

COLORADO

FINAL GRADING ANALYSIS

OVERALL SCORE: **322.5/700 POINTS (46%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **55/100 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:

There are two bodies that oversee Colorado's private postsecondary institutions.

Type 1: Certificate or associate level schools. A private college or university in Colorado that enrolls a majority of its students at the certificate or associate level is overseen by the Division of Private Occupational Schools and the Private Occupational School Board. (Colo. Rev. Stat. § 23-2-102.5.) The Board, which was created specifically to oversee private occupational schools (Colo. Rev. Stat. § 23-64-

107), is authorized to initiate investigations and impose penalties for violations. (Colo. Rev. Stat. § 23-64-108.)

Type 2: Baccalaureate or postgraduate schools. The Colorado Commission on Higher Education (CCHE) oversees postsecondary educational institutions doing business or maintaining a place of business in the state of Colorado, which enroll the majority of their students in a baccalaureate or postgraduate degree programs; Colorado publicly-supported colleges and universities; properly accredited private colleges and universities; and postsecondary seminaries and bible colleges. (Colo. Rev. Stat. § 23-1-102; Colo. Rev. Stat. § 23-2-102.5.) These schools will be collectively referred to as “baccalaureate or postgraduate schools” in this report.

CCHE was not created specifically to oversee private postsecondary institutions; rather, it oversees both public and private degree-granting programs (private programs that lead to the award of a bachelor’s degree or above). (Colo. Rev. Stat. § 23-1-102; Colo. Rev. Stat. § 23-2-103.1.) CCHE is authorized to initiate investigations and impose penalties for violations. (Colo. Rev. Stat. § 23-2-103.4.)

Both the Board and CCHE are subject to Colorado’s Open Meetings Law; however, that law does not specifically require that boards or commissions provide an opportunity for public comment at meetings. (Colo. Rev. Stat. § 24-6-402.)

B. STATUTE-SPECIFIED MEMBERSHIP:

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

0/25 POINTS*

**points for Type 1 and Type 2 schools 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: Certificate or associate level schools. There is no prohibition on a for-profit majority on the Private Occupational School Board. While a for-profit majority is not mandated, it is not discouraged. There are there no laws or regulations in place to prevent a for-profit interest majority or majority of the quorum. The Board consists of seven members, as follows: three members shall be owners or operators of private occupational schools that receive Title IV funds; four members shall be representatives of the general public, at least one of whom is employed by a lending institution located in Colorado and is familiar with federal loans and funds authorized in Title IV of the federal “Higher Education Act of 1965,” as amended; and at least two of whom are owners or operators of businesses within Colorado that employ students who are enrolled in schools that are subject to administration by the Division. The only prohibition in place prevents Board members who are employees of any junior college, community or technical college, school district, or public agency that receives vocational funds allocated by any state agency. (Colo. Rev. Stat. § 23-64-107.)

Type 2: Baccalaureate or postgraduate schools. With regard to CCHE membership, Colorado law forbids only association with “state supported” schools; there is no mention of private for-profit schools. (Colo. Rev. Stat. § 23-1-102.)

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

0/10 POINTS*

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

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

Explanation:

There is no requirement in Colorado law that either the Private Occupational School Board or the Colorado Commission on Higher Education include a consumer advocate (an individual with expertise and experience in the area of consumer advocacy).

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 schools have been averaged to calculate the above score*

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

Explanation:

Type 1: Certificate or associate level schools. All 7 members of the Board are appointed by the governor with the consent of the senate. (Colo. Rev. Stat. § 12-59-105.1(3).)

Type 2: Baccalaureate or postgraduate schools. All 11 members of the CCHE are appointed by the governor with the consent of the senate. (Colo. Rev. Stat. § 23-1-102(3)(a).)

II. STATE OVERSIGHT—EFFICACY: 28/100 POINTS

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

3/10 POINTS*

**points for Type 1 and Type 2 schools 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: Certificate or associate level schools. Although Colorado law requires onsite visits from an approved accrediting agency in order to meet one of the criteria for authorization, it authorizes (but does not require) onsite visits by the Board. In connection to its duty to investigate, as it deems necessary, any entity subject to, or reasonably believed by the Board to be subject to, the jurisdiction of the statutory provisions governing private occupational schools, the Board investigation may include the physical inspection of school facilities and records. (Colo. Rev. Stat. § 23-64-108 (1)(f).) Further, Colorado law provides that “[f]ollowing the review and evaluation of an application for a certificate of approval and any further information required by the board to be submitted by the applicant and such investigation and appraisal of the applicant as the board deems necessary or appropriate, the board shall either grant or deny a certificate of approval to the applicant.” (Colo. Rev. Stat. § 23-64-115(1).)

