

ment was made shall be reimbursed from the account used for payment of readjustment benefits."

§ 3674A. Evaluations of agency performance; qualifications and performance of agency personnel

(a) The Secretary shall—

(1)(A) conduct, in conjunction with State approving agencies, an annual evaluation of each State approving agency on the basis of standards developed by the Secretary in conjunction with the State approving agencies, and (B) provide each such agency an opportunity to comment on the evaluation;

(2) take into account the results of annual evaluations carried out under paragraph (1) when negotiating the terms and conditions of a contract or agreement under section 3674 of this title;

(3) cooperate with State approving agencies in developing and implementing a uniform national curriculum, to the extent practicable, for training new employees and for continuing the training of employees of such agencies, and sponsor, with the agencies, such training and continuation of training; and

(4) prescribe prototype qualification and performance standards, developed in conjunction with State approving agencies, for use by such agencies in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement entered into under section 3674(a).

(b)(1) Each State approving agency carrying out a contract or agreement with the Secretary under section 3674(a) of this title shall—

(A) apply qualification and performance standards based on the standards developed under subsection (a)(4); and

(B) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 3674(a) of this title.

(2) In developing and applying standards described in subsection (a)(4), the State approving agency may take into consideration the State's merit system requirements and other local requirements and conditions.

(3) The Secretary shall provide assistance in developing such standards to a State approving agency that requests it.

(Added Pub. L. 100-323, § 13(b)(1)(A), May 20, 1988, 102 Stat. 572, § 1774A; amended Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3674A and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, § 606(c), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 105-368, title X, § 1005(b)(8), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-14, § 8(a)(8), June 5, 2001, 115 Stat. 35.)

Editorial Notes

AMENDMENTS

2001—Subsec. (a)(2). Pub. L. 107-14 substituted "paragraph (1)" for "clause (1)".

1998—Subsec. (b)(1). Pub. L. 105-368 struck out "after the 18-month period beginning on the date of the enactment of this section" after "section 3674(a) of this title" in introductory provisions.

1994—Subsec. (a)(3) to (5). Pub. L. 103-446, § 606(c)(1), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: "supervise functionally the provision of course-approval services by State approving agencies under this subchapter;"

Subsec. (b). Pub. L. 103-446, § 606(c)(2)(A), substituted "subsection (a)(4)" for "subsection (a)(5) of this section" in pars. (1)(A) and (2).

Subsec. (b)(1). Pub. L. 103-446, § 606(c)(2)(B), inserted "of this title" after "section 3674(a)" in introductory provisions and subpar. (B).

1991—Pub. L. 102-83, § 5(a), renumbered section 1774A of this title as this section.

Subsec. (a)(2), (5). Pub. L. 102-83, § 5(c)(1), substituted "3674" for "1774" in par. (2) and "3674(a)" for "1774(a)" in par. (5).

Subsec. (b)(1). Pub. L. 102-83, § 5(c)(1), substituted "3674(a)" for "1774(a)" in introductory provisions and in subpar. (B).

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION

Pub. L. 100-323, § 13(b)(2), May 20, 1988, 102 Stat. 573, directed Administrator, for purposes of implementing amendments by section 13(b)(1) of Pub. L. 100-323, and within 120 days after May 20, 1988, to publish prototype standards developed under subsec. (a)(5) of this section, directed each State approving agency, within 1 year after Administrator published the standards, to submit to Administrator a copy of the standards to be implemented by such agency under subsec. (b)(1)(A) of this section, and provided that Administrator could comment on consistency of the State's standards and prototype standards.

APPLICABILITY OF QUALIFICATION STANDARDS TO PERSONS EMPLOYED ON MAY 20, 1988

Pub. L. 100-323, § 13(b)(3), May 20, 1988, 102 Stat. 573, provided that: "None of the qualification standards implemented pursuant to the amendments made by paragraph (1) [enacting this section] shall apply to any person employed by a State approving agency on the date of the enactment of this Act [May 20, 1988] as long as such person remains in the position in which the person is employed on such date."

§ 3675. Approval of accredited courses

(a)(1) A State approving agency, or the Secretary when acting in the role of a State approving agency, may approve accredited programs (including non-degree accredited programs) not covered by section 3672 of this title when—

(A) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

(B) such courses are conducted under the Act of February 23, 1917 (20 U.S.C. 11 et seq.);¹

(C) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree; or

(D) such courses are approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and as-

¹ See References in Text note below.

sociations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

(B) Except as provided in section 3672(e) of this title, a State approving agency may utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

(i) state with specificity the requirements of the institution with respect to graduation;

(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

(iii) include any attendance standards of the institution, if the institution has and enforces such standards.

