

Subpart 1 is shown herein, however, as having been added by Pub. L. 105-244, title IV, §491(2), Oct. 7, 1998, 112 Stat. 1759, without reference to those intervening amendments because of the extensive revision of subpart 1 by Pub. L. 105-244.

§ 1099a. State responsibilities

(a) State responsibilities

As part of the integrity program authorized by this part, each State, through one State agency or several State agencies selected by the State, shall—

(1) furnish the Secretary, upon request, information with respect to the process for licensing or other authorization for institutions of higher education to operate within the State;

(2) notify the Secretary promptly whenever the State revokes a license or other authority to operate an institution of higher education; and

(3) notify the Secretary promptly whenever the State has credible evidence that an institution of higher education within the State—

(A) has committed fraud in the administration of the student assistance programs authorized by this subchapter and part C of subchapter I of chapter 34 of title 42; or

(B) has substantially violated a provision of this subchapter and part C of subchapter I of chapter 34 of title 42.

(b) Institutional responsibility

Each institution of higher education shall provide evidence to the Secretary that the institution has authority to operate within a State at the time the institution is certified under subpart 3 of this part.

(Pub. L. 89-329, title IV, §495, as added Pub. L. 105-244, title IV, §491(2), Oct. 7, 1998, 112 Stat. 1758.)

PRIOR PROVISIONS

Prior sections 1099a to 1099a-3 were omitted in the general amendment of this subpart by Pub. L. 105-244.

Section 1099a, Pub. L. 89-329, title IV, §494, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 635, authorized State postsecondary review program.

Section 1099a-1, Pub. L. 89-329, title IV, §494A, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 635, related to State postsecondary review entity agreements.

Section 1099a-2, Pub. L. 89-329, title IV, §494B, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 637, related to Federal reimbursement of State postsecondary review costs.

Section 1099a-3, Pub. L. 89-329, title IV, §494C, as added Pub. L. 102-325, title IV, §499, July 23, 1992, 106 Stat. 637; amended Pub. L. 103-208, §2(i)(1), (2), Dec. 20, 1993, 107 Stat. 2478, related to functions of State review entities.

SUBPART 2—ACCREDITING AGENCY RECOGNITION

CODIFICATION

Pub. L. 105-244, title IV, §492(a)(1), Oct. 7, 1998, 112 Stat. 1759, substituted “RECOGNITION” for “APPROVAL” in heading.

§ 1099b. Recognition of accrediting agency or association

(a) Criteria required

No accrediting agency or association may be determined by the Secretary to be a reliable au-

thority as to the quality of education or training offered for the purposes of this chapter and part C of subchapter I of chapter 34 of title 42 or for other Federal purposes, unless the agency or association meets criteria established by the Secretary pursuant to this section. The Secretary shall, after notice and opportunity for a hearing, establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that—

(1) the accrediting agency or association shall be a State, regional, or national agency or association and shall demonstrate the ability and the experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate;

(2) such agency or association—

(A)(i) for the purpose of participation in programs under this chapter and part C of subchapter I of chapter 34 of title 42, has a voluntary membership of institutions of higher education and has as a principal purpose the accrediting of institutions of higher education; or

(ii) for the purpose of participation in other programs administered by the Department of Education or other Federal agencies, has a voluntary membership and has as its principal purpose the accrediting of institutions of higher education or programs;

(B) is a State agency approved by the Secretary for the purpose described in subparagraph (A); or

(C) is an agency or association that, for the purpose of determining eligibility for student assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, conducts accreditation through (i) a voluntary membership organization of individuals participating in a profession, or (ii) an agency or association which has as its principal purpose the accreditation of programs within institutions, which institutions are accredited by another agency or association recognized by the Secretary;

(3) if such agency or association is an agency or association described in—

(A) subparagraph (A)(i) of paragraph (2), then such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization;

(B) subparagraph (B) of paragraph (2), then such agency or association has been recognized by the Secretary on or before October 1, 1991; or

(C) subparagraph (C) of paragraph (2) and such agency or association has been recognized by the Secretary on or before October 1, 1991, then the Secretary may waive the requirement that such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization upon a demonstration that the existing relationship has not served to compromise the independence of its accreditation process;