

MAINE

FINAL GRADING ANALYSIS

OVERALL SCORE: **216.25/700 POINTS (30.9%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **37.75/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
 THAT IS PUBLICLY ACCOUNTABLE?
30/60 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	0	5	2.5
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0	0	0
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	0	5	2.5
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	0	2.5	2.5
6. Oversight body's meetings must allow public comment	5	0	2.5	2.5
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	20	35	30

Explanation:

Maine has a separate statutory and regulatory structure for proprietary schools (Type 1) and degree-granting schools (Type 2).

Type 1: Proprietary schools. Proprietary schools are defined as (1) any private postsecondary school in Maine offering a program or course of instruction conducted for the purpose of teaching any trade or any industrial, occupational, vocational, business or technical skill except those that are exempt under specified law (which, among other things, exempts any school authorized by the state to grant degrees), and (2) any private postsecondary school as described above located outside of Maine that hires or authorizes solicitors or agents to recruit students or to promote the school or its program within Maine. Proprietary schools are governed by 20-A M.R.S. § 9501 et seq.; 05-071 CMR 147; and 05-071 CMR 150.

Maine has not created public board or commission to oversee proprietary schools; they are governed by the Maine Department of Education. (CMR 05-071-147.) The Commissioner of the Maine Department of Education is the ultimate decision maker with regard to oversight and regulation of proprietary schools.

Investigations may be conducted at the discretion of the Commissioner, who is ultimately responsible for oversight. (20-A M.R.S. § 9507.) The Maine Department of Education may investigate, refer cases to authorities, or bring an action in Superior Court; any fines may be paid to the state, to be recovered in a civil act. The Department and/or Commissioner may investigate, hold hearings, refer investigations to authorities, and hold meetings with school officials. The Commissioner may also deny license renewal or revoke license. (20-A M.R.S. § 9503; CMR 05-071-147(7), (9).)

Although Maine has free access laws that cover public records and proceedings (1 M.R.S. §§ 402, 403), which may cover some meetings related to the regulation and oversight of proprietary schools, it is not clear that all meetings related to proprietary school regulation and oversight are open to the public. It is not clear whether public comment is invited in the course of the Commissioner’s decision making process.

Type 2: Degree-granting schools. These schools are governed by 20-A M.R.S. § 10701 et seq.; 05-071 CMR 149; and 05-071 CMR 170. As with proprietary schools, the Department of Education and the Commissioner of the Department of Education are responsible for regulation and oversight of these postsecondary schools. However, because the State Board of Education also has some oversight and advisory responsibilities related to degree-granting private postsecondary schools, Maine receives partial credit for #1 above. (20-A M.R.S. § 10005.) Maine also receives partial credit for #3 above because the Board has some responsibilities related to approval to use the name “college,” “university,” or “community college;” and related to approval to grant additional degrees (initial approval to grant degrees must be given by the legislature). The Department (and in some instances the Board) can initiate investigations and impose penalties for violations.

Maine has free access laws that cover public records and proceedings. (1 M.R.S. § 402; § 403.) Although much of the oversight of degree-granting institutions is under the purview of the Department of Education (and decisions made by that body may or may not be made at public meetings), meetings of the Board of Education are subject to the free access laws. Thus, partial credit has been awarded for #5 above. As to public comment, ultimately all decisions are made by the Commissioner, but because comments may be allowed at meetings of the Board of Education, partial credit has been awarded for #6 above.

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 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: Proprietary schools. The Department of Education and the Commissioner of the Department of Education are responsible for oversight, and there is no prohibition on for-profit interests.

Type 2: Degree-granting schools. Again, the ultimate responsibility for oversight and regulation of degree-granting institutions lies with the Commissioner of the Department of Education, and there are no prohibitions on for-profit interests serving in the Department. However, the Board of Education has some oversight and advisory authority, and anyone whose income is derived in substantial portion from work as a teacher or as an administrator in an educational institution is not eligible for appointment to or service on the Board. (20-A M.R.S. § 401.) Therefore, Maine receives partial credit for this element.

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:

Type 1: Proprietary schools. Maine law does not require a consumer advocate to be associated with the oversight body (Department of Education).

Type 2: Degree-granting schools. Maine law does not require a consumer advocate to be associated with either the Department of Education or the State Board of Education.

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

2.75/5 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: Proprietary schools. Maine’s Commissioner of Education, who is the ultimate decision maker with regard to oversight, accountability, and regulation of proprietary schools in Maine, is nominated by the governor and confirmed by the legislature. (20-A M.R.S. § 251.) Thus, there is some public accountability related to this position. Partial credit is awarded because the Commissioner is not part of a multi-member body.

