application.
- If a school is certified (and is seeking recertification), it will remain certified during the review period if it submitted a materially complete application within the correct time frame.
- Depending on the outcome of its review, the Case Team either will send a school two copies of the PPA to sign and return, or notify the school that its application is not approved and why.
- The school’s certification period is up to six years.

An eligible nonparticipating institution

Some schools choose to establish their eligibility for Title IV programs but elect not to participate in them. Designation as an eligible institution qualifies a school or its students to apply to participate in non-Title IV, HEA programs, such as the HOPE and Lifetime Learning Tax Credit. It also qualifies a school’s students for deferment of payments on their federal education loans.

Since they are not administering federal student aid, nonparticipating eligible institutions are only required to renew their eligibility when the Department requests. Otherwise, their eligibility status continues indefinitely.

Lapse of eligibility cite

34 CFR 600.20(f)(i)

Extension of eligibility cite

34 CFR 600.20(f)(ii)

Reapplication by nonparticipating eligible institutions cite

34 CFR 600.20(b)(1)

A school wishing to be designated an eligible nonparticipating institution

- may submit an Application to the Department at any time, and
- must submit a materially complete application to the Department.

Following submission of an Application, the Department will contact the school if it has additional questions about the application. Generally, this will be within 90 days of the Department receiving an application.

If a school is not currently an eligible school under the HEA, it will not be considered eligible during the Department's review period.

REINSTATEMENT

A school that voluntarily left the FSA programs

- may seek to be reinstated at any time, and
- must submit a materially complete application to the Department.

Following submission of an Application, the Department will contact the school if it has additional questions about the application. Generally, this will be within 90 days of the Department receiving an application.

If a school once participated in the FSA programs but no longer does so, it will not be considered certified during the Department's review period.

Depending on the outcome of its review, the Department either will send the school two copies of the PPA to sign and return or notify it that its application is not approved.

A school that was terminated from the FSA programs or that left because it was about to be terminated or otherwise sanctioned

- generally must wait 18 months before applying for reinstatement;
- must submit a materially complete application to the Department; and
- under the cohort default rate rules, generally loses the ability to participate for the remainder of the current fiscal year and the two following fiscal years.

If a school once participated in the FSA programs but no longer does so, it will not be considered certified during the Department's review period.

Following submission of an Application, the Department will contact the school if it has additional questions about the application. Generally, this will be within 90 days of the Department receiving an application.

CHANGE IN OWNERSHIP OF FOR-PROFIT AND NONPROFIT INSTITUTIONS

A school that undergoes a change in ownership that results in a change of control, structure, or governance

A change in ownership that results in a change of control occurs when a person or corporation with an ownership interest in the entity that owns the institution, or parent corporation of that entity, acquires or loses control of the institution. This includes, but is not limited to, the following *covered transactions*:

1. the sale of the school;
2. the transfer of the controlling interest of stock of the school or its parent corporation;
3. the merger of two or more eligible schools;
4. the division of one school into two or more schools;
5. the transfer of the liabilities of a school to its parent corporation;
6. a transfer of assets that comprise a substantial portion of the educational business of the school, except if it is exclusively in the granting of a security interest in those assets; or
7. a conversion of the school from a for-profit to a nonprofit school or a nonprofit to a for-profit.

Change in controlling interest

A change in ownership and control occurs when a person or corporation obtains new authority to control a school's actions, whether the school is a proprietorship, partnership, or corporation. A change in ownership that results in a change in control includes any change through which a person

- acquires an ownership interest in the entity that owns the institution or the parent corporation of that entity, or
- who owns or acquires an ownership interest attains or loses the ability to control the institution. The most common example of this change in controlling interest is when the school is sold to a prospective owner.

A change in ownership and control of a corporation that is neither closely held nor required to be registered with the Securities Exchange Commission (SEC) occurs when a person who has or acquires an ownership interest acquires both control of at least 25% of the total

Changes in ownership, structure, or governance cite

Sec. 498(i)
34 CFR 600.31

Training requirement after a change in ownership or control

If after a change in ownership or control the financial aid administrator and/or the chief administrator have not changed, the institution may request a waiver of the training requirement from its case management team. The Department may grant or deny the waiver for the required individual, require another official to take the training, or require alternative training.

Change in controlling interest cite

34 CFR 600.31(a)

outstanding voting stock of the corporation and managing control of the corporation.

This does not include a transfer of ownership and control upon the retirement or death of the owner, to

- a member of the owner's family (parent, sibling, spouse or child, spouse's parent or sibling, or sibling's or child's spouse), or
- a person with an ownership interest in the school who has been involved in management of the school for at least two years preceding the transfer.

These are known as ***excluded transactions***.

In these situations, the school must notify the Department of the change and provide any supporting information the Department requests.

Change in ownership for publicly traded corporations

Change in ownership for a publicly traded corporation cite

34 CFR 600.31(c)(2)

For publicly traded corporations, a change in ownership and control occurs when

- a person acquires such ownership and control of the corporation such that the corporation is required to file a Form 8K with the Securities and Exchange Commission notifying that agency of the change in control; or
- a person who is a controlling shareholder of the corporation ceases to be a controlling shareholder.

