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# GEORGIA

## FINAL GRADING ANALYSIS

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OVERALL SCORE: **357.5/700 POINTS (51%)**  
LETTER GRADE: **F**

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### I. OVERSIGHT BODY: **80/100 POINTS**

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A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY  
THAT IS PUBLICLY ACCOUNTABLE?  
**50/60 POINTS**

Element	Points	Points Awarded
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10
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	5
4. Oversight body can engage in rulemaking	10	10
5. Oversight body's meetings must be open to the public	5	5
6. Oversight body's meetings must allow public comment	5	5
7. Oversight body can initiate investigations	5	2.5
8. Oversight body can impose penalties for violations	5	2.5
<b>Total Points</b>	60	50

**Explanation:**

In Georgia, the Nonpublic Postsecondary Education Commission consists of 15 members who are appointed by the Governor and confirmed by the Senate. (O.C.G.A. § 20-3-250.5.) Georgia receives partial credit for the element “board is the decision maker,” because the Commission is the final decision maker with regard to establishing rules, regulations, and policies, minimum criteria for postsecondary institutions, and negotiating reciprocity agreements. (O.C.G.A. § 20-3-250.5.) However, the executive director of the Commission receives, investigates as he may deem necessary, and acts upon applications for authorization to operate nonpublic postsecondary educational institutions and upon applications for agents’ permits; investigates as he may deem necessary on his own initiative or in response to any complaint lodged with him any person, group, or entity subject to, or reasonably believed by him to be subject to, the jurisdiction of this part and administer compliance with this part in accordance with standards, rules, regulations, and policies of the commission, among other duties. (O.C.G.A. § 20-3-

250.5(c.) Likewise, Georgia receives partial credit for “board can initiate investigations” because the executive director of the Commission can initiate investigations. (O.C.G.A. § 20-3-250.5(c)(5).) Finally, Georgia receives partial credit for the “board can impose penalties” element because the executive director of the Commission may, at his/her discretion, award the complainant full or partial restitution for damages and loss. (O.C.G.A. § 20-3-250.14(c).) Georgia receives only partial credit for these elements because it would be preferable for the Commission as a whole to have the authority to initiate investigations and to impose penalties/order restitution. That said, such power being vested in the executive director of the Commission is preferable to it being delegated to the head of a department, as the executive director is more accountable to the public (through the Commission) than would be the head of a state department or agency.

Georgia’s Nonpublic Postsecondary Education Commission meetings must be open to the public and must allow opportunity for public comment. (O.C.G.A. § 50-14-1; Ga. Comp. R. & Regs. r. 392-1-.08.)

## B. STATUTE-SPECIFIED MEMBERSHIP

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

**25/25 POINTS**

<b>Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum</b>	<b>Explicit prohibition on for-profit majority</b>	<b>Discouraged</b>	<b>No prohibition specified, but not discouraged</b>	<b>For-profit majority mandated</b>
<b>25 Points</b>	20 Points	10 Points	0 Points	-5 points

**Explanation:**



**Notable Provision:**

The Commission consists of 15 members. (O.C.G.A. § 20-3-250.4(a).) Two members of the Commission shall be appointed to represent degree-granting nonpublic postsecondary educational institutions and two members shall be appointed to represent nonpublic postsecondary educational institutions which grant certificates only. The remaining members shall not be employed by or otherwise represent or have an interest in any nonpublic postsecondary educational institution. Thus, four of the 15 members are statutorily-required to be representatives of nonpublic postsecondary institutions, which may be for-profit or nonprofit, and the remaining nine are prohibited from representing nonpublic postsecondary institutions. (O.C.G.A. § 20-3-250.4(b).) For the purposes of conducting business, a quorum consists of the majority of the members of the Commission. (O.C.G.A. § 20-3-250.4(g).) Therefore, given the statutorily mandated make-up of the Commission, a quorum would consist of eight members, and there is no possibility of private for-profit institutions making up a majority of the quorum. Additionally, Ga. Comp. R. & Regs. r. 392-1-.01(5) specifies that not less than six voting members must concur in order for it to take official action.

