
MONTANA

FINAL GRADING ANALYSIS

OVERALL SCORE: **132/700 POINTS (18.9%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **30/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
THAT IS PUBLICLY ACCOUNTABLE?
25/60 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	0	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	10	0	5
4. Oversight body can engage in rulemaking	10	10	0	5
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	5	5	5
7. Oversight body can initiate investigations	5	5	0	2.5
8. Oversight body can impose penalties for violations	5	5	0	2.5
Total Points	60	50	0	25

Explanation:

Montana has both degree-granting and non-degree-granting for-profit and nonprofit private postsecondary institutions. The Montana Board of Regents is responsible for approval and oversight of both for-profit and nonprofit degree-granting institutions (Type 1). No agency or board has responsibility for approval and oversight of non-degree-granting for-profit and nonprofit private postsecondary institutions (Type 2); the educational and business requirements are the same for these institutions as for degree-granting institutions.

Montana's open meetings law requires that all meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or

agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public. (2-3-203, MCA.) Further, the Montana Constitution contains both a right to know (Mont. Const., Art. II § 9) and a right of participation (Mont. Const., Art. II § 8). The Board of Regents, therefore, must hold meetings open to the public and must allow public participation. The scope of authority and the duties of the Board is articulated in Montana Board of Regents of Higher Education Policy and Procedures Manual (see, in particular, Policy 221, Authorization to Operate Postsecondary Institution in the State of Montana).

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: Degree-granting private postsecondary educational institutions. Montana does not prohibit for-profit interests from serving on the Board of Regents.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana uses bureaus of the Department of Labor and Industry to regulate various types of non-degree-granting institutions, and there is no indication of a general prohibition on for profit-membership among bureau heads.

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: Degree-granting private postsecondary educational institutions. Montana does not require a consumer advocate on the Board of Regents. It does require a student member, which is commendable. (Montana Board of Regents of Higher Education, Policy and Procedures Manual, Policy 201.7-By-laws.) However, there is no requirement that the Board of Regents include an individual with expertise and experience in consumer advocacy.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana does not require a consumer advocate on the regulatory body.

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: Degree-granting private postsecondary educational institutions. The governor appoints, and the senate confirms, all seven members of the Board of Regents.

Type 2: Non-degree-granting private postsecondary educational institutions. Members of the various commissions, divisions, and bureaus that oversee various types of professional schools are appointed by the governor.

II. STATE OVERSIGHT—EFFICACY:

3.75/100 POINTS

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

0/10 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 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Degree-granting private postsecondary educational institutions. Montana law does not explicitly require the Board to conduct onsite reviews.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana law does not appear to require onsite reviews either in general, or in regard to the specific institutions that are overseen by bureaus.

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: Degree-granting private postsecondary educational institutions. Montana law does not explicitly require or authorize unannounced inspections by the Board.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana law does not appear to explicitly require or authorize unannounced inspections of these institutions.

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

0/20 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: Degree-granting private postsecondary educational institutions. Montana law does not require or address regular reviews of degree-granting private postsecondary institutions.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana law does not require or address regular reviews of non-degree-granting private postsecondary institutions.

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

1.25/20 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		
Graduation requirements		
Placement rate		
Completion rate (or graduation rate)		
Advertising practices		
Cohort default rate		
Accreditation status	M	
Financial aid policies		

Explanation:

Type 1: Degree-granting private postsecondary educational institutions. The Board’s Policy and Procedures Manual requires private institutions seeking authorization to operate in Montana to meet the following requirements: accreditation by one of several specified accrediting agencies and demonstration of financial integrity. (Policy 221.)

Type 2: Non-degree-granting private postsecondary educational institutions. There is no indication that non-degree-granting postsecondary institutions in Montana must meet any of the above standards to obtain or renew authorization.

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL 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: Degree-granting private postsecondary educational institutions. Montana exempts some religious private postsecondary educational institutions that are operated on a nonprofit basis. (Montana Board of Regents of higher education, Policy and Procedures Manual, Policy 221(C).)

Type 2: Non-degree-granting private postsecondary educational institutions. There is no designated overarching oversight board/body for either for-profit or nonprofit non-degree-granting private postsecondary educational institutions. Aside from potential distinctions in the formation of each type of entity, there appear to be no distinction made between for-profit and nonprofit institutions.

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:

There is no indication that Montana increases oversight/scrutiny of private postsecondary institutions based on poor performance (as determined by graduation rate, cohort default rate, job placement rates, etc.) for either degree-granting or non-degree-granting private postsecondary educational institutions.

