

**U.S. Department of Justice**Executive Office for United States Trustees

**INSTRUCTIONS FOR
APPLICATION FOR APPROVAL AS A PROVIDER OF A
PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

Introduction. A provider of a personal financial management instructional course seeking probationary or annual approval by the United States Trustee, in accordance with 11 U.S.C. § 111, (hereinafter "Provider") shall submit an application to the Executive Office for United States Trustees (EOUST) in the form described below. The Provider shall provide all information and documents required by the EOUST or the United States Trustee responsible for each judicial district in which the Provider seeks approval. Unless otherwise stated, the application and appendices shall be type-written and include an original and one copy.

Deadline for Submission of Application for Re-Approval. Unless terminated earlier, a Provider's approval to provide a personal financial management instructional course terminates at the conclusion of either the initial six-month probationary period, if the Provider was not approved previously, or the annual approval period. To ensure the timely review and re-approval of providers, applications for re-approval must be submitted to the EOUST no earlier than sixty (60) days and no later than forty-five (45) days prior to the expiration of the applicable time period. Failure to submit the application within the required time period may result in expiration of the Provider's approval and removal from the list of approved providers of a personal financial management instructional course.

Mailing Instructions, Information Requests, and Notifications. The application package should include the completed application, all documents and information requested, and a copy of the completed package (only one set of the course materials must be submitted with the application). Once completed, the entire package should be sent by overnight mail to the following address:

Executive Office for U.S. Trustees
Debtor Education Application Processing
20 Massachusetts Avenue, NW
8th Floor
Washington, DC 20530

(202) 514-4100

Supplemental information requests and notifications will be sent to the principal contact identified in the application. Responses to requests should be submitted to the address stated above unless otherwise instructed. The Provider has a continuing duty to promptly notify the EOUST of any circumstances that would materially alter or change a response to any section of

the application. Notification must be in writing, signed by an authorized official, and include all pages of the application and/or appendices that are affected by the change.

Applications should be completed in their entirety before submission. An incomplete application may result in delay or denial of the application. Upon receipt of the application, the Provider will, as soon thereafter as practical, receive an acknowledgment letter that the application has been received.

Application Form and Instructions. The application form and instructions consist of the following sections:

- Section 1. General Information Concerning the Provider
- Section 2. Qualifications/Experience of Provider
- Section 3. Experienced and Trained Personnel (Teachers)
- Section 4. Learning Materials and Methodologies (Course Curriculum)
- Section 5. Facilities
- Section 6. Fees and Issuance of Certificates
- Section 7. Activity Report for Approved Providers
- Section 8. Acknowledgments, Agreements, and Declarations
- Section 9. Certification and Signature
- Appendix A. Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course
- Appendix B. Judicial Districts
- Appendix C. Teaching Methods and Business Locations
- Appendix D. Matrix of Current Teachers
- Appendix E. Provider Checklist for Adequacy of Facilities
- Appendix F. Activity Report for Approved Providers

Burden Statement. Respondents are not required to complete this form unless it contains a valid OMB number. The public reporting burden for this application is estimated to average eight hours for an initial application and six hours for a re-application, including time for reviewing instructions, gathering information, and completing the application. Comments regarding this burden estimate or any other aspect of this application, including suggestions for reducing the burden, should be directed to the Executive Office for United States Trustees, Debtor Education Application Processing, 20 Massachusetts Avenue, NW, 8th Floor, Washington, DC 20530.

Privacy Act Statement. Section 111 of title 11, United States Code, authorizes the collection of this information. The primary use of this information is by the Executive Office for United States Trustees to approve providers of instructional courses concerning personal financial management. Additional disclosure of the information may be to district and regional offices of each United States Trustee. The information will not be shared with any other agencies unless allowed by law.

Public Law 104-134 (April 26, 1996) requires that any person doing business with the federal government furnish a Social Security Number or Tax Identification Number. This is an

amendment to title 31, Section 7701. Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application.

Section 1. General Information Concerning the Provider

1. Name of Provider. In response to Section 1.1, the name of the Provider should be the name under which the Provider is incorporated or organized as designated with the appropriate state agency. Any other alias, d/b/a, or fictitious name should be stated in Section 1.4 of the application.