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

**0/10 POINTS**

Yes	No
10 Points	0 Points

**Explanation:**

Georgia does not mandate the Nonpublic Postsecondary Education Commission to 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**

All	Majority	Half	Minority	None
5 Points	3 Points	2.5 Points	1 Point	0 Points

**Explanation:**

All members of the Nonpublic Postsecondary Education Commission are appointed by the governor and confirmed by the Senate. (O.C.G.A. § 20-3-250.4; Ga. Comp. R. & Regs. r. 392-1-.01.)

**II. STATE OVERSIGHT—EFFICACY:**

**57.5/100 POINTS**

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

**10/10 POINTS**

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

**Explanation:**

Georgia requires each nonpublic postsecondary educational institution desiring to operate or conduct postsecondary activities in this state to make application to the Commission, in addition to an onsite inspection, and any further information the executive director of the Commission deems necessary. (O.C.G.A. § 20-3-250.8(c), (g).)

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

**0/5 POINTS**

<b>Required unannounced visits</b>	<b>Discretion to do unannounced visits</b>	<b>No indication</b>
5 Points	3 Points	<b>0 Points</b>

**Explanation:**

Georgia law does not require or authorize unannounced inspections for onsite reviews.

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

**20/20 POINTS**

<b>Mandatory</b>			<b>Discretionary</b>	<b>None</b>
<b>Every 2 years or less</b>	Every 3-5 years	Over 5 years	Every 2 years or less	No review specified
<b>20 Points</b>	15 Points	10 Points	5 Points	0 Points

**Explanation:**

Schools are authorized for a term not to “extend for more than one year and may be issued for a lesser period of time.” (O.C.G.A. § 20-3-250.8(e).)

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

**17.5/20 POINTS**

<b>8 of 8</b>	<b>7 of 8</b>	<b>6 of 8</b>	<b>5 of 8</b>	<b>4 of 8</b>	<b>3 of 8</b>	<b>2 of 8</b>	<b>1 of 8</b>	<b>0 of 8</b>
20 Points	<b>17.5 Points</b>	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

<b>Element</b>	
<b>Admission requirements</b>	<b>M</b>
<b>Graduation requirements</b>	<b>M</b>
<b>Placement rate</b>	<b>M</b>
<b>Completion rate (or graduation rate)</b>	<b>M</b>
<b>Advertising practices</b>	<b>M</b>
<b>Cohort default rate</b>	
<b>Accreditation status</b>	<b>M</b>
<b>Financial aid policies</b>	<b>M</b>

*M=Mandatory; D=Discretionary*

**Explanation:**

Georgia requires review of admission requirements, graduation requirements, advertising practices, accreditation status and financial aid policies, among the elements included in school applications for authorization and renewal of authorization. (O.C.G.A. § 20-3-250.8; O.C.G.A. § 20-3-250.6; Ga. Comp. R. & Regs. r. 392-5-.01; Ga. Comp. R. & Regs. r. 392-11-.03)

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

**10/15 POINTS**

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

**Explanation:**

Several non-profits are exempted from oversight. (O.C.G.A. § 20-3-250.3(10), (11).)

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

**0/10 POINTS**

Yes, Mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
10 Points	7.5 Points	5 Points	2.5 Points	0 Points

**Explanation:**

There is no indication that Georgia law requires increased oversight of private postsecondary institutions due to poor performance (e.g., low graduation/completion rates, high cohort default rates, low placement rates).

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

**0/20 POINTS**

Yes	No
20 Points	0 Points

**Explanation:**

Georgia law has no special protections in place specifically for veterans attending private postsecondary institutions.

**III. STATE OVERSIGHT—SCOPE AND INCLUSION:**

**0/100 POINTS**

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

**0/100 POINTS**

No Exemptions	Few exemptions	Moderate exemptions	Broad exemptions
100 Points	75 Points	50 Points	0 Points

**Explanation:**

Most of the exemptions are common sense exemptions and reasonable. However, Georgia law creates an enormous gap in its oversight by exempting “[a]ny college or university that confers both associate and baccalaureate or higher degrees, that is accredited by the Southern Association of Colleges and Schools, College Division, that is operated in a proprietary status, that provides a \$200,000.00 surety bond, and that contributes to the Tuition Guaranty Trust Fund....” (O.C.G.A. § 20-3-250.3(14).)