(b) As a condition of approval under this section, the State approving agency, or the Secretary when acting in the role of a State approving agency, must find the following:

(1) The educational institution keeps adequate records, as prescribed by the State approving agency, or the Secretary when acting in the role of a State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), (3), (14), (15), and (16) of section 3676(c) of this title (or, with respect to such paragraphs (14) and (15), the requirements under such paragraphs are waived pursuant to subsection (f)(1) of section 3676 of this title).

(4) The educational institution is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or the Secretary has waived the requirement under this paragraph with respect to an educational institution and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such waiver.

(c)(1) A State approving agency may approve the entrepreneurship courses offered by a qualified provider of entrepreneurship courses.

(2) For purposes of this subsection, the term "entrepreneurship course" means a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business concern (as defined pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

(3) Subsection (a) and paragraphs (1) and (2) of subsection (b) shall not apply to—

(A) an entrepreneurship course offered by a qualified provider of entrepreneurship courses; and

(B) a qualified provider of entrepreneurship courses by reason of such provider offering one or more entrepreneurship courses.

(4) Notwithstanding paragraph (3), a qualified provider of entrepreneurship courses shall maintain such records as the Secretary determines to be necessary to comply with reporting requirements that apply under section 3684(a)(1) of this title with respect to eligible persons and veterans enrolled in an entrepreneurship course offered by the provider.

(d)(1) The Secretary shall submit to Congress an annual report on any waivers issued pursuant to subsection (b)(4) or section 3672(b)(2)(A)(i) of this title.

(2) Each report submitted under paragraph (1) shall include, for the year covered by the report, the following:

(A) The name of each educational institution for which a waiver was issued.

(B) The justification for each such waiver.

(C) The total number of waivers issued.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 159, § 1775; amended Pub. L. 89-358, § 3(a)(8), Mar. 3, 1966, 80 Stat. 21; Pub. L. 94-502, title V, §§ 504, 513(a)(2), Oct. 15, 1976, 90 Stat. 2399, 2402; Pub. L. 96-466, title VIII, § 801(d), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3675 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, § 312, Oct. 29, 1992, 106 Stat. 4330; Pub. L. 103-446, title VI, § 605(a)(2)(A), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 104-275, title I, § 103(c), Oct. 9, 1996, 110 Stat. 3326; Pub. L. 108-183, title III, § 305(a), Dec. 16, 2003, 117 Stat. 2660; Pub. L. 108-454, title I, § 110(c)(1), Dec. 10, 2004, 118 Stat. 3605; Pub. L. 111-377, title II, § 203(c), Jan. 4, 2011, 124 Stat. 4125; Pub. L. 114-315, title IV, §§ 408(b), 409(c), 410(b), Dec. 16, 2016, 130 Stat. 1558, 1560, 1561; Pub. L. 116-315, title I, § 1015(a), Jan. 5, 2021, 134 Stat. 4945.)

Editorial Notes

REFERENCES IN TEXT

Act of February 23, 1917, referred to in subsec. (a)(1)(B), is act Feb. 23, 1917, ch. 114, 39 Stat. 929, as amended, known as the Smith-Hughes Vocational Education Act, which was classified to sections 11 to 15 and 16 to 28 of Title 20, Education, prior to repeal by Pub. L. 105-33, title VI, § 6201, Aug. 5, 1997, 111 Stat. 653. For complete classification of this Act to the Code, see Short Title note set out under section 11 of Title 20 and Tables.

The Higher Education Act of 1965, referred to in subsec. (b)(4), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§ 1070 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see section 1 of Pub. L. 89-329, set out as a Short Title note under section 1001 of Title 20 and Tables.

AMENDMENTS

2021—Subsec. (b)(4). Pub. L. 116-315, § 1015(a)(1), added par. (4).

Subsec. (d). Pub. L. 116-315, § 1015(a)(2), added subsec. (d).

2016—Subsec. (a)(1). Pub. L. 114-315, § 408(b)(1), substituted "A State approving agency, or the Secretary when acting in the role of a State approving agency," for "The Secretary or a State approving agency" and "not covered by section 3672 of this title" for "offered by proprietary for-profit educational institutions" in introductory provisions.

Subsec. (b). Pub. L. 114-315, § 408(b)(2)(A), substituted "the State approving agency, or the Secretary when acting in the role of a State approving agency," for "the Secretary or the State approving agency" in introductory provisions.

Subsec. (b)(1). Pub. L. 114-315, § 408(b)(2)(B), substituted "the State approving agency, or the Secretary when acting in the role of a State approving agency" for "the Secretary or the State approving agency".

Subsec. (b)(3). Pub. L. 114-315, § 410(b), which directed amendment of subsec. (b)(3) by substituting "(3), and (14)" for "and (3)", could not be executed because the words "and (3)" did not appear after amendment by Pub. L. 114-315, § 409(c)(1). See below.