2. Judicial Districts. Following either the probationary or annual approval of the Provider's application, if the Provider requests authorization to commence providing personal financial management instructional courses in any judicial district in which it was not previously approved, the Provider must submit an amended application to the EOUST in the form described herein in order to obtain such authorization. The amended application must reflect all material changes that will occur due to the addition of judicial districts.

If a Provider, after submitting an amended application, is approved to provide a personal financial management instructional course in any judicial district not previously approved, the approval for the additional judicial district(s) shall terminate in conjunction with the expiration of the last approved application.

If a Provider requests authorizations to cease providing personal financial management instructional courses in any district in which it was previously approved, the notification must be in writing and signed by an authorized official.

3. Complete Section 1 of the Application.

Section 2. Qualifications/Experience of Provider

1. Compliance with Laws and Regulations. The Provider must be in compliance with all applicable laws and regulations of the United States and each state, commonwealth, district, or territory of the United States in which the Provider conducts courses. Nothing contained in these instructions, the application, or the appendices thereto, is intended to preempt any applicable law or regulation governing the conduct or operations of the Provider.

2. Complete Section 2 of the Application.

Section 3. Experienced and Trained Personnel (Teachers)

1. Generally. The Provider must employ trained teachers with adequate experience and training in providing effective instruction and services.

2. Qualifications. The Provider shall employ, at a minimum, an individual who holds at least one of the following current certifications and/or accreditations, or who has equivalent training or experience, to supervise instructors:
 - a. A state teacher's certificate in any subject;
 - b. Certified Financial Planner (CFP);
 - c. Certification or accreditation as a credit counselor or a financial counselor from a recognized independent organization;
 - d. Certification by the American Association of Family and Consumer Sciences;
 - e. Registered Financial Consultant (RFC); or
 - f. Certified Public Accountant (CPA).

If a teacher is certified or accredited as a credit counselor or a financial counselor by an independent organization, attach a statement to Appendix D setting forth the organization's name, contact information, and the criteria for obtaining the certification or accreditation.

3. Complete Section 3 of the Application.

Section 4. Learning Materials and Methodologies (Course Curriculum)

1. Generally. The Provider's learning materials and methodologies must be designed to assist debtor students in understanding personal financial management and must be consistent with stated objectives of such instructional course.
2. Course Objectives. The Provider shall ensure that the course provides, at a minimum, written information and instruction on all of the following topics:
 - a. Budget Development
 - Setting short-term and long-term financial goals, as well as developing skills to assist in achieving these goals.
 - Calculating gross monthly income and net monthly income.
 - Identifying and classifying monthly expenses as fixed, variable, or periodic.
 - b. Money Management
 - Keeping adequate financial records.

- Developing decision-making skills required to distinguish between wants and needs, and to comparison shop for goods and services.
- Maintaining appropriate levels of insurance coverage, taking into account the types and costs of insurance.
- Saving for emergencies, for periodic payments, and for financial goals.

c. Wise Use of Credit

- The types, sources, and costs of credit and loans.
- Identifying debt warning signs.
- Appropriate use of credit and alternatives to credit use.
- Checking a credit rating.

d. Consumer Information

- Public and non-profit resources for consumer assistance.
- Applicable consumer protection laws and regulations, such as those governing correction of a credit record and protection against consumer fraud.

3. Course Procedures. The Provider shall ensure that the following procedures are followed.

a. Generally

- The Provider shall require each debtor student to provide proof of identification, to provide his/her bankruptcy case number, and to sign in and sign out of the course.
- The course shall be a minimum of two hours in length. Courses offered via the Internet or telephone should be designed for completion within a minimum of two hours.
- At the end of the course, the Provider shall collect from each debtor student a completed course evaluation. The evaluation shall be in a form acceptable to the Executive Office for United States Trustees.

b. Classroom Instruction (*For each course offered through classroom instruction.*)

- A teacher shall be present for purposes of instruction and interaction with debtor students.
- Class size shall be reasonably limited to ensure an effective presentation of the course materials.