A controlling shareholder is a shareholder who holds or controls through agreement **both** 25 percent or more of the total outstanding voting stock of the corporation and more shares of voting stock than any other shareholder. A controlling shareholder for this purpose does not include a shareholder whose sole stock ownership is held as a U.S. institutional investor, held in mutual funds, held through a profit-sharing plan, or held in an Employee Stock Ownership Plan (ESOP).

For a publicly traded corporation, when a change of ownership occurs, instead of a ***same-day balance sheet***, the institution may submit its most recent quarterly financial statement as filed with the SEC. Together with its quarterly financial statement, the institution must submit copies of all other SEC filings made after the close of the fiscal year for which a compliance audit has been submitted to ED.

Consider a publicly traded institution that is provisionally certified and then experiences another change of ownership. If any controlling shareholder on the second change of ownership application was listed on the change of ownership application for which the original provisional approval was granted, approval of the

subsequent change in ownership does not extend the expiration date for the original provisional certification.

Steps to be taken by former owners

If a school is changing control, the former owners must notify the Department about the change and the date it occurs. This must be at the same time that the owner notifies the school's accrediting agency, but no later than 10 days after the change occurs. (If the former owner fails to notify the Department, the prospective owner is responsible for doing so.) The current owner also should notify the state agency that licenses or approves the school.

Steps to be taken by prospective owners

The prospective owner should request that the former owner provide copies of the school's existing ECAR, institutional refund policy, return of Title IV funds policy, any required default management plan, program reviews, audited financial statements (for at least the two most recently completed fiscal years), compliance audits, and an audited balance sheet showing the financial condition of the institution as of the date of the change. The prospective owner will need this information to receive approval to participate.

Accompanying the application must be audited financial statements for the school's two most recently completed fiscal years, an audited balance sheet showing the financial condition of the school at the time of the change, and a default management plan, if required. Each participating school must demonstrate financial responsibility independently. If the entity that has acquired the school is an ongoing entity (partnership or corporation), the school must also submit completed audited financial statements of the acquiring entity for the last two consecutive fiscal years. For information on financial responsibility and submitting audited financial statements, see chapter 2.

The school also must submit proof that its accreditation is continued under the new ownership or control, along with a photocopy of its state legal authorization under the new ownership.

The school may not award FSA program funds until it receives a PPA signed on behalf of the Secretary.

Accepting liabilities and return of funds policy

If the prospective owners acquired the school or if the school is the result of a merger of two or more former schools, the prospective owner is liable for any debts from the former owner's FSA program administration. The prospective owner accepts liability for any federal funds that were given to the school but that were improperly spent before the date the change in ownership, structure, or governance became effective. The prospective owner must also abide by institutional refund and the Title IV return of funds/refund policy for students enrolled before the date the change became effective and

must honor all student enrollment contracts signed before the date of the change.

Payments to eligible students

Before the change in ownership, structure, or governance takes place, the former owner should make sure that all students receive any FSA payments already due them for the current payment period and that all records are current and comply with federal regulations. If the school needs additional funds for its students for the current payment period, it should request them and disburse them to all eligible students before the change takes place.

The school loses its approval to participate in the FSA programs when the change takes place. Generally, a school may:

- use Pell Grant or campus-based funds that it has received or request additional Pell Grant or campus-based funds from the Department to satisfy any unpaid commitment made to a student from the date the school's participation ended until the scheduled completion date of the payment period; and
- credit a student's account with the proceeds of a second or subsequent disbursement of an FFEL Stafford or a Direct Loan to satisfy any unpaid commitment made to the student under the FFEL Stafford or Direct Loan Program from the date participation ends until the scheduled completion of that period of enrollment. (The proceeds of the first disbursement of the loan must have been delivered to the student or credited to the student's account prior to the end of the participation.)

The school must notify all new students that no federal aid funds can be disbursed until the school's eligibility is established and a new PPA signed by the Department is received.

The school may not award the FSA program funds beginning on the date that the change becomes effective. If the school's prospective owners wish the school to participate in one or more of the FSA programs, the school must submit a materially complete Application to the Department.

The application process for a school undergoing a change in ownership is substantially different from the other types of processes described previously, because **the participation in the FSA programs of a school undergoing a change in ownership stops on the day of the change.** The school may not award FSA program funds beginning on the date that the change becomes effective until it receives a new PPA signed on behalf of the Secretary of Education. (Exceptions for unpaid commitments of FSA program funds are discussed under *Payments to Eligible Students*). The school can take advantage of two new options that are now available. They are the preacquisition review and temporary provisional approval after the change in ownership. These are described below.

Preacquisition review

Schools may submit an Application marked *preacquisition review* before a change in ownership takes place. The purpose of this review is to determine whether the school has answered all the questions completely and accurately. A preacquisition review Application must be submitted at least 45 days prior to the expected date of the transaction. The Case Management and Oversight (CMO) Team will notify the school of the results of the review. However, the school will not be given a decision whether or not its Application would be approved as a result of this preacquisition review. Please note that a preacquisition review is **not** required; it is an option.

If the potential owner decides not to purchase the school, he or she must notify the Case Management Team of the decision to withdraw the Application.