Type 2: Baccalaureate or postgraduate schools. Colorado law does not specifically mandate that the Commission conduct an onsite inspection of a school prior to granting authorization or as a part of subsequent reviews. The Commission may order the Department of Higher Education to investigate a private college and the Department may, in the course of conducting this investigation, physically inspect an institution’s facilities and records. (Colo. Rev. Stat. § 23-2-103.4(1).) This provision could allow, on occasion, for an onsite visit. Colorado receives only partial credit for discretionary review. (*Note: Colorado officials report that Commission staff observes all accreditation site visits.*)

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

1.5/5 POINTS*

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

| | Required 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: Certificate or associate level schools. Colorado law does not require or authorize unannounced onsite reviews.

Type 2: Baccalaureate or postgraduate schools. Colorado law does not require, but the law allows for unannounced onsite visits.

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

17/20 POINTS*

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

| | Mandatory | | | Discretionary | None |
|---------------|-----------------------|---------------------|--------------|-------------------------------|---------------------|
| | Every 2 years or less | Every 3-5 years | Over 5 years | Discretion to conduct reviews | No review specified |
| Type 1 | 20 Points | 15 17 Points | 10 Points | 5 Points | 0 Points |
| Type 2 | 20 Points | 15 17 Points | 10 Points | 5 Points | 0 Points |

Explanation:

Type 1: Certificate or associate level schools. A certificate of approval is valid for three years. Colorado receives an additional 2 points because new schools initially are issued a certificate of approval for two years. (Colo. Rev. Stat. § 23-64-115 (2).)

Type 2: Baccalaureate or postgraduate schools. Colorado law requires institutions to apply to the Department of Higher Education for reauthorization every 3 years, or in accordance with the schedule for reaccreditation by its accrediting body. (Colo. Rev. Stat. § 23-2-103.3(5).) Colorado receives two additional points because it requires review of institutions that have accreditation that is less than full accreditation annually. (Colo. Rev. Stat. § 23-2-103.3(2); Colo. Rev. Stat. § 23-2-103.3(7)(d).)

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

4/20 POINTS*

**points for Type 1 and Type 2 schools 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 3 Points |
| Type 2 | 20 Points | 17.5 Points | 15 Points | 12.5 Points | 10 Points | 7.5 Points | 5 Points | 2.5 Points | 0 Points |

| Element | Type 1 | Type 2 |
|--------------------------------------|--------|--------|
| Admission Requirements | D | |
| Graduation Requirements | | |
| Placement Rate | | |
| Completion Rate (or Graduation Rate) | | |
| Advertising Practices | D | |
| Cohort Default Rate | | |
| Accreditation Status | D | M |
| Financial Aid Policies | | M |

M=Mandatory; D=Discretionary

Explanation:

Type 1: Certificate or associate level schools. The minimum standards for private occupational schools includes a requirement that the school provides each prospective student with a school catalog and other printed information describing the educational services offered and describing entrance requirements, program objectives, length of programs, schedule of tuitions, fees, all other charges and expenses necessary for the completion of the program of study. Admissions or entrance requirements are included. The minimum standards further require schools to adhere to procedures, standards, and policies set forth in the school catalog. (Colo. Rev. Stat. § 23-64-112.) Because the minimum standards require schools to provide this information to students, presumably, the information would be reviewed as a matter of course when the school is reviewed for approval. Because there is no specific language mandating review of these elements, the state receives only partial credit.

Type 2: Baccalaureate or postgraduate schools. The minimum standards for private colleges under the Commission of Higher Education require private colleges and universities to be institutionally accredited by a regional or national accrediting body recognized by the U.S. Department of Education. (Colo. Rev. Stat. § 23-2-103.3.) The law further requires some review of financial aid policies. (Colo. Rev. Stat. § 23-2-103.8(2).)

Colorado officials note that admission requirements, graduation requirements, placement rates, and completion (graduation rates) are all factors for accreditation and authorization requires accreditation; thus, they contend that these factors are mandatory for authorization. The state receives credit for considering accreditation in its authorization of an institution. In this report, however, states do not receive credit if they rely upon an accrediting agency to monitor essential factors; accrediting agencies are not publicly accountable in the same way that the Commission is, and they have potential conflicts of interest, as they are funded by the institutions they are reviewing.