Pub. L. 114-315, § 409(c)(2), inserted before period at end "(or, with respect to such paragraphs (14) and (15), the requirements under such paragraphs are waived pursuant to subsection (f)(1) of section 3676 of this title)".

Pub. L. 114-315, § 409(c)(1), substituted "(3), (14), (15), and (16)" for "and (3)".

2011—Subsec. (a)(1). Pub. L. 111-377, § 203(c)(1), substituted "The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions" for "A State approving agency may approve the courses offered by an educational institution" in introductory provisions.

Subsec. (b). Pub. L. 111-377, § 203(c)(2), inserted "the Secretary or" after "this section," in introductory provisions and after "as prescribed by" in par. (1).

2004—Subsec. (c)(4). Pub. L. 108-454 added par. (4).

2003—Subsec. (c). Pub. L. 108-183 added subsec. (c).

1996—Subsec. (b). Pub. L. 104-275 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible person or veteran and must include as a minimum (except for attendance) the requirements set forth in section 3676(c)(7) of this title. The State approving agency must also find that the educational institution maintains a written record of the previous education and training of the eligible person or veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person or veteran and the Secretary so notified."

1994—Subsec. (a)(2)(B). Pub. L. 103-446 substituted "Except as provided in section 3672(e) of this title, a State" for "A State".

1992—Subsec. (a). Pub. L. 102-568 designated existing provisions as par. (1), redesignated former par. (1) as subpar. (A), redesignated former par. (2) as subpar. (B), substituted "the Act of February 23, 1917 (20 U.S.C. 11 et seq.);" for "sections 11-28 of title 20; or", redesignated former par. (3) as subpar. (C), added subpar. (D) and pars. (2) and (3), and struck out former concluding provisions which read as follows: "For the purposes of this chapter the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which the Secretary determines to be reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for ap-

proval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the school. The catalog or bulletin must specifically state its progress requirements for graduation and must include as a minimum the information required by sections 3676(b)(6) and (7) of this title."

1991—Pub. L. 102-83, § 5(a), renumbered section 1775 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "3676(b)(6)" for "1776(b)(6)" in last sentence.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "3676(c)(7)" for "1776(c)(7)".

1989—Subsec. (b). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1980—Subsec. (a). Pub. L. 96-466 substituted "Secretary" for "Commissioner" in two places.

1976—Subsec. (a). Pub. L. 94-502, § 513(a)(2), substituted "the Commissioner determines" for "he determines".

Pub. L. 94-502, § 504(1), inserted provision requiring that copies of the school bulletin be certified by an authorized representative of the school and that the bulletin specify the progress requirements for graduation and certain other information.

Subsec. (b). Pub. L. 94-502, § 504(2), inserted provision requiring that school records contain as a minimum, except for attendance, the requirements set forth in section 1776(c)(7) of this title.

1966—Subsec. (b). Pub. L. 89-358 inserted "or veteran" after "eligible person" in three places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-315 effective on Aug. 1, 2021, see section 1015(c) of Pub. L. 116-315, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-454, title I, § 110(c)(2), Dec. 10, 2004, 118 Stat. 3605, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as if included in the enactment of section 305(a) of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2660)."

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 applicable to courses approved by State approving agencies after Dec. 16, 2003, see section 305(f) of Pub. L. 108-183, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 504 and 513(a)(2) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94-502, set out

as an Effective Date note under section 3693 of this title.

§ 3676. Approval of nonaccredited courses

(a) No course of education which has not been approved by a State approving agency pursuant to section 3675 of this title, which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

(1) Identifying data, such as volume number and date of publication;

(2) Names of the institution and its governing body, officials and faculty;

(3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(5) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness and interruptions for unsatisfactory attendance;

(6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student);

(7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(10) A description of the available space, facilities, and equipment;

(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(12) Policy and regulations of the institution relative to granting credit for previous educational training.

(c) The appropriate State approving agency may approve the application of such institution

when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person so notified.

(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment.

(6) Upon completion of training, the eligible person is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

(9) The institution is financially sound and capable of fulfilling its commitments for training.

(10) The institution, and any entity that owns the institution, does not engage in substantial misrepresentation described in section 3696(e)¹ of this title. The institution shall not be deemed to have met this requirement until the State approving agency—

(A) has ascertained that no Federal department or agency has taken a punitive action, not including a settlement agreement, against the school for misleading or deceptive practices;

(B) has, if such an order has been issued, given due weight to that fact; and

(C) has reviewed the complete record of advertising, sales, or enrollment materials (and copies thereof) used by or on behalf of the institution during the preceding 12-month period.

(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

¹ See References in Text note below.