If the potential owner considering the change in ownership decides to go through with the purchase, he or she must:

- notify the Department within 10 days of the date the change in ownership actually took place (If this date falls on a weekend or a federal holiday, the notification may be no later than the next business day.); and
- submit the supporting documents required for a materially complete application. (Refer to section “M” of the Application for the list of specific forms to submit.)

Temporary approval for continued participation on provisional certification after change in ownership

The 1998 Amendments, §498(i)(4) of the HEA, authorizes the Secretary to permit a school undergoing a change in ownership that results in a change in control to continue to participate in the Title IV, HEA programs on a provisional basis if the school meets the following specific requirement.

The school must submit a materially complete Application that must be received by the Department no later than 10 business days after the change becomes effective. A materially complete application for the purpose of applying for a temporary approval must include:

- a fully completed application form;
- a copy of the school’s state license or equivalent that was in effect on the day before the change in ownership took place;
- a copy of the accrediting agencies approval (in effect on the day before the change in ownership) that granted the school accreditation status including an approval of the nondegree programs it offers;

Audit cite

34 CFR 668.23

- financial statements of the school's two most recently completed fiscal years that are prepared and audited in accordance with the requirements of the Generally Accepted Accounting Principles (GAAP), published by the Financial Accounting Standards Board, and the Generally Accepted Governmental Auditing Standards (GAGAS) published by the U.S. General Accounting Office; and
- audited financial statements for the school's new owner's two most recently completed fiscal years that are prepared and audited in accordance with GAAP and GAGAS, or acceptable equivalent information for that owner; and
- a completed signature page, Section L.

The supporting documents must be sent to:

By U.S. Postal Service

U.S. Department of Education
Case Management and Oversight
Data Management and Analysis Division
Document Receipt and Control Center
830 First Street, NE
Room 7111
Washington, DC 20002-5402

or by commercial courier/overnight mail to

U.S. Department of Education
Case Management and Oversight
Data Management and Analysis Division
Document Receipt and Control Center
830 First Street, NE
Room 7111
Washington, DC 20002-5402

Phone (for this purpose only) (202) 377-3630

If the application is approved, CMO will send the school a Temporary Provisional Program Participation Agreement (Temporary PPA). The Temporary PPA extends the terms and conditions of the PPA that were in effect for the institution before its change of ownership.

The Temporary PPA expires on the earlier of the:

- date that the Department signs a new program participation agreement;
- date that the Department notifies the school that its application is denied; or
- last day of the month following the month in which the change of ownership occurred unless the school provides the necessary documents described below.

The Department can automatically extend the Temporary PPA on a month to month extension, **if** prior to the expiration date, the school submits:

- a *same day* balance sheet showing the school's financial position on the day the ownership changed, prepared in accordance with GAAP and audited in accordance with GAGAS;
- if not already provided, approval of the change of ownership from the school's state agency that legally authorizes postsecondary education in that state;
- if not already provided, approval of the change of ownership from the school's accrediting agency; and
- unless the school is exempt from providing one, a default management plan that follows examples provided by the Department.

Effect of cohort default requirements

Prior to the Amendments of 1998, a prospective owner was required to submit a new default management plan with the Application regardless of the level of the school's cohort default rate. Now, an institution that has undergone a change in ownership that results in a change in control and is participating in the FFEL or Direct Loan programs does not have to submit a default management plan if:

- the institution, including its main campus, and any branch campus, does not have a cohort default rate in excess of 10%, and
- the owner of the institution does not own and has not owned any other institution that had a cohort default in excess of 10% while that owner owned the institution.

Audits and closeout procedures

Although a separate financial aid compliance audit is not required when there is a change in ownership, structure, or governance, the prospective owner may choose to have the accounts audited before they are closed out. Any questions about FSA accounts or closeout procedures can be answered by the Department's Financial Management Specialists for the Pell Grant, campus-based, Direct Loan, or FFEL program. The prospective owner also should check with the Department's appropriate case management team for information on whether the school owes the Department any liabilities as a result of program reviews or audits (see chapter 11).

PPA and ECAR

Review of an Application to Participate results in one of three outcomes: (1) full certification, (2) provisional certification, or (3) denial. **If approved, initial applications, applications submitted as a result of a change in ownership, and applications requesting reinstatement, are always approved provisionally.**

If the Department approves a school's application, the Department sends the school two copies of a PPA (see chapter 2). The PPA includes the date that the school's eligibility to participate expires. The school must sign and return both copies of the PPA to the Department. The Department then sends the school an Eligibility and Certification Approval Report (ECAR) and the school's copy of the PPA, signed and dated on behalf of the Secretary. The ECAR contains the most critical data elements that form the basis of the school's approval and lists the highest level of programs offered, any nondegree programs or short-term programs, and any additional locations that have been approved for the FSA programs. Both the PPA and ECAR must be kept available for review by auditors and Department officials, including individuals conducting FSA program reviews.