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

2.5/15 POINTS*

**points for Type 1 and Type 2 schools 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: Certificate or associate level schools. Private occupational schools, under Colorado’s Private Occupational Education Act, can be operated on either a for-profit or nonprofit basis, with no distinction in the law. (Colo. Rev. Stat. § 23-64-103(20).)

Type 2: Baccalaureate or postgraduate schools. CCHE defines for-profit and non-profit schools separately. (Colo. Rev. Stat. § 23-2-102.)

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 schools 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:

Colorado law does not require increased oversight or scrutiny of private postsecondary institutions based on poor performance for either private occupational schools or degree-granting schools. Colorado does not use available data in such a manner at this point. (Note: with regard to degree-granting schools, Heather DeLange of the Colorado Office of Private Postsecondary Education informed the Children’s Advocacy Institute that, as of August 2017, Colorado is working to improve the law as it relates to this element.)

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 schools have been averaged to calculate the above score*

| | Yes | No |
|----------------|------------|-----------------|
| Type 1: | 20 Points | 0 Points |
| Type 2: | 20 Points | 0 Points |

Explanation:

There are no special protections in place for veterans who attend private postsecondary institutions either for private occupational schools or for degree-granting schools.

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 schools 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: Certificate or associate level schools. Colorado law provides several common exemptions, such as those for public schools, nonprofit parochial schools, and avocational programs. Programs that offer bachelor’s degrees or higher are exempt here, but are regulated by the Commission on Higher Education.

There is, additionally, an exemption for private educational institutions that are accredited by an agency recognized by the U.S. Department of Education, that confer postgraduate degrees, and that offer programs or courses that are not defined as occupational education. (Colo. Rev. Stat. § 23-64-104.)

Type 2: Baccalaureate or postgraduate schools. Private colleges or universities that enroll a majority of students at the certificate or associate level are regulated by the Division of Private Occupational Schools and the Private Occupational School Board and are not subject to oversight by CCHE. They are, however, regulated, as discussed above. Some religious institutions are exempt from various narrow provisions of the law related to oversight. Aside from exempting religious institutions from certain provisions, Colorado does not exempt any other private degree-granting institutions from oversight by CCHE. (Colo. Rev. Stat. § 23-2-101 et seq.)

IV. DISCLOSURE REQUIREMENTS: **7.5/100 POINTS**

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

0/20 POINTS*

**points for Type 1 and Type 2 schools 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 equivalent 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: Certificate or associate level schools. Private occupational postsecondary institutions are not explicitly required to disclose any institutional performance measures to potential students. There is one provision that requires schools to disclose in their catalogs material facts concerning the school and the program of instruction likely to affect the decision of a student to enroll, but the provision references items such as the educational services offered, entrance requirements, program objectives, length of programs, schedule of tuitions, and fees. (Colo. Rev. Stat. § 23-64-112 (f).) There is nothing which explicitly requires the disclosure of performance measures.

Type 2: Baccalaureate or postgraduate schools. Private postsecondary degree-granting institutions (bachelor’s degree and above) are not explicitly required to disclose any institutional performance measures to potential students prior to enrollment. *(Note: Heather DeLange of the Colorado Office of Private Postsecondary Education informed the Children’s Advocacy Institute that, as of August 2017, Colorado is working with several policy centers to improve disclosure requirements.)*

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 schools have been averaged to calculate the above score*

| 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:

Colorado law does not require either private occupational schools or private degree-granting schools to disclose any of the above referenced performance standards to students prior to enrollment.

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

7.5/20 POINTS*

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

Type 1: Certificate or associate level schools

| 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:

Colorado law explicitly requires private occupational schools to include in enrollment contracts information relating to the total cost of programs and refund information. (8 CCR 1504-1(III)(I).) Colorado law requires enrollment agreements to reflect and be consistent with the school catalog in effect at the time of enrollment and must be approved by the Division prior to use. Colorado requires enrollment agreements to include a statement acknowledging receipt of a current/approved copy of the school catalog by the student. Catalogs are required to include information related to the transferability of credits and information related to the time required to complete programs offered. (8 CCR 1504-1(III)(H).) Because information related to the transferability of credits is not explicitly required in the enrollment contract, but is required in the catalog, Colorado receives partial credit for this element. The information must be included in the catalog, but it is left up to the discretion of the schools whether to explicitly include the information in the enrollment contract.