Type 2: Degree-granting schools. Maine’s Commissioner of Education, who is the ultimate decision maker with regard to oversight, accountability, and regulation of degree-granting schools in Maine, is nominated by the governor and confirmed by the legislature. (20-A M.R.S. § 251.) Thus, there is some

public accountability related to the position. Additionally, members of the Board of Education are appointed by the Governor subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate. (20-A M.R.S. § 401(1).) The state receives more credit here because the Board has an oversight and advisory role; however, Maine does not receive full credit because the Commissioner is the ultimate decision maker and is not a member of a multimember body.

II. STATE OVERSIGHT—EFFICACY: 23.5/100 POINTS

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

1/10 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 review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 1 Point
Type 2	10 Points	8 Points	5 Points	3 Points	0 1 Point

Explanation:

Type 1: Proprietary schools. Maine law requires the initial licensing process to include an onsite evaluation when appropriate, thus giving the Commissioner discretion to do an onsite visit during that process. Maine law does not require or authorize onsite visits at any time after the initial licensing process. Maine receives one point authorizing the initial discretionary onsite evaluation.

Type 2: Degree-granting schools. The reviews for initial authorization for a degree-granting institution and additional authorization to grant degrees may include an onsite review by the Review Committee, which is formed by the Commissioner of the Department of Education. (CMR 05-071-149.) However, there is no indication that these reviews are conducted with any regularity. Maine receives one point because it provides for discretionary reviews during licensing.

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

0/5 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: Proprietary schools. There is no indication that the Department or Commissioner is either required or authorized to do unannounced visits.

Type 2: Degree-granting schools. There is no indication that the Department, Commissioner, or Board is either required or authorized to do unannounced visits.

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

10/20 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 Points	10 Points	5 Points	0 Points
Type 2	20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Proprietary schools. Licenses are good for the calendar year in which they are issued. All licenses expire on December 31 of each year and must be renewed. (20-A M.R.S. § 9502(1)(B); CMR 05-071-147(5).)

Type 2: Degree-granting schools. There is no indication that Maine law requires the Department of Education or the Board of Education to conduct regular reviews of private degree-granting postsecondary schools.

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

5/20 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 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	M	
Graduation Requirements	M	
Placement Rate		
Completion Rate (or Graduation Rate)		

Advertising Practices	M	
Cohort Default Rate		
Accreditation Status	M	
Financial Aid Policies		

M= Mandatory, D=Discretionary

Explanation:

Type 1: Proprietary schools. Only two of the above elements—accreditation and advertising practices (advertisements and promotional materials must be submitted)—are explicitly required for renewal of a proprietary school’s license, and both are required for an initial license and all standards for an initial license must continue to be met for a license renewal. (CMR 05-071-147(3), (4).) Because the state also requires schools to submit copies of their catalogs, which might include some of the above information, credit is also awarded for admission requirements and graduation requirements.

Type 2: Degree-granting schools. There is no indication that Maine law requires the Department of Education or the Board of Education to conduct regular reviews that include a review of factors essential to academic and ethical integrity.

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

7.5/15 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: Proprietary schools. Nonprofits are exempt from licensing requirements. (CMR 05-071-147(2).)

Type 2: Degree-granting schools. Degree-granting nonprofits are not distinguished from for-profits in any significant way in Maine law.

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:

Type 1: Proprietary schools. There is no indication that Maine law requires increased oversight based on poor performance.

Type 2: Degree-granting schools. There is no indication that Maine law requires increased oversight based on poor performance.

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:

Type 1: Proprietary schools. There is no indication that Maine law has any special protections in place for veterans who attend proprietary schools.

Type 2: Degree-granting schools. There is no indication that Maine law has any special protections in place for veterans who attend private degree-granting schools.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

50/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

50/100 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: Proprietary schools. Maine law exempts the following schools from the statutes and regulations governing proprietary schools: educational programs related to the real estate professions that are subject to approval under Title 32, chapter 59 of Maine Revised Statutes; commercial driver education schools subject to approval by the Secretary of State under Title 29-A, chapter 11, subchapter 3, Maine revised Statutes; schools of barbering and schools of cosmetology subject to approval by the Director of the Office of Professional and Occupational Regulation under Title 32, chapter 126, Maine Revised Statutes; educational programs offered by any Maine nonprofit corporation; any educational programs offered by any professional or trade association primarily for the benefit of its own members; and any educational institution authorized by Maine law to grant a degree. (20-A M.R.S. § 9501(2).)