Effective date for participation

The date the PPA is signed on behalf of the Secretary is the date the school may begin FSA program participation. (Currently, there are additional steps that must be taken for participation in the Direct Loan Program. For more information, see *Volume 8 — FFEL/DL Programs*.) A school may make Pell Grant disbursements to students for the payment period during which the PPA is signed. Schools receiving initial certification can participate in the campus-based programs in the next award year that funds become available. FFEL and Direct Loan program disbursements may begin in the loan period that the PPA is signed on behalf of the Secretary. The Department's Program Systems Service and regional offices are notified, as well as state guaranty agencies, that the school is approved to participate in the FSA programs.

Changes at public institutions

The Department does not consider that a public institution has undergone a change in ownership that results in a change of control if there is a change in governance and the institution after the change remains a public institution, provided:

- the new governing authority is in the same state as included in the institution's program participation agreement; and
- the new governing authority has acknowledged the public institution's continued responsibilities under its program participation agreement.

Change in ownership or control at a public institution cite

34 CFR 600.31(c)(7)

Within 10 days of undergoing a change in governance however, public institutions must **report** that change to the Department. The institution must also explicitly acknowledge its continued responsibilities under its Program Participation Agreement (PPA). If the documentation transferring control of a public institution to another instate entity does not specifically acknowledge the aforementioned responsibilities, the institution must acknowledge them in a separate letter or notice.

Provisional certification

In certain cases, rather than granting full approval to participate, the Department may grant a school *conditional approval* to participate in the FSA programs (for up to three complete award years). Referred to as *provisional certification* in the law, this level of approval is granted at the Department's discretion.

The Department will, if it approves the school, offer provisional certification to a school that allowed its PPA to expire and reapplied to participate in the FSA programs after its approval to participate ended. If the Department grants a provisional certification, the PPA details the provisions of that certification.

Note: If a school applying for recertification meets the submission deadlines detailed in the introduction to the Application, its PPA automatically remains in effect until the Department either approves or does not approve the application.

Provisional certification is always used when:

- a school is applying to participate for the first time (if approved, it will be provisionally certified for no more than one complete award year), and
- a participating school is reapplying because it has undergone a change in ownership, structure, or governance. If approved, it will be provisionally certified for no more than three complete award years.

Important: For schools subject to the two-year rule, during the school's initial period of participation in the FSA programs, the Department will not approve additional programs that would expand the scope of the institution's eligibility.

Other times provisional certification may be used are when:

- a participating school whose participation has been limited or suspended (or that voluntarily agrees to this provisional status) is judged by the Department to be in an administrative or financial condition that might jeopardize its ability to perform its responsibilities under its PPA;

- a participating school's accrediting agency loses its Departmental approval (it may be provisionally certified for no more than 18 months after the agency's loss of approval);
- it is determined that a school is not financially responsible but the school has met other requirements and has accepted provisional certification; or
- in some cases, a school that is reapplying for certification has a high default rate.

Revoking provisional certification

If the Department determines that a school with provisional certification cannot meet its responsibilities under its PPA, the Department may revoke the school's participation in the FSA programs. The Department will notify the school of such a determination in a notice that states the basis and consequences of the determination. The notice is sent by certified mail (or other expeditious means). The revocation takes effect on the date the Secretary mails the notice to the school.

The school may request a redetermination of the revocation by submitting, within 20 days of receiving the notice, written evidence (filed by hand delivery, mail, or fax) that the finding is unwarranted. A Department official will review the request and notify the school by certified mail of his or her decision. If the Department official determines that the revocation is warranted, the school may not apply for reinstatement for 18 months after the revocation or after the expiration of any debarment/suspension action, whichever is later.

SUBSTANTIVE CHANGES AND HOW TO REPORT THEM

A school is required to report changes to certain information on its approved Application. A school may also wish to expand its Title IV eligibility and certification. Some of these changes require the Department's written approval before the school may disburse the FSA program funds, others do not.

Changes requiring the Department's written approval

(The number in parentheses refers to the number of the question on the Application.)

All schools must report and wait for approval before disbursing funds when the following occur

- change in accrediting agency (notify the Department, when you **begin** making any change that deals with your school's institution-wide accreditation. (#15)
- change in state authorizing agency (#17)
- change in institutional structure (#18)

- increase in the level of educational programs beyond the scope of current approval (#26)
- addition of nondegree programs beyond the scope of current approval (#27)

Note: For schools subject to the two-year rule, during the school's initial period of participation in the FSA programs, the Department will not approve additional programs that would expand the scope of the institution's eligibility.

- addition of short-term (300-599 clock hour) programs (#27)
- addition of a location (see *Adding locations* later in this chapter), if the school (#30)
 - a. is provisionally certified; or
 - b. is on the cash monitoring or reimbursement system of payment; or
 - c. has acquired the assets of another institution that provided educational programs at that location during the preceding year, and the other institution participated in the FSA programs during that year; or
 - d. would be subject to a loss of eligibility under the cohort default rate regulations (34 CFR 688.188) if it adds that location; or
 - e. has been advised by the Department that the Department must approve any new location **before** the institution may begin disbursing FSA program funds.
- changes to the FSA programs for which the school is approved (Approvals from your accrediting agency and state authorizing agency are **not** required for this change.) (#37)
- change in the type of ownership (#22)
- change in ownership (#24)

When one of the changes that requires the Department's written approval occurs, a school must notify the Department by

1. reporting the change and the date of the change to the Department via the electronic application within 10 calendar days of the change; and
2. as soon as the school has received approvals for the change from its accrediting agency and state authorizing agency sending to the Department
 - copies of the approval for the change,
 - any required documentation, and
 - Section L of the Application containing the original signature of the appropriate person.