Type 2: Baccalaureate or postgraduate schools

| 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:

Colorado law does not specifically require private degree-granting schools to include any of the above-referenced elements in enrollment contracts. Enrollment agreement is defined as “the contract prepared by a private college or university or seminary or religious training institution that a student signs to indicate agreement to the terms of admission, delivery of instruction, and monetary terms as outlined in the institution's student handbook or catalog.” (Colo. Rev. Stat. § 23-2-102(6).) Private degree-granting schools are required to “annually provide to the department a copy of the institution's enrollment agreement if the institution uses an enrollment agreement.” (Colo. Rev. Stat. § 23-2-103.7(1)(b).) Thus, institutions are not even required to use an enrollment agreement, much less provide specified information in such an agreement. (Note: Heather DeLange from the Colorado Office of Private Postsecondary Education informed the Children’s Advocacy Institute that, as of August 2017, Colorado is working with several policy centers to improve disclosure requirements.)

V. REGULATION OF RECRUITING PRACTICES:

75/100 POINTS

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

75/100 POINTS*

**points for Type 1 and Type 2 schools 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” | | |
| Misleading institution affiliations (e.g., military, public institution, businesses) | / | X |
| Promise of employment | X | |
| Compensation for enrollment | | |
| Compensation or “bounty” to recruiters | | |
| Deception (broad prohibition) | X | X |
| Misrepresentation (broad prohibition) | X | X |
| Misleading representations re: accreditation | X | X |

1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong

Explanation:

Type 1: Certificate or associate level schools. Colorado law has several protections in place to ensure that institutions do not mislead students with regard to promises of employment. First, Colorado prohibits private occupational schools from promising or implying a guarantee of placement. (8 CCR 1504-1 (VII)(A).) State law further prohibits private occupational schools from following up employer help

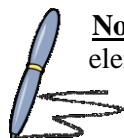
wanted advertisement with offers of training. (8 CCR 1504-1 (VII)(P).) Finally, Colorado law prohibits institutions placing advertisements in classified columns of newspapers or other publications from using headings such as “Help Wanted,” “Employment,” “Career Opportunity,” or “Business Opportunities” for advertising purposes other than to procure employees for the institution. (8 CCR 1504-1 (VII)(V).)

Colorado law also has several provisions in place meant to prevent deception in advertising. For example, Colorado law prohibits private occupational schools from representing that the school has restrictions on enrollment as to number, date of submission of application or similar false representations. (8 CCR 1504-1 (VII)(E).) Colorado law further prohibits private occupational schools from making statements in regard to any other postsecondary school or college, whether public or private, nor shall a school or agent recruit students who are currently enrolled in another school. (8 CCR 1504-1 (VII)(F).) Finally, Colorado law prohibits private occupational schools from deceptively advertising in conjunction with any other business or establishment. (8 CCR 1504-1 (VII)(O).)

With regard to a prohibition on using a misleading institution name, Colorado law states that a school shall advertise only in its approved name (8 CCR 1504-1 (VII)(G)) and that a school may advertise that it is endorsed by manufacturers, business establishments, organizations or individuals engaged in the line of work for which it provides training, if the school has written evidence of this fact and this evidence is made available to the student. (8 CCR 1504-1 (VII)(L).) These two provisions, taken together, should prevent private occupational schools from advertising with a misleading name (name must be approved). However, because there is no explicit prohibition regarding the implication of military or public institutions in a school name, Colorado receives partial credit here.

Colorado law provides that no school shall advertise as being accredited unless such status has been received from an accrediting body currently listed as recognized by the U.S. Secretary of Education. (8 CCR 1504-1 (VII)(M).)

Regarding deceptive sales practices, Colorado law does not expressly use the word “misrepresent” or “misrepresentation” in the provisions to prevent deceptive sales practices, however, many of the provisions were clearly crafted to prohibit misrepresentation. Therefore, Colorado receives credit for this element. (See, for example, 8 CCR 1504-1 (VII)(B),(J),(K),(R).)



Notable Provisions: Colorado has some notable provisions in place that are not covered by the elements which make up the grading criteria, but nonetheless provide important protections for students in Colorado and provide example for other states. For example, Colorado law prohibits private occupational schools admissions representatives / agents from using the availability of student aid as an inducement. Also, Colorado law prohibits schools from conducting surveys for the purpose of developing enrollment leads near any state or federal social services program center (welfare, food stamps, unemployment, etc.).

