

ARKANSAS

FINAL GRADING ANALYSIS

OVERALL SCORE: **279.75/700 POINTS (40%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **60/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE?

50/60 POINTS

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10	0	5
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	10	10
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	5	5
6. Oversight body's meetings must allow public comment	5	0	0	0
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
Total Points	60	55	45	50

Explanation:

Arkansas has two multi-member boards tasked with the oversight of postsecondary education. The State Board of Private Career Education (SBPCE) is tasked with oversight of postsecondary career schools (Type 1). (A.C.A. § 6-51-605.) The Arkansas Higher Education Coordinating Board (AHECB) oversees publicly-funded postsecondary institutions and private degree-granting institutions (Type 2). (A.C.A. § 6-61-301.) Some institutions may be subject to oversight by both boards; Arkansas requires institutions to apply to the SBPCE for licensure *and* to the AHECB for certification in specified circumstances. (Arkansas Higher Education Coordinating Board Policies 2015 at 5.2.13, available online at [https://static.ark.org/eeuploads/adhe/2015 Board Policy.pdf](https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf)).

Type 1: Postsecondary career schools. The SBPCE was specifically created to provide consumer protection and oversee career schools. It is tasked with promulgating rules, it can initiate investigations, and it can impose penalties for violations. The SBPCE is subject to Arkansas’ Freedom of Information Act, which requires all government bodies to hold public meetings. (A.C.A. § 25-19-106.) The state loses points because it is not clear whether SBPCE must allow time for public comment during meetings.

Type 2: Degree-granting institutions. Arkansas created the AHECB to oversee both publicly-supported institutions of higher learning and private postsecondary degree-granting institutions. (A.C.A. § 6-61-201; A.C.A. § 6-61-301(a)(1)(A).) The AHECB has the authority to promulgate rules, initiate investigations, and impose penalties for violations. (A.C.A. § 6-61-301.) The AHECB is subject to Arkansas’ Freedom of Information Act, which requires all government bodies to hold public meetings. (A.C.A. § 25-19-106.) The state loses points only for one element here: it is not clear whether SBPCE must allow time for public comment during meetings.

B. STATUTE-SPECIFIED MEMBERSHIP

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

5/25 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*


	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 Points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1: Postsecondary career schools. Arkansas law’ actually requires 3 of the 7 SBPCE members to be associated with the for-profit schools it regulates. Thus, while a for-profit majority is not mandated, it is not discouraged either. In fact, there is a good possibility that appointed members associated with for profit postsecondary institutions could comprise a majority of the Board. (A.C.A. § 6-51-605.)

Type 2: Degree-granting institutions. Although Arkansas does not explicitly prohibit a for-profit interest majority on the 12-member AHECB, the statutorily-required membership would not allow a for-profit majority on the AHECB. The statutory language leaves open the possibility that for-profit interests could constitute a majority of a quorum, but it is unlikely. Per Arkansas statute, the governor is to appoint the members as follows: three members must be recent members of the boards of public two-year colleges, if the person selected is serving on the membership of the board of a public two-year campus, the person must relinquish his or her membership on the board; three members must be recent members of the boards of public four-year colleges or university campuses. If the person selected is serving on the membership of the board of a public four-year campus, the person shall relinquish his or her membership on the board; six members must be selected from business, industry, education, agriculturally related industry, and medical services and must not be current members of a board of a public two-year or four-year campus. At least one of the appointees must have a strong interest in and commitment to economic and workforce development. At least one of the appointees must have experience in the knowledge-based

technology field. No more than four members of the board shall be appointed from any one congressional district as the districts exist at the time of the appointment. No more than two members of the board at any one time shall be graduates of an undergraduate program of any one state university or college. (A.C.A. § 6-61-201(a).)