Type 2: Degree-granting schools. Maine law exempts any institution of higher education whose course or program offerings would not be granted academic credit; any institution of higher education whose course or program offerings would be conducted on a federal reservation over which the United States Government has exclusive jurisdiction; and certain narrowly defined religious, nonpublic, educational institutions. Also, institutions with a lack of “physical presence” in the state are exempt. (05-071 CMR 149; 20-A M.R.S. § 10708.)

IV. DISCLOSURE REQUIREMENTS: **10/100 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: Proprietary schools. There is no requirement that proprietary schools provide a fact sheet or similar document disclosing institutional performance to students either as a mandatory disclosure document during the enrollment process or when requested by the student.

Type 2: Degree-granting schools. There is no requirement that degree granting schools provide a fact sheet or similar document disclosing institutional performance to students either as a mandatory disclosure document during the enrollment process or when requested by the student.

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*

Type 1: Proprietary 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:

Maine law does not require proprietary schools to provide any of the above institutional performance disclosures to students prior to enrollment.

Type 2: Degree-granting 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:

Maine law does not require private degree-granting schools to provide any of the above institutional performance disclosures to students prior to enrollment.

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

10/20 POINTS

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

Type 1: Proprietary 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:

Prior to enrollment, Maine requires schools to provide each student a copy of the school bulletins and course outlines; schedule of tuition, fees, and other charges; refund policy; enrollment contract; and regulations pertaining to absences, grading policies, and rules of operation and conduct. In addition, Maine requires the enrollment agreement (student contract) to contain information on the name and length of the course or program of instruction; the tuition and other costs; the beginning and approximate completion date of the program; and a statement of the registration fee and the refund policy in the event a student does not start the course or discontinues prior to completion. (CMR 05-071-147(6)(C).)

Type 2: Degree-granting 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:

Maine law requires degree-granting institutions to have a written policy detailing the criteria and procedure to be followed in providing for a refund of tuition and fees (05-071 CMR 149), but does not require them to make this information available to students prior to enrollment, nor does it require schools to make the information available upon request. Thus, providing this information to students prior to enrollment is left to the discretion of the schools. State law also requires schools’ admission policies to include the criteria for transfer credit, but there is no indication that these policies include any information with regard to the transferability of the credits earned at the institution and there is no requirement that this information be provided to students prior to enrollment. Maine law requires schools to specify, in writing, the requirements for each degree which would include the semester hours required to complete a degree, and sets forth required minimum semester hours for each level of degree, but does not expressly require schools to provide this information to students prior to enrollment, leaving it to the discretion of the schools. (05-071 CMR 149(C).)

V. REGULATION OF RECRUITING PRACTICES:

62.5/100 POINTS

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

62.5/100 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”	X	X
Misleading institution affiliations (re: military, public institution, businesses)	X	
Promise of employment	X	
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	X	
Misrepresentation (broad prohibition)		
Misleading representations re: accreditation		

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

Explanation:

Type 1: Proprietary schools. Maine law explicitly prohibits private business, vocational, and technical schools from using the terms use the words “Maine” or “State of Maine” or any title or name commonly accepted as descriptive of collegiate or university institutions. (CMR 05-071-147(6).) Maine law prohibits schools from advertising that “misleads or tends to mislead the public” (CMR 05-071-147 (6)(G).) This prohibition would accomplish the same goal as would a broad prohibition on deception.

Type 2: Degree-granting schools. An educational institution may use the term “community college” “college” or “university” in connection with its operation or use any other name, title or descriptive matter that might tend to indicate that it is an institution of higher learning with the authority to confer degrees, only if it meets specified criteria. (20-A M.R.S. § 10702.) Aside from this one prohibition, regulation here is extremely weak, and there is no effective list of prohibited acts, therefore the state receives no credit for this element as it relates to degree-granting institutions.

VI. COMPLAINT PROCESS & RELIEF FOR STUDENTS:
32.5/100 POINTS

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

10/20 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:

Type 1: Proprietary schools. The application for a required license must be made on forms furnished by the Commissioner and be accompanied by a fee of \$100 and a surety bond. The amount of the bond for a new applicant is \$20,000. For renewal applicants, the amount of the bond must be equal to the greater of 10% of the applicant’s gross receipts from tuition in the 12 months prior to the application for renewal or \$20,000. (20-A M.R.S. § 9502(1).)