Changes not requiring the Department's written approval

All schools must report the following information to the Department

- change to name of school* (#2)
- change to the name of a CEO, president, or chancellor (#10)
- change to the name of the chief fiscal officer or chief financial officer (#11)
- change in the individual designated as the lead program administrator for the Title IV programs (#12)
- change in governance of a public institution (#24)
- a decrease in the level of program offering (e.g., the institution drops all its graduate programs) (#26)
- change from or to clock hours or credit hours (#27)
- address change for a principal location* (#29)
- name change for other locations* (#30)
- address change for other locations* (#30)
- the closure of a branch campus or additional location that the institution was required to report (#30)
- adding a location unless the school meets the conditions specified on the previous page (34 CFR 600.20(c)(1)) (#30)
- change to the school's third-party servicers that deal with the FSA program funds (#58)

*As soon as it has received approvals for the change from its accrediting agency and state authorization agency, a school must send the Department copies of the approvals for change.

Foreign schools only (including foreign graduate medical schools)

- change to postsecondary authorization (#42)
- change to degree authorization (#43)
- change to program equivalence (#44)
- change to program criteria (#45)
- change to U.S. administrative or recruitment offices (#46)

Foreign graduate medical schools only

- change to facility at which school provides graduate medical instruction (#47)
- change to authorizing entity (#48)

- change to approval of authorizing entity (#49)
- change to length of program (#50)
- change to programs located in the United States (#51)

When one of these changes occurs, a school must notify the Department by reporting the change and the date of the change to the Department via the electronic application within 10 calendar days of the change. In addition, a school must send to the address below

- any required supporting documentation, and
- Section L of the Application containing the original signature of the appropriate person.

The supporting documents must be sent :

by U.S. Postal Service to

U.S. Department of Education
Case Management and Oversight
Data Management and Analysis Division
Document Receipt and Control Center
830 First Street, NE
Room 7111
Washington, DC 20002-5402

or

by commercial courier/overnight mail to

U.S. Department of Education
Case Management and Oversight
Data Management and Analysis Division
Document Receipt and Control Center
830 First Street, NE
Room 7111
Washington, DC 20002-5402

Phone (for this purpose only) (202)377-3630

Note: For a change requiring written approval from the Department (unless otherwise noted) and for some changes that do not require written approval from the Department, a school must obtain approval from the appropriate accrediting agency and state authorizing agency.

If a change occurs in an Application item not listed, the school must update the information when it applies for recertification.

When the Department is notified of a change, if further action is needed, it will tell the school how to proceed, including what materials and what additional completed sections of the Application need to be submitted. If a school has questions about changes and procedures, it should contact Case Management and Oversight.

A(202)377-3405fter receiving the required materials (and depending on the circumstances), the Department will evaluate the changes either approving or denying the change and notify the school.

ADDING LOCATIONS

The Eligibility and Certification Approval Report (ECAR) that the Department sends to the school lists the educational programs and locations that are eligible. (The eligibility of a school and its programs does not automatically include separate locations and extensions.) If, after receipt of the ECAR, a school wishes to add a location at which at least 50% of an educational program is offered, it must notify the Department.

Eligibility of additional locations

An *additional location* is a location of an institution that was not designated as an eligible location in the institution's ECAR. For purposes of qualifying as an eligible location, an additional location is not required to satisfy the two-year requirement unless:

1. the location was a facility of another institution that has closed or ceased to provide educational programs for a reason other than a normal vacation period or a natural disaster that directly affects the institution or the institution's students;
2. the applicant institution acquired, either directly from the institution that closed or ceased to provide educational programs, or through an intermediary, the assets at the location; and
3. the institution from which the applicant institution acquired the assets of the location:
 - a. owes a liability for a violation of an HEA program requirement; and
 - b. is not making payments in accordance with an agreement to repay that liability.

An additional location that fell into one of the aforementioned categories is not required to satisfy the two-year requirement if the applicant institution agrees:

1. to be liable for all improperly expended or unspent Title IV, HEA program funds received by the institution that has closed or ceased to provide educational programs;
2. to be liable for all unpaid refunds owed to students who received Title IV, HEA program funds; and

3. to abide by the policy of the institution that has closed or ceased to provide educational programs regarding refunds of institutional charges to students in effect before the date of the acquisition of the assets of the additional location for the students who were enrolled before that date.

Each site must be legally authorized. To apply for a determination of eligibility for an added location, the school must send the Department the required application sections, a copy of the accrediting agency's notice certifying that the new location is included in the school's accredited status, and a copy of the state legal authorization from the state in which the additional site is physically located.

Reporting a new location

All schools are required to report to the Department adding an additional accredited and licensed location where they will be offering 50% or more of an eligible program if the school wants to disburse FSA program funds to students enrolled at that location.