 *Arkansas has created an advisory committee consisting of 9 members serving 9-year terms to assist the AHECB in its responsibilities regarding incorporation and certification of postsecondary educational institutions. The statutorily-mandated membership of this committee is as follows: two nonpublic postsecondary education institution chief administrators; two public postsecondary education institution chief administrators; two chief administrators of proprietary schools; the Director of the Department of Career Education or his or her designated representative; and two legal residents of the state who are not officially affiliated with any postsecondary institution in any state as an employee or board member or in any other capacity. (A.C.A. § 6-61-302.) There is no explicit prohibition on for-profit interest domination of this committee, and such domination may be possible. However, Arkansas does not lose any points here because the committee serves in an advisory capacity only. It is, however an area of concern, given that the committee may have a significant impact on the oversight of private postsecondary educational institutions.*

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

Explanation:

Neither the SBCPE nor the AHECB is required to include a consumer advocate (an individual with expertise and experience in consumer advocacy). Membership is specified at A.C.A. § 6-51-605 (SBCPE) and A.C.A. § 6-61-201(AHECB).

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

5/5 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Points	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Points	0 Points

Explanation:

Type 1: Postsecondary career schools. The Arkansas Governor appoints all seven members of the SBCPE. (A.C.A. § 6-51-605.)

Type 2: Degree-granting institutions. The Arkansas Governor appoints all twelve members of the AHECB. (A.C.A. § 6-61-201(a)(1).)

II. STATE OVERSIGHT—EFFICACY: **43.5/100 POINTS**

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

3/10 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No onsite review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Postsecondary career schools. Arkansas gives SBCPE discretion to send an authorized representative of the Board to licensed schools and schools seeking approval. The regulations give discretion for the Board to do more than one onsite visit per licensure year. The cost for each onsite visit after the first visit during a licensure year shall be paid by the school.” (142 00 CARR 005 XXIII.)

Type 2: Degree-granting institutions. The AHECB Policy Manual indicates that the AHECB may assemble an ad hoc panel/review team to conduct an onsite visit for initial certification of degree-granting programs. Initial certification is valid for two years, after which re-certification takes place every two to five years. Site visits are discretionary for recertification. Therefore, partial because AHECB policies allow discretionary site visits every 3-5 years and the first recertification review with discretion to do an onsite review is 2 years after initial certification. (Arkansas Higher Education Coordinating Board Policies 2015 available online at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf.)

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

1.5/5 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Requires unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points

Explanation:

Type 1: Postsecondary career schools. Arkansas gives the SBPCE discretion to do unannounced onsite visits. (142 00 CARR 005 XXIII.)

Type 2: Degree-granting institutions. There is no indication that Arkansas law allows AHECB to conduct unannounced visits. The policy manual indicates that the review team will arrange a mutually convenient time for an onsite review.” (Arkansas Higher Education Coordinating Board Policies 2015 available online at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf.)

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

18/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 6 years	Discretionary reviews	No onsite review specified
Type 1	20 Points	15 Points	1 Point	10 Points	0 Points
Type 2	20 Points	15 16 Points	1 Point	10 Points	0 Points

Explanation:

Type 1: Postsecondary career schools. Arkansas law provides that licenses shall be renewable annually. The licensing period shall be determined by the State Board of Career Education. (ACA 6-51-611.) The regulations at 142 00 CARR 005 XXII state that “[a]ll school licenses issued shall expire annually.”

Type 2: Degree-granting institutions. The first recertification review is required after two years and recertification is required every 2-5 years thereafter. Arkansas receives an additional point because the first recertification is required after 2 years. (Arkansas Higher Education Coordinating Board Policies 2015 available online at <https://static.ark.org/eeuploads/adhe/2015 Board Policy.pdf>).



Notable Provision. Degree-granting institutions—recertification: Arkansas requires institutions to submit copies of student and faculty assessment documents, which is a promising practice and may help to provide useful student and faculty insights and perspectives if administered properly. (Arkansas Higher Education Coordinating Board Policies (2015) see form 5, available online at <https://static.ark.org/eeuploads/adhe/2015 Board Policy.pdf>).