- c. Telephone Instruction (*For each course offered through telephonic instruction.*)
- The Provider shall use a toll-free telephone number.
 - The Provider shall comply with the Americans with Disabilities Act and also include a toll-free telephone number for deaf or hearing impaired debtor students, e.g., TTY, TDD, or Text Telephone.
 - The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course.
 - A teacher shall be present telephonically for purposes of instruction and interaction with debtor students.
 - Written copies of the learning materials shall be provided to debtor students before the telephone instruction session.

- d. Internet Instruction (*For each course offered through Internet instruction.*)

- The Provider shall comply with the Americans with Disabilities Act (ADA) and its application to the Internet.
- The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course and that the individual received approximately two hours of instruction.
- A teacher shall respond within one business day to a debtor student's questions or comments.

4. Providers of Telephone Courses or Internet Courses. In addition to meeting all other requirements, the Provider who conducts telephone or Internet courses must demonstrate sufficient experience and proficiency in designing and providing services over the telephone or Internet.

5. Complete Section 4 of the Application.

Section 5. Facilities

1. Generally. The Provider shall ensure that any facility used by debtor students complies with all applicable laws and regulations including, but not limited to, the Americans with Disabilities Act Accessibility Guidelines, and all federal, state, and local fire, health, safety, and occupancy laws, codes, rules, or regulations.

2. Complete Section 5 of the Application.

Section 6. Fees and Issuance of Certificates

1. Reasonableness of Fees. Fees, contributions, or payments received from debtor students for courses shall be reasonable in amount. The Provider must provide services without regard to a debtor student's ability to pay, and may not withhold services because of an inability to pay.
2. Certificates of Counseling. The Provider agrees to have sufficient computer capabilities to issue certificates of completion of a personal financial management instructional course in conformance with the directives established by the EOUST or the United States Trustee.
 - The Provider shall issue certificates to any debtor student who completes a personal financial management instructional course without regard to the debtor student's ability to pay.
 - The Provider shall not withhold the issuance of a certificate because of a debtor student's failure to obtain a passing grade on a quiz, examination, or test. Although a test may be incorporated into the curriculum to evaluate the effectiveness of the course and to ensure that the course has been completed, the Provider cannot deny a certificate to a debtor student if the debtor student has completed the course as designed.
 - The Provider shall not charge a separate fee for the issuance of a certificate unless the Provider has disclosed such fee before the beginning of the instructional course.
 - The Provider shall issue a certificate to each spouse in a joint case whether the course is completed separately or jointly.
 - The Provider shall maintain adequate records to issue replacement certificates and to verify the authenticity of certificates filed by bankruptcy debtors.
3. Complete Section 6 of the Application.

Section 7. Activity Report for Approved Providers (This section applies only to Providers who have previously been approved by the United States Trustee and are seeking re-approval.)

1. Complete Section 7 of the Application. Upon application for re-approval, the Agency must furnish an estimate of the information requested, projected to the end of either the probationary period or annual period. Within thirty (30) days after the completion of either the probationary period or annual period, the Agency must furnish an amended Appendix F which includes the actual information.

Section 8. Acknowledgments, Agreements, and Declarations

1. Agreement to Disclose Information to Debtor Students. The Provider shall disclose the following information to each debtor student before the debtor student pays for a course:
 - The Provider's fee schedule, including any cost to the debtor student in addition to the course fee.
 - A statement that the course is offered to debtor students without regard to a debtor student's ability to pay.
 - The qualifications, including educational and training background, of the Provider's teachers.
 - A schedule of course dates, times, and locations.
 - A statement that the Provider does not pay or receive fees or other consideration for the referral of debtor students to or by the Provider.
 - A statement that, upon completion of the course, the Provider will provide a certificate of course completion to the debtor student.
2. Acknowledgment of Prohibitions, Limitations, and Obligations Regarding Operations. By executing and submitting the Application for Approval as a Provider of a Personal Financial Management Instructional Course, the Provider acknowledges the prohibitions, limitations, and obligations set forth in Appendix A, Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.
3. Complete Section 7 of the Application.

Section 9. Certification and Signature

The Provider's owner, president, chairman, trustee, or other authorized official is required to declare, by signing the application, that such individual is authorized to complete the application on behalf of the Provider; that such individual has read and knows the contents of the application and all enclosures and attachments submitted; and to affirm under penalty of perjury that all of the representations and statements contained therein are true and correct to the best of such individual's knowledge, information, and belief.