Schools must not disburse FSA program funds to students at a new location before the school has reported that location and submitted any required supporting documents to the Department. Once it has reported a new licensed **and** accredited location, unless it is a school that is required to apply for approval for a new location (see below), a school may disburse FSA program funds to students enrolled at that location.

Applying for approval of a new location

If an institution meets one or more criteria, it must **apply for and wait for approval** before disbursing FSA program funds at an additional location where it will be offering 50% or more of an eligible program.

A school must also apply and wait for approval from ED before disbursing funds, if the institution:

1. is provisionally certified;
2. is on the cash monitoring or reimbursement system of payment;
3. has acquired the assets of another institution that provided educational programs at that location during the preceding year, and the other institution participated in the FSA programs during that year;
4. would be subject to a loss of eligibility under the cohort default rate regulations (34 CFR 688.188) if it adds that location; or if
5. the Department previously prohibited the institution from disbursing FSA program funds without prior approval.

Reporting cite

34 CFR 600.21

Disbursing prohibited cite

34 CFR 600.21(d)

Approval required cite

34 CFR 600.20(c)(1)

Disbursing prohibited cite

34 CFR 600.20(f)(3)

The Department will review the information and will evaluate the school's financial responsibility, administrative capability, and eligibility. Depending upon the circumstances, the Department may conduct an on-site review. If it approves the additional location, a revised ECAR and Approval Letter will be issued. The location is eligible as of the date of the Department's determination.

ADDING PROGRAMS

Adding a program — when a school may make eligibility determination

If a school adds an educational program after receiving its ECAR, there are two cases in which the school itself may determine the program's eligibility:

- the added program leads to an associate, bachelor's, professional, or graduate degree (and the school has already been approved to offer programs at that level); or
- the added program provides at least a 10-week (of instructional time) program of 8 semester hours, 12 quarter hours, or 600 clock hours, and prepares students for gainful employment in the same or related recognized occupation as an educational program that the Secretary already has designated as an eligible program at the school.

Before the school may determine these programs to be eligible and disburse funds to enrolled students, the school must have received both the required state and accrediting agency approvals.

Important: If the school's self-determination of eligibility for an educational program is found to be incorrect, the school is liable for all FSA program funds received for the program and all FSA program funds received by or for students enrolled in that program.

ED must approve all other added programs

In all other cases, the eligibility of an added educational program must be determined by the Department before the FSA program funds can be awarded. The school must submit the required Application sections and a copy of approval of the new program from its accrediting agency and state authorizing agency. The Department will evaluate the new program and the school. If the Department approves the additional program, a revised ECAR and Approval Letter is issued for the school, and the school is eligible as of the date of the Department's determination. Only after receiving an Approval Letter may the school begin disbursing FSA funds to students enrolled in the program. For more on program eligibility, see chapter 1.

Waivers

The law establishes maximum percentages of telecommunication and correspondence courses, students enrolled under ability-to-benefit provisions, and incarcerated students at a participating school. If there is a change to any of a school's answers to the Yes/No questions in Section G of a submitted Application (which deal with enrollment thresholds in these areas), the school must notify the Department via the application. The Department will advise the school of its options, including whether the school might be eligible for a waiver (see chapter 1).

Changing from a non-main campus to a branch campus

If an institution wishes to seek approval for a non-main campus educational site as an eligible branch, the institution must submit a completed Application with the required supplemental documentation on (1) the *main* institution and (2) the *non-main* campus educational site.

The following required supplemental documentation must be submitted for Case Management and Oversight to make a determination as to whether a non-main campus educational site is an eligible branch campus:

- a statement regarding the geographical distance between the main institution and the applicant non-main campus educational site;
- state authorization of the quasi-independent status of the non-main campus educational site from the main institution;

This authorization may be in one of the following forms:

- a. applicable state law,
- b. state charter,
- c. university system organization documentation, or
- d. state department of education or state board of regents regulations or documentation.

Regardless of the type of documentation, there must be an explicit description of the quasi-independent status of the non-main campus educational site from the main institution.

- state authorization (in any of the four forms above) for the non-main educational site to have and maintain its own faculty and administrative staff, its own operating budget, and its own authority to hire and fire faculty and staff;

- an official statement describing its hiring authority;
- a statement from the main institution's primary accrediting agency indicating that it has accredited both the main institution and the non-main educational site through separate on-site visitations, and that the non-main educational site's accreditation is distinct yet dependent upon the main institution;
- a specific description of the relationship between a main campus of an institution of higher education and all of its branches, including a description of the student aid processing that is performed by the main campus and that is performed at its branches;
- the operating budget of the non-main campus educational site for the current year and the two prior fiscal years;
- consolidated financial statements for the prior two years showing a breakdown of the applicant's financial circumstances; and
- other documents requested by the Case Team.

Disbursement rules related to applications for new locations and programs

If an institution fails to apply for approval or fails to obtain approval of a new location, branch, program, or increase in program offering, and the Department does not approve the new location, branch, program, or increase in program offering, the institution is liable for all FSA program funds it disburses to students enrolled at that location or branch or in that program.

