



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

THE ASSISTANT SECRETARY

FEB 27 2014

GEN-14-04

SUBJECT: State Authorization Regulations – Student complaint process – further guidance and clarification.

SUMMARY: This letter reminds institutions about and provides clarification regarding the State student complaint process requirement under 34 CFR 600.9 (State authorization regulations).

Other guidance relating to these regulatory requirements has been published in Dear Colleague Letter (DCL) GEN 11-05, DCL GEN 12-13, and DCL GEN 13-20.

Dear Colleague:

An institution that participates in the Federal student aid programs authorized under Title IV of the Higher Education Act of 1965, as amended, must be authorized to operate by the State(s) where it is located (*See* 34 CFR 600.9). There are two basic requirements for an institution to be considered legally authorized by the State for Title IV funding eligibility purposes:

- The State must authorize an institution by name to operate educational programs beyond secondary education. This requirement applies to all institutions, but the way compliance is determined depends on the type of postsecondary institution being authorized; and
- The State must have a process applicable to all institutions, except tribal and Federal institutions, to review and appropriately act on complaints concerning the institution, including enforcement of applicable State laws.

The requirement for a State to have a process to review and act upon student complaints is distinct from the process a State has to authorize an institution by name to operate educational programs beyond secondary education.

The preamble to the final regulations explains that State authorization for an institution must include a process where the State reviews and appropriately acts on complaints arising under State laws, including laws related to fraud or false advertising (75 Fed. Reg. 66865-66, Oct. 29, 2010). A State can fulfill this role through a State agency or the State Attorney General's office, so long as the entity has a process in place to review, investigate, and resolve complaints for the institution that is operating in the State. States may also have different complaint processes for different types of institutions. If an institution cannot identify a State complaint process that meets the requirements in 34 CFR 600.9, the Department would not consider the institution to be legally authorized by the State.

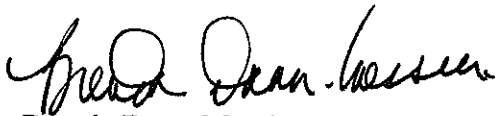
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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The State is responsible for responding to complaints about institutions in the State regardless of what body or entity actually manages the complaints. Thus, while a State may refer the review of complaints concerning an institution to another entity, the final authority to resolve the complaint timely is with the State. An institution applying for recertification, or responding to an inquiry from the Department, will need to identify the State complaint process that students may use. The contact information for the State approval or licensing entities, and for the State complaint process, must be made available to any enrolled or prospective student (*See* 34 CFR 668.43(b)).

We hope you find this reminder and additional guidance useful. For further information, please contact Sophia McArdle by phone at (202) 219-7078 or by e-mail at sophia.mcardle@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Dann-Messier". The signature is fluid and cursive, with the first name "Brenda" being more prominent than the last name.

Brenda Dann-Messier
Acting Assistant Secretary