Type 2: Baccalaureate or postgraduate schools. Two provisions in Colorado law achieve the goal of prohibiting the use of misleading institution names. First, it is a deceptive trade practice for an institution or agent to represent falsely or to deceptively conceal, directly or by implication, through the use of a trade or business name, the fact that an institution is a school. (Colo. Rev. Stat. § 23-2-104(4)(b) and (2).) It is a deceptive trade practice for an institution or agent to adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the institution or its educational services. (Colo. Rev. Stat. § 23-2-104(4)(c).)

Colorado law defines deceptive trade practice as it relates to private degree-granting schools at Colo. Rev. Stat. § 23-2-104(4). Deceptive trade practices are prohibited, and the Colorado Department of Higher

Education, which acts as staff to CCHE, is authorized to investigate complaints related to deceptive trade practice. CCHE specifies policies and procedures related to the regulation and investigation of deceptive trade practice. (Colo. Rev. Stat. § 23-2-104(2).)

Colorado law provides that it is a deceptive trade practice for an institution or agent to provide prospective students with testimonials, endorsements, or other information that has the tendency to materially mislead or deceive prospective students or the public regarding current practices of the institution. (Colo. Rev. Stat. § 23-2-104(4)(f).)

Colorado law contains two provisions that prohibit deceptive or misleading representations related to accreditation. First, it is a deceptive trade practice for an institution or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the institution; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association. (Colo. Rev. Stat. § 23-2-104(4)(e).) It is also a deceptive trade practice for an agent representing an out-of-state school to represent, directly or by implication, that the school is authorized by the state of Colorado or approved or accredited by an accrediting agency or body when the institution has not been authorized, approved, or accredited. (Colo. Rev. Stat. § 23-2-104(4)(g).)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

62/100 POINTS

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

17.5/20 POINTS*

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

| | Yes | No |
|--------|-------------------------|----------|
| Type 1 | 20 Points | 0 Points |
| Type 2 | 20 15 Points | 0 Points |

Explanation:

Type 1: Certificate or associate level schools. Any school applying for a certificate of approval to operate in the state must show it possesses a surety bond. (Colo. Rev. Stat. § 23-64-114.)

Type 2: Baccalaureate or postgraduate schools. A surety bond is required only if school cannot demonstrate financial integrity or an exemption, as defined in Colo. Rev. Stat. § 23-2-103.8. (Note: according to Heather DeLange of the Colorado Office of Private Postsecondary Education, any institution that has come into the state since 2012 has had to post some form of surety. The state receives partial credit for this element because of the exemption set forth in state law, even though it has not been utilized since 2012.)

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 schools 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: Certificate or associate level schools. Colorado law provides that if the Board finds that a complainant or class of complainants has suffered pecuniary loss as a result of any deceptive trade or sales practice, it may award full restitution for such loss. (Colo. Rev. Stat. § 23-64-124.) Thus, while a full refund is not mandatory, it is a possibility, and Colorado receives partial credit here.

Type 2: Baccalaureate or postgraduate schools. Colorado law authorizes the Colorado Department of Higher Education to investigate complaints related to deceptive trade practices, but there are no provisions in Colorado law that require refunds if a student enrolls as a result of misrepresentation. In cases in which deceptive trade practice is found, the Department will work with the institution and the Office of the Attorney General to resolve the matter.

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 schools 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: Certificate or associate level schools. A surety bond provides indemnification to any student who has suffered loss of tuition/fees as a result of any act or practice that is a violation of any minimum standard as set forth in section. (Colo. Rev. Stat. § 23-64-112.) The bond also provides train-out for students whose school ceases operations. (Colo. Rev. Stat. § 23-64-121.) Colorado law defines the term train-out as the opportunity for a student of a private occupational school ceasing operation to meet the student's educational objectives through training provided by another approved private occupational school, a community college, an area technical college, or any other training arrangement acceptable to the Division. (Colo. Rev. Stat. § 23-64-103(21).)

Type 2: Baccalaureate or postgraduate schools. Colorado law provides that if a private college or university ceases operation, CCHE may make demand on the surety of the institution upon the demand for a refund by a student or the implementation of alternate enrollment for the students enrolled in the institution. However, there are several provisions which would likely lead to limited refunds. (Colo. Rev. Stat. § 23-2-103.8(7).)