Changes in accreditation

If a school decides to change its primary accrediting agency, it must notify Case Management and Oversight (CMO) when it begins the process of obtaining accreditation from the second agency. As part of this notice, the school must submit materials relating to its current accreditation and materials demonstrating a reasonable cause for changing its accrediting agency. If a school fails to properly notify the Department, the Department will no longer recognize the school's existing accreditation.

If a school decides to become accredited by more than one institutional accrediting agency, it must submit to CMO (and to its current and prospective agency) the reasons for accreditation by more than one agency. This submission must be made when the school begins the process of obtaining the additional accreditation. If a school obtains additional accreditation and fails to properly submit to the Department its reasons for the additional accreditation, the Department will not recognize the school's accredited status with either agency.

If the Department ceases to recognize a school's accreditation, the school is no longer eligible to award FSA program funds or take part in other programs under the Higher Education Act of 1965, as amended.

If a school becomes accredited by more than one agency, it must notify CMO which agency's accreditation the school will use for the purpose of determining the school's institutional eligibility for the FSA programs.

Notification of school closure or bankruptcy

If a school closes or files for bankruptcy, the school must notify the Department within 10 calendar days of either event by sending a letter on the school's letterhead that indicates the date the school closed or plans to close, or the date the school filed for bankruptcy, as appropriate.

Changes in ownership interest and 25% threshold

Ownership or ownership interest means a legal or beneficial interest in an institution or its corporate parent, or a right to share in the profits derived from the operation of an institution or its corporate parent. The school must report any change in ownership interests whenever:

- an owner acquires a total interest of 25% or greater;
- an owner who held 25% or greater interest reduces his or her interest to less than 25%; or
- an owner of 25% or greater interest increases or reduces his or her interest but remains the holder of at least 25% ownership interest.

Because of these reporting requirements, even though transferring ownership interest through death or retirement may be excluded from being considered a change in ownership resulting in a change of control, the resulting change in percentages of ownership interests must be reported to the Department.

A school must report any changes that result in an individual or owner (including a corporation or unincorporated business entity) acquiring the ability to substantially affect the actions of the school. Such a change must be reported within 10 days of the change. A school owned by a publicly traded corporation must report the change within 10 days after the corporation learns of the change. Adherence to these requirements is enforced during the institutional participation approval process, program reviews, and audit process. All schools are bound by these reporting requirements, and substantial penalties may be imposed on schools that fail to comply with them.

25% Threshold cite

34 CFR 600.31(c)(2)(a)

Ownership or ownership interest

does not include an ownership interest held by:

1. a mutual fund that is regularly and publicly traded;
2. a U.S. institutional investor as defined by the Securities and Exchange Commission;
3. a profit-sharing plan of the institution or its corporate parent (provided that all full-time permanent employees of the institution or corporate parent are included in the plan); or
4. an Employee Stock Ownership Plan (ESOP).

An individual or corporation has the ability to substantially affect the school's actions when he, or she, or it

- personally holds, or holds in partnership with one or more family members, at least a 25% ownership interest in the school,
- personally represents (with voting trust, power of attorney, or proxy authority), or represents in partnership with one or more family members, any individual or group holding at least a 25% ownership interest in the school,
- is the school's general partner, chief executive officer (or other executive officer), chief financial officer, individual designated as the lead program administrator for the FSA programs at the institution, or a member of the school's board of directors, or
- is the chief executive officer (or other officer) for any entity that holds at least 25% ownership interest in the school, or is a member of the board of directors for such an entity.

To ensure that its FSA program participation isn't jeopardized, a school must report to the Department an ownership change (including the names of persons involved). On receiving the notification, the Department will investigate and notify the school whether a change in ownership resulting in a change of control has occurred that will require the school to submit a materially complete Application if it wishes to participate in the FSA programs.

QUALITY ASSURANCE PROGRAM

Quality Assurance Program cite

Sec. 487A(a)

Under the Quality Assurance (QA) Program, schools design and establish a comprehensive quality improvement program to increase award accuracy and strengthen their administration and delivery of FSA programs and services. Its mission is to help schools attain, sustain, and advance exceptional student aid delivery and service excellence.

QA program schools are exempt from certain verification requirements because they develop a school-specific program based on data gathered and analyzed in QA program activities. FSA provides software — the *Quality Analysis Tool* — to help schools analyze how well their verification procedures are working. All schools can benefit from using this software tool, but only QA schools receive verification flexibility. Schools that are interested in QA program participation should contact the QA staff in the Performance Improvement and Procedures Division at the following address or phone number:

U.S. Department of Education/FSA/Schools Channel/CMO
Performance Improvement and Procedures Division
Union Center Plaza
830 First Street, NE
Washington, DC 20202-5232
(202)377-3405

FSA Assessment Tools

The new FSA self-assessment tools are intended to help all schools examine and improve operations in the following key student aid delivery areas:

- Institutional Eligibility
- Fiscal Management
- Student Eligibility
- Awarding Aid
- Disbursing Aid
- Reporting and Reconciliation
- Automation
- Administrative Capabilities

To enhance their effectiveness, the new assessment tools have been linked to the latest regulations and Federal Register notices as well as the *Student Financial Aid Handbook*. Downloadable Microsoft Word documents include hyperlinks as well. Now, those who download any of the FSA assessments can access all hyperlinks as long as they have an Internet Service Provider.