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

6/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 4 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 8 Points	2.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements		D
Graduation requirements		D
Placement rate	D	
Completion rate (or graduation rate)	D	
Advertising practices	D	M

Cohort default rate		
Accreditation status		M
Financial aid policies	D	D

M= Mandatory; D = Discretionary

Explanation:

Type 1: Postsecondary career schools. Arkansas requires career colleges to keep records related to placement rates for programs that advertise placement and completion rates (though not “on time” completion rates), and it requires institutions to keep all files related to promotional materials for review. (142 00 CARR 005 XXII (N), (AD).) Arkansas’ requirements related to placement records are associated with its regulations on advertising. Arkansas mandates that schools which utilize completion or placement statistics in advertising or recruiting materials maintain proof of corroboration of the statistics they use. (142 00 CARR 005 XXX (11).) However, it is unclear whether these records must be reviewed regularly as a condition of license renewal. Thus, Arkansas receives 4 points because these elements are not required of postsecondary career schools, but SBPCE has discretion to review these elements as a condition of reauthorization.

Type 2: Degree-granting institutions. The AHECB policy manual requires review of: institutional catalog, accreditation, and consumer disclosure (including advertising), and several other factors. Arkansas receives credit for discretionary review of admission, graduation, and financial aid policies because AHECB reviews the institutional catalog, which will likely contain this information. (Arkansas Higher Education Coordinating Board Policies 2015, see forms 3, 5, 6, and 7 available online at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf).

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NON-PROFIT EDUCATIONAL INSTITUTIONS?

15/15 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). Arkansas exempts nonpublic, non-profit colleges and universities from the certification requirement/licensure. “Nonpublic, not-for-profit colleges and universities currently incorporated, recognized by the Arkansas Higher Education Coordinating Board as Arkansas independent institutions of higher education, and operating under the applicable laws of this state shall not be required to receive certification from the Arkansas Higher Education Coordinating Board or to receive licensure from the Arkansas State Board of Private Career Education” (A.C.A. § 6-61-301(C)(3).)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

0/10 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). There is no indication that Arkansas requires increased oversight/scrutiny of private postsecondary institutions based on poor performance for either career schools or degree-granting institutions.

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). Arkansas law has some limited provisions in place to protect veterans, but those provisions relate to publicly-funded postsecondary institutions, and not to private for-profit postsecondary institutions.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

75/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

75/100 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Postsecondary career schools. Most exemptions are commonly used, common-sense exemptions such as K–12, state colleges and universities, programs offered for personal improvement, religious schools, schools operated by a trade organization for which there is no fee for members, and so on. There is an exemption for schools operated on military bases in which the majority of students are military personnel, their families and civilian employees of the Department of Defense. (A.C.A. § 6-51-603.)

Type 2: Private degree-granting. The state provides a very narrow exemption for schools due to their “unique nature” according to AHECB. According to A.C.A. § 6-61-301, state-supported institutions of higher education and schools regulated by the Cosmetology Technical Advisory Committee.

IV. DISCLOSURE REQUIREMENTS: 3.75/100 POINTS

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or documents given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). Arkansas law requires no disclosures to students for career colleges or private degree-granting institutions. The Arkansas Higher Education Information System is used to calculate graduation/completion rates for students in public universities. However, it is not clear whether this system is used for private colleges; if the data generated is required to be disclosed to potential students in school literature and/or advertising; or if the data is a factor in renewal of licensing/approval. It appears that this data is largely aggregate data from all postsecondary institutions in Arkansas.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

Type 1: Postsecondary career schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

There are no substantial disclosures related to the model elements identified are required for private career colleges.

Type 2: Private degree-granting institutions

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

There are no substantial disclosures related to the model elements identified are required for private degree-granting institutions.

C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS
ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT
OR IN THE ENROLLMENT CONTRACT?