**IV. DISCLOSURE REQUIREMENTS:**

**37.5/100 POINTS**

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

**20/20 POINTS**

<b>Yes, mandatory</b>	<b>Yes, discretionary</b>	<b>None</b>
Fact sheet or equivalent required to be given to students	Fact sheet or documents given to students upon request	No fact sheet required
<b>20 Points</b>	10 Points	0 Points

**Explanation:**

Georgia requires schools to disclose the prior year's enrollment, graduation, and job placement rates; and “such other material facts concerning the institution and the program or course of instruction as are reasonably likely to affect the decision of the student to enroll therein” in the institutional catalog. (O.C.G.A. § 20-3-250.6.)

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

**10/60 POINTS**

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

**Explanation:**

As noted above, Georgia requires postsecondary institutions to provide the previous year's graduation and placement rates in the institutional catalog. However, there is nothing in Georgia law which requires that students receive this information prior to enrolling in the institution. There is no requirement that students sign an acknowledgement of receipt of this information as a part of the enrollment contract or process, for example. Therefore, Georgia receives partial credit for this element, because ultimately, it is left up the

discretion of the institution as to whether or not the student receives and understands this information prior to enrollment.

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

**7.5/20 POINTS**

Element Description	Mandatory	Discretionary	Not specified
<b>Total cost of program</b>	5 Points	<b>2.5 Points</b>	0 Points
<b>Refund information</b>	5 Points	<b>2.5 Points</b>	0 Points
<b>Transferability of credits</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Length of program</b>	5 Points	<b>2.5 Points</b>	0 Points

**Explanation:**

Nothing in Georgia law requires that students receive this information prior to enrolling in the institution, nor is there a requirement that students sign an acknowledgement of receipt of this information as a part of the enrollment contract or process. However, Georgia receives partial credit for this element because schools are required to provide information related to the cost of the program, refund, and length of the program is required in the catalog. Ultimately, it is left up the discretion of the institution as to whether or not the student receives and understands the information prior to enrollment. (O.C.G.A. § 20-3-250.6(a)(1)(D).)

**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**

Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
100 Points	<b>75 Points</b>	<b>50 Points</b>	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	
Misleading representations using the word “college” or “university”	<b>X</b>
Misleading institution affiliations (re: military, public institution, businesses)	
Promise of employment	<b>X</b>
Compensation for enrollment	
Compensation or “bounty” to recruiters	
Deception (broad prohibition)	<b>X</b>
Misrepresentation (broad prohibition)	<b>X</b>
Misleading representations re: accreditation	

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

**Explanation:**

Georgia prohibits institutions and their agents from engaging in advertising, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair. (O.C.G.A. § 20-3-250.6(I).) Further, Georgia prohibits institutions from making or causing to be made any statement or representation, oral, written, or visual, in connection with the offering or publicizing of a course, which is false, deceptive, substantially inaccurate, or misleading. (O.C.G.A. § 20-3-250.7(a)(5).) Institutions are prohibited from promising or guaranteeing employment unless the promisor or guarantor offers the student or prospective student a bona fide contract of employment agreeing to employ said student or prospective student for a specified period of time in a business or other enterprise regularly conducted by him or her where such information, training, or skill is a normal condition of employment. (O.C.G.A. § 20-3-250.7(a)(7).) Finally, Georgia prohibits institutions from carrying out any act if it is being carried out by the use of fraud, deception, other misrepresentation, or by any person soliciting students without a permit. (O.C.G.A. § 20-3-250.7(a)(8); O.C.G.A. § 20-3-250.7(b).)

**VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:**

**72.5/100 POINTS**

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

**20/20 POINTS**

<b>Yes</b>	<b>No</b>
<b>20 Points</b>	<b>0 Points</b>

**Explanation:**

At the time an initial application, Georgia requires institutions to file a surety bond with the executive director of the Commission. (O.C.G.A. § 20-3-250.10.)