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?
5/10 POINTS*

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

| | Over 2 years (or no deadline) | 1-2 years | Under 1 year | Not applicable |
|---------------|----------------------------------|-----------------|--------------|----------------|
| Type 1 | 10 Points | 5 Points | 1 Point | 0 Points |
| Type 2 | 10 Points | 5 Points | 1 Point | 0 Points |

Explanation:

Type 1: Certificate or associate level schools. A complaint for deceptive trade or sales practice must be filed within two years of date student discontinues training at school or at any time prior to the commencement of training. (Colo. Rev. Stat. § 23-64-124 and C.C.R. § 1504-1: IX.)

Type 2: Baccalaureate or postgraduate schools. A complaint must be filed within two years after discontinuing enrollment. (Colo. Rev. Stat. § 23-2-104.)

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?
15/20 POINTS*

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

Type 1: Certificate or associate level schools

| Medium | Yes | Discretionary | Not specified |
|----------------------------|------------------|-------------------|---------------|
| 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:

Colorado law requires schools to include information about the complaint process, web address and phone number for the Division of Private Occupational Schools in their catalogs. (8 CCR 1504-1(H)(1)(u).) While Colorado law does not require schools to provide information on filing a complaint in the enrollment contract, enrollments agreements must include a statement acknowledging receipt of a current/approved copy of the school catalog. (8 CCR 1504-1(I)(3)(e).) Therefore, Colorado receives partial credit for this element. Finally, Colorado does not explicitly require private occupational schools to include complaint information on their websites, but does require the information to be provided in school catalogs, which are often on school websites, and as such receives partial credit for this element as well.

Type 2: Baccalaureate or postgraduate schools

| Medium | Yes | Discretionary | Not specified |
|----------------------------|------------------|---------------|-----------------|
| 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:

CCHE policies related to student complaints specify that schools must publish complaint and appeal procedures, where to file a complaint with the Colorado Department of Higher Education, and contact information for the institution’s accrediting agency in prominent student publications, including, but not limited to the institution’s course catalog, student handbook, and website. There is no requirement for information about the complaint process to be included in the enrollment agreement. (CCHE Policies and Procedures, Section I, Part T, Student Complaint Policy 4.05.04 (available online at http://highered.colorado.gov/Publications/Policies/Current/i-partt_042014.pdf.)

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

7/10 POINTS

| Yes, with address | Yes, with phone # | Yes, with email address | Yes, with electronic form | No |
|-------------------|-------------------|-------------------------|---------------------------|----------|
| 2 Points | 2 Points | 3 Points | 3 Points | 0 Points |

Explanation:

Colorado has a website from which complaints for both private occupational schools and degree-granting schools can be filed. There is an electronic complaint form on the website and there is a “contact us” link that provides an address and phone number.

VII. ENFORCEMENT: 20/100 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 schools 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 | 15 Points | 5 Points | 0 Points |
| Type 2 | 30 Points | 20 Points | 15 Points | 5 Points | 0 Points |

Explanation:

Colorado law does not provide for any loss of state aid for schools that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates for either private occupational schools or degree-granting schools.

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 schools 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:

Colorado law does not explicitly authorize a private right of action for students against institutions that have violated the laws or regulations in place to govern either private occupational schools or degree-granting schools.

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 schools 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:

Colorado law does not explicitly allow attorney fee awards for students who prevail in litigation against such institutions either private occupational schools or degree-granting schools.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS*

**points for Type 1 and Type 2 schools 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:

Colorado law authorizes Attorney General involvement for both private occupational schools and degree-granting schools.

BONUS POINTS:

Colorado receives no bonus points.



ILLUMINATING INFORMATION



PENDING LEGISLATION:

- **IMPORTANT NOTE:** *Colorado has been discussing statutes covered in this report for several months to improve what is currently in law. The state has had discussions related to improvements for most of the measures contained within this report.*
- **ENACTED** on May 31, 2016: 2016 Colo. HB. 1082, 2016 Colo. HB. 1082: is an act concerning area vocational schools, and, in connection therewith, changing the name of area vocational schools to area technical colleges and adding representation for area technical colleges to certain boards (the Concurrent enrollment advisory board)
- Note that Colo. Rev. Stat. § 23-64-133 states: “This article is repealed, effective September 1, 2024. Prior to such repeal, the department of regulatory agencies shall review the regulation of private occupational schools and their agents under this article, including the functions of the division and the board, in accordance with [section 24-34-104.](#)”

RECIPROCITY AGREEMENTS

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

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

For more 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>.