3.75/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

Type 1: Private career colleges

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Type 2: Private degree-granting institutions

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Arkansas requires only that private degree-granting institutions provide the following language in enrollment agreements: Transfer of Course/Degree Credit to Other Institutions—The student should be aware that these degree programs may not transfer. The transfer of course/degree credit is determined by the receiving institution. Arkansas receives partial credit for including this statement in enrollment contracts because, while it does address the transferability of credits, there is nothing that tells students to

which institutions credits will or will not transfer. (Arkansas Higher Education Coordinating Board Policies 2015, see form 3 available at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf).

V. REGULATION OF RECRUITING PRACTICES:

37.5/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

37.5/100*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”	X	
Misleading institution affiliations (e.g., military, public institution, businesses)		
Promise of employment	X	
Compensation for enrollment	X	
Compensation or “bounty” to recruiters		
Deception	X	
Misrepresentation	X	
Misleading representations re: accreditation	X	

1-3= weak; 3.5-6=moderate; 6.5-8=strong

Explanation:

Type 1: Private career schools. Prohibited acts are listed under recruiting at 142 00 CARR 005 XVII. Arkansas has moderately strong regulations related to regulation of advertising and recruiting regarding private career schools.

Type 2: Private degree-granting institutions. Prohibited acts are not well-defined for private degree-granting institutions, which results in Arkansas’ lower score on this element.

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

60/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

22.5/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	No
Type 1	20 25 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Private career schools. “Each school licensed under this subchapter shall pay annually a fee to be set by the State Board of Private Career Education.” (A.C.A. § 6-51-607(a)(1).) For an original license, the fee is a percentage as determined by the board of the sum of the tuitions for each program offered.

Additionally, during the first 12 months of licensure, the same percentage is paid to the Private Career School Student Protection Trust Fund on additional new programs of study. (A.C.A. § 6-51-607(a)(4).)

The state receives full credit for requiring a surety bond and an additional five bonus points for requiring contribution to a student protection trust fund (A.C.A. § 6-51-620).

Type 2: Private degree-granting institutions. In an effort to protect Arkansas students from financial hardship and loss due to the unexpected closure of an institution certified by AHECB, non-public and out-of-state, postsecondary institutions certified to offer college-level courses/degree programs in Arkansas will be required to maintain a surety bond during operations in Arkansas.” (Arkansas Higher Education Coordinating Board Policies (2015) 5.2.10, available at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf.)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

5/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. A refund and/or damages are available; however, nothing specifies a full refund (“[t]he surety bond shall be conditioned to provide indemnification to any student or enrollee who suffers loss or damage as a result of...[a]n admissions representative’s misrepresentation in procuring the student’s enrollment”). (142 00 CARR 005 (4).)

Type 2: Private degree-granting Institutions. AHECB requires postsecondary institutions to disclose their refund policies, but does not specific require refunds for enrollment as a result of misrepresentation.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

12.5/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required

Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Private career schools. (1) If a school closes, the director shall attempt to place each student of the school in another school. (2) If the student cannot be placed in another school, the student's tuition for which education has not been received may be refunded on a prorated basis in the manner prescribed by the board. (3) If another school assumes responsibility for the closed school's students with no significant changes in the quality of training, a student is not entitled to a refund under this section. (4) Attorneys fees, court costs, or damages may not be paid from the Private Career School Student Protection Trust Fund. (A.C.A. § 6-51-607.) Also, “[i]n the event a school discontinues a program in which students are enrolled, a full refund of all tuition and fees is due. Refunds shall be made within 15 days of the last class meeting date. This statement does not apply to a closed school; however, it does apply to a school that closes only one location.” (142 00 CARR 005.)

Type 2: Private degree-granting institutions. A refund is available for unused tuition. “A student will be eligible for restitution of unused tuition from the institution’s bond when (1) due to closure of the AHECB certified institution the student can no longer continue his/her education at the AHECB certified institution and has prepaid but unused tuition requiring reimbursement; and/or (2) due to closure of the AHECB certified institution no viable alternative for restitution is available, as determined by the Arkansas Department of Higher Education (ADHE). Unused tuition will be defined as payment for classes in which the student was enrolled, but were not completed because of the closure of the institution.”