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

**10/20 POINTS**

<b>Yes, full refund</b>	<b>Yes, partial refund</b>	<b>No refund required</b>
<b>20 Points</b>	<b>10 Points</b>	<b>0 Points</b>

**Explanation:**

The surety bond that institutions are required to pay is conditioned to provide indemnification to the Tuition Guaranty Trust Fund and to any student or enrollee or that person's parent or guardian or class thereof determined to have suffered loss or damage as a result of any act or practice which is a violation of this part or of rules and regulations promulgated pursuant thereto by such nonpublic postsecondary educational institution and that the bonding company shall pay any final, nonappealable judgment rendered by the Commission or any court of this state having jurisdiction, upon receipt of written notification thereof. The aggregate liability of the surety thereon shall in no event exceed the penal sum of the bond. (O.C.G.A. § 20-3-250.10(a).) If a student enrolls as the result of misrepresentation, the misrepresentation would be a violation of the law and the student would likely be indemnified. There are



some limitations here, but there is a fund and a mechanism for students in Georgia to recover tuition in situations of misrepresentations.

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

**15/20 POINTS**

Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
20 Points	15 Points	10 Points	0 Points

**Explanation:**

Tuition Guaranty Trust Fund is created from participation fees from postsecondary educational institutions to enable such institutions, collectively, to protect students against financial loss when a postsecondary educational institution closes without reimbursing its students and without completing its educational obligations to its students and to provide consumer information, as necessary in the determination of the commission, to prospective and currently enrolled students. (O.C.G.A. § 20-3-250.27.) Students at defaulting schools will receive a tuition refund from the required surety bond and/or the Tuition Guarantee Trust Fund. However, as an alternative to paying these claims, the board of trustees may arrange for another postsecondary educational institution to complete the educational obligations to the students of the defaulting postsecondary educational institution, provided that the program offered by the other institution is substantially equivalent to the program for which the students had paid tuition and provided, further, that attendance at the other institution does not cause unreasonable hardship or inconvenience to the students. (O.C.G.A. § 20-3-250.27(g)(5).)

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

**10/10 POINTS**

2 years or more (or no deadline specified)	1-2 years	Under 1 year	Not applicable
10 Points	5 Points	1 Point	0 Points

**Explanation:**

Georgia does not specify, in law or regulation, a deadline for filing complaints.

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

**7.5/20 POINTS**

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:**

Georgia requires that the institutions posts continuously in a conspicuous place a notice setting forth the

procedures for filing a complaint with the Commission. Georgia does not specify where this posting should be, so it is up to the discretion of the institutions as to in which conspicuous place the information will be posted. Both the catalog and the website are conspicuous, as such an institution may decide to use one or both of these mediums to post the required information. (O.C.G.A. § 20-3-250.6(a)(1)(N).)

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

**10/10 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:**

Georgia’s Nonpublic Postsecondary Education Commission maintains a website on which there is a page containing a complaint form. The page contains a phone number, and the website has a “contact us” tab which contains a contact address and email address.

**VII. ENFORCEMENT: 35/100 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**

Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
30 Points	20 Points	15 Points	5 Points	0 Points

**Explanation:**

Georgia does not explicitly require that institutions lose state aid as a result of substandard graduation rates, job placement rates and/or cohort default rates.

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?

**15/30 POINTS**

Yes	Limited circumstances	No
30 Points	15 Points	0 Points

**Explanation:**

Any person aggrieved or adversely affected by any final action of the Commission may obtain judicial

review of such action which may be commenced in any court of competent jurisdiction within 30 days after the Commission's action becomes effective. (O.C.G.A. § 20-3-250.16.)

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

**0/20 POINTS**

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Yes	Limited	No
20 Points	15 Points	0 Points

**Explanation:**

Georgia does not explicitly allow attorney fee awards for students who prevail in litigation against private licensed schools that have violated the laws and regulations in place to govern them.

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**D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?**

**20/20 POINTS**

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Yes	Limited circumstances	No
20 Points	10 Points	0 Points

**Explanation:**

Georgia law explicitly authorizes attorney general involvement at O.C.G.A. § 20-3-250.18(a).

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**BONUS POINTS**

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Georgia does not receive any bonus points.



**ILLUMINATING INFORMATION**



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**RECOPROCITY AGREEMENTS**

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

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

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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>.