Type 2: Degree-granting schools. Degree-granting institutions must submit a five-year financial plan with their application for authorization, but there is no indication that they must post a bond an equivalent security as a condition of authorization to grant degrees. (CMR 05-071-149.)

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: Proprietary schools. Maine law does not explicitly require a full refund if a student enrolls as a result of misrepresentation. However, state law does require that schools provide a surety bond as a condition of licensure. The bond is to be used, in part, to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation. (20-A M.R.S. § 9502(1)(B).)

Type 2: Degree-granting schools. Maine law requires degree-granting schools to have a written procedure detailing the criteria and procedure to be followed in providing for a refund of tuition and fees, but there is no indication that schools are required to provide a full or even a partial refund if a student enrolls in the school as a result of misrepresentation. (CMR 05-071-149.)

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

7.5/20 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: Proprietary schools. There is no indication that proprietary schools are required to provide a full refund to students upon insolvency or closure of a school. If a school cancels the program or courses for which it is licensed to offer in Maine and ceases operation for whatever reason, officials shall notify the Commissioner and all enrolled students at least 30 days prior to the date of the scheduled cessation of the school’s activities. All refunds which are due students under the school’s published refund policy shall be made during this 30-day period. The refund, therefore, is limited by the school’s published refund policy, and there is nothing in Maine’s law that requires school policies to include a full refund in instances of insolvency or school closure. (CMR 05-071-147(11).)

Type 2: Degree-granting schools. Maine law requires degree-granting schools to have a written procedure detailing the criteria and procedure to be followed in providing for a refund of tuition and fees, but there is no indication that schools must provide a refund of tuition to students if a school becomes insolvent. (CMR 05-071-149.)

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

10/10 POINTS*

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

	2 years or more (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: Proprietary schools. There is no timeline stated with regard to filing student complaints.

Type 2: Degree-granting schools. There is no timeline stated with regard to filing student complaints.

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

0/20 POINTS*

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

Type 1: Proprietary schools

Medium	Mandatory	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:

Maine law does not require proprietary schools to provide students with information about how to file a complaint with the Department, either as a mandatory disclosure in the school catalog, website and/or enrollment contract, or as a discretionary disclosure on any of the above listed media.

Type 2: Degree-granting schools

Medium	Mandatory	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:

Maine law does not require private degree-granting schools to provide students with information about how to file a complaint with the Department, either as a mandatory disclosure in the school catalog, website and/or enrollment contract or as a discretionary disclosure on any of the above listed media.

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

0/10 POINTS

**points for Type 1 and Type 2 schools 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: Proprietary schools. There is no easily accessible, user-friendly information detailing how to file a complaint about a proprietary school on the Maine Department of Education website.

Type 2: Degree-granting schools. There is no easily accessible, user-friendly information detailing how to file a complaint about a private degree-granting school on the Maine Department of Education website.

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 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:

Type 1: Proprietary schools. There is no indication that proprietary schools that repeatedly produce substandard graduation rates, job placement rates, or cohort default rates will lose state aid.

Type 2: Degree-granting schools. There is no indication that private degree-granting schools that repeatedly produce substandard graduation rates, job placement rates, or cohort default rates will lose state aid.

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:

Type 1: Proprietary schools. The state may bring actions on behalf of students in some instances. (20-A M.R.S. § 9503.) It may bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by fraud, misrepresentation, violation of this chapter or applicable rules, breach of contract or failure to pay refunds of tuition due from the school or its owners or employees. The Finance Authority of Maine has concurrent power to bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by failure to pay refunds of tuition due from the school or its owners or employees. (20-A M.R.S. § 9508.) However, there is nothing in Maine’s law that explicitly authorizes a private right of action for students against institutions who have violated the laws and regulations in place to govern them.

Type 2: Degree-granting schools. There is nothing in Maine law that explicitly authorizes a right of action for students against private degree-granting institutions who have violated the laws and 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 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:

Type 1: Proprietary schools. Maine law does not explicitly allow attorney fee awards for students who prevail in lawsuits against proprietary institutions who have violated the laws and regulations in place to govern them.

Type 2: Degree-granting schools. Maine law does not explicitly allow attorney fee awards for students who prevail in lawsuits against private degree-granting institutions who have violated the laws and regulations in place to govern them.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

0/20 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:

Type 1: Proprietary schools. Maine law does not explicitly authorize attorney general involvement.

Type 2: Degree-granting schools. Maine law does not explicitly authorize attorney general involvement.

BONUS POINTS:

Maine does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

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

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

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>.