The QA Program also has developed 10 new Web-based modules. **Six are interactive**, with forms that can be completed on-line:

1. Recertification,
2. Return of Title IV,
3. Satisfactory Academic Progress,
4. Change of Ownership,
5. Financial Responsibility, and Cash Management, and
6. Consumer Information.

In addition, **four non-interactive** Perkins modules are available:

7. Due Diligence,
8. Repayment,
9. Cancellation, and
10. Forbearance and Deferment.

Assessments on-line

To find the FSA Quality Analysis Tool on-line, click on "QA Program Tools" at

<http://qaprogram.air.org.about.html>

At the end of each assessment you will find links to

- Management Enhancements (for dealing with areas that need improvement) and
- Effective Practices (for sharing areas of success with ED and your colleagues)

Our close-knit relationships with QA school staff over the years have given us insights into what support is most useful from the financial aid office perspective. Compliance is a requirement, but quality is a choice. For those who are serious about this choice, we provide practical help by making good use of rapidly advancing technology.

The Quality Assurance Program has evolved. Its broadened mission fits with SFA's goals of providing outstanding customer service while simplifying, integrating, and reducing the overall cost of administering the federal student financial assistance programs. This new QA Program will be part of a quality partnership program that will serve **all** institutions participating in Title IV by providing tools to promote continuous improvement, program integrity, and better service to students.

QUALITY ANALYSIS TOOL



This year, the QA Program schools tested the QA Tool, the new verification software being modified for any school to use starting with the 2002-03 award year.

FSA designed the QA Tool to help schools analyze FAFSA application information reported on the ISIR. These data are used to determine what impact changes to student-reported information had on EFC and Pell eligibility.

Users will import ISIR records into the tool and then use queries and specialized reports to obtain aid applicant data for illuminating problematic areas, zeroing in on specific EFC ranges, data elements, and populations, and customizing a campus-sensitive verification process. It is important to note that only QA participants are granted relief from federal verification regulations.

The reports generated from these data can be used to help identify sections of the FAFSA that may be the most confusing to applicants and their families. Such information can simplify and improve the federal form as well as identify areas in which students may need additional guidance.

The QA Tool also permits schools to conduct analyses using a series of reports that indicate how well their verification procedures are working.

With this approach, an institution can stop spinning its wheels and accomplish the following:

- Develop verification criteria that fit its particular population
- Learn which application errors occur locally and educate students and parents about them

- Identify and enact verification practices that make a difference in aid awards
- Identify and eliminate verification practices that take time but make little or no difference in final awards

EXPERIMENTAL SITES INITIATIVE

If a school believes that it has a better way to administer aspects of the FSA programs than the way required by statute or regulation, it may apply to be an *experimental site*. Using the authority under section 487A(b) of the Higher Education Act, the Department has approved exemptions to a variety of FSA statutory and regulatory requirements. Beginning with the 1995-96 award year, over 160 schools have been designated as experimental sites.

Thirteen areas of experimentation have been approved since the 1995-96 award year. They are

- ◆ entrance loan counseling,
- ◆ exit loan counseling,
- ◆ multiple disbursement for single term loans,
- ◆ thirty-day delay in loan disbursements for first-time, first-year borrowers,
- ◆ loan fees in cost of attendance,
- ◆ loan proration for graduating borrowers,
- ◆ crediting FSA funds to prior year charges,
- ◆ crediting FSA funds to institutional charges,
- ◆ overaward tolerance,
- ◆ academic term,
- ◆ federal work-study time records
- ◆ federal work-study payment, and
- ◆ ability to benefit requirements.

The effective dates for the first nine experiments were July 1, 1995 through June 30, 2000. The Department obtained an extension for one year, running through June 30, 2001. However, as of December 2000, ED extended the experiments until the next reauthorization is complete. This continuation will give our school partners the opportunity to show results that strongly support legislative or regulatory changes.

This partnership between ED and institutions encourages schools to develop and test alternative approaches to the current prescriptive requirements. By allowing flexibility in how entrance loan counseling is handled, for example, schools might develop methods that are less administratively burdensome but more effective in

Experimental sites initiative cite
Sec. 487A(b)

providing loan information. The Department will use results from these experiences to continue reforming administration of the FSA programs.

The Department submitted a report to Congress on the experience of institutions that participated in the experimental sites initiative from 1995-1998. The report included a list of participants and their experiments, and the findings and conclusions resulting from those experiments. The Department seeks a limited number of institutions for participation as additional experimental sites to provide recommendations to the Department on the impact and effectiveness of proposed regulations or new management initiatives.

The Amendments of 1998 made several changes to the provisions that govern the Experimental Sites Initiative:

- Prior to approving additional experimental sites, the Department must consult with Congress and provide a list of institutions and the specific regulatory and statutory waivers, a statement of the objectives to be achieved, and the time period for the experiment.
- The Department may waive statutory requirements for participating schools based on an experiment except that the Secretary may not waive provisions related to award rules, grant and loan maximums, and need analysis requirements.

For further information on the experimental sites initiative, please call Performance Improvement and Procedures staff at **(202)377-3405**.