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

10/10 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	2 years or more (or no deadline)	Up to 1 year	Less than 1 year	Not applicable
Type 1	10 Points	5 Points	1 Points	0 Points
Type 2	10 Points	5 Points	1 Points	0 Points

Explanation:

Type 1: Private career schools. “The complaint shall be filed within three (3) years of the alleged violation.” (142 00 CARR 005 IX (5).) However, a request for arbitration must be in writing and filed with the director within one (1) year of completion of, or withdrawal from, the school. (A.C.A. § 6-51-616.) No points are deducted here, because missing this 1-year deadline would preclude only the option of binding arbitration. It would not prevent the student from taking other action.

Type 2: Private degree-granting institutions. It is the responsibility of the institutions to create and publish policies with regard to filing grievances. There are no deadlines enumerated in Arkansas law or policy with regard to filing an initial student grievance. All AHECB certified institutions must publish, post, and adhere to a procedure for handling a student grievance. Out-of-state and distance delivery institutions must furnish a toll-free telephone number or e-mail address for quick access in filing a student grievance.” (Arkansas Higher Education Coordinating Board Policies 2015, available online at https://static.ark.org/eeuploads/adhe/2015_Board_Policy.pdf.)

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

7.5/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

Type 1: Private career schools:

Medium	Yes	Discretionary	No
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Schools shall post Board provided information so that students will be aware of the complaint process available to them through the Board. This information shall be posted in locations used and/or seen by all students on a regular basis. (142 00 CARR 005 IX. (2).) Although it is not specifically enumerated, a school's website and catalog are locations used and/or seen by all students on a regular basis.

Type 2: Private degree-granting:

Medium	Yes	Discretionary	No
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

AHECB policy requires that certified institutions publish, post, and adhere to a procedure for handling a student grievance. There is no language requiring this information to be posted on a website or catalog; however, it is reasonable to conclude that schools may publish this information on the schools website and/or in the school catalog. Therefore, Arkansas receives credit for giving discretion here (Arkansas Higher Education Coordinating Board Policies 2015, available online at <https://static.ark.org/eeuploads/adhe/2015 Board Policy.pdf>).

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY WEBSITE?

2.5/10 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 Points	0 Points

Explanation:

Type 1: Private career schools. Arkansas's description of the complaint procedure includes only a phone number (<http://sbpce.arkansas.gov/students/Pages/complaintProcess.aspx>).

Type 2: Private degree-granting institutions. A student grievance form is available on the AHECB website (<http://www.adhe.edu/students-parents/colleges-universities/student-grievance-form>).

VII. ENFORCEMENT: 0/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND / OR COHORT DEFAULT RATES?

0/30 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes, Required	Yes, Required but limited	Yes, Discretionary	Yes, Discretionary but limited	No
Type 1	30 Points	20 Points	10 Points	5 Points	0 Points
Type 2	30 Points	20 Points	10 Points	5 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). There is no specified loss of state aid for schools that repeatedly produce substandard graduation, job placement, and/or cohort default rates in Arkansas law for either career colleges or private degree-granting institutions.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). In Arkansas law, there is no specified private right of action against institutions (for either career colleges or private degree-granting institutions) that have violated the laws/regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). Arkansas law does not indicate that attorney fees available either for students of career colleges or private degree-granting institutions.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

0/20 POINTS*

**points for Type 1 and Type 2 institutions have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1 (postsecondary career schools) and Type 2 (degree-granting institutions). There is no indication in Arkansas law that the state explicitly authorizes Attorney General involvement in any circumstances related to regulation and enforcement of laws governing for-profit postsecondary institutions.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Arkansas is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN ARKANSAS

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.