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

0/20 POINTS*

**points for Type 1 and Type 2 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 is no indication that Montana provides any special protections for veterans who attend private postsecondary educational institutions, whether those institutions are degree-granting institutions or non-degree-granting institutions.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

0/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

0/100 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: Degree-granting private postsecondary educational institutions. Montana receives no credit for this element. The scope of the Board’s oversight appears to be broad where degree-granting private

postsecondary educational institutions are concerned. However, 20-25-107, MCA exempts any educational institution accredited by an educational accrediting association whose accrediting is found by the Board to be generally recognized by state and other universities in the United States, with regard to the adequacy of the course of study.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana’s lack of regulatory structure and/or agency specifically tasked with the oversight of non-degree-granting private postsecondary institutions has the effect of exempting them from oversight. Because such a broad swath of institutions is encompassed by this exemption, the state receives zero points for this element.

IV. DISCLOSURE REQUIREMENTS: 0/100 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:

There is no indication that Montana requires either degree-granting or non-degree-granting private postsecondary educational institutions to provide a document containing disclosures related to institutional performance standards to potential students.

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: Degree-granting private postsecondary educational institutions

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

Explanation:

There is no indication that Montana requires degree-granting private postsecondary educational institutions to disclose any institutional performance measures to potential students.

Type 2: Non-degree-granting private postsecondary educational institutions

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

Explanation:

There is no indication that Montana requires non-degree-granting private postsecondary educational institutions to disclose any institutional performance measures to potential students.

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

0/20 POINTS*

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

Type 1: Degree-granting private postsecondary educational institutions

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

Explanation:

Montana does not specify what information and/or disclosures degree-granting private postsecondary educational institutions must include in their enrollment contracts.

Type 2: Non-degree-granting private postsecondary educational institutions

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

Explanation:

Montana does not specify what information and/or disclosures non-degree-granting private postsecondary educational institutions must include in their enrollment contracts.

V. REGULATION OF RECRUITING PRACTICES:
50/100 POINTS

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

50/100*

**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	X
Promise of employment		
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	X	X
Misrepresentation (broad prohibition)		
Misleading representations re: accreditation		

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

Explanation:

Type 1: Degree-granting private postsecondary educational institutions. Montana has the exclusive right to the name “Montana university system,” and prohibits any other institution of learning or corporation from use of the name or any similar name—thereby prohibiting misleading affiliations with the Montana university system. (20-25-102, MCA.) In addition, 30-14-103, MCA prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce. This broad prohibition would apply to degree-granting private postsecondary educational institutions.

Type 2: Non-degree-granting private postsecondary educational institutions. Montana has the exclusive right to the name “Montana university system,” and prohibits any other institution of learning or corporation from use of the name or any similar name—thereby prohibiting misleading affiliations with the Montana university system. (20-25-102, MCA.) In addition, 30-14-103, MCA prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce. This broad prohibition would apply to non-degree-granting private postsecondary educational institutions.

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

38.25/100 POINTS

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

5/20 POINTS*

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

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

Explanation:

Type 1: Degree-granting private postsecondary educational institutions. Montana requires degree-granting private postsecondary educational institutions to post surety bonds, but only in limited circumstances. Degree-granting private postsecondary educational institutions must demonstrate financial integrity as a condition of authorization to operate. A private institution can achieve this demonstration by (1) having been accredited for at least twenty years by an accrediting agency that is recognized by the U.S. Department of Education, operating continuously in Montana for at least twenty years and never filing for bankruptcy protection pursuant to Title 11 of the United States Code; (2) maintaining a Financial Responsibility Composite Score of at least 1.0, determined by the U.S. Department of Education pursuant to 20 U.S.C. § 1099c; or (3) submitting a good and sufficient surety bond in an amount to be determined by the Office of the Commissioner of Higher Education. (Montana Board of Regents of higher education, Policy and Procedures Manual, Policy 221(E)(2).)

Type 2: Non-degree-granting private postsecondary educational institutions. Montana does not appear to require non-degree-granting private postsecondary educational institutions to post a surety bond.

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: Degree-granting private postsecondary educational institutions. The Board’s Policy and Procedures Manual, Policy 221(E)(2), specifies that if an institution submits a bond as the means to demonstrate financial integrity, the bond shall be conditioned to provide indemnification to any student or enrollee or his or her parent of guardian, determined to have suffered loss of tuition or any fees as a result of any act or practice of the institution. This may include enrolling as a result of misrepresentation, but the provision does not necessarily guarantee a full refund under such circumstances. Further, it is unclear what refund rights students have at institutions that have not posted such a bond.

Type 2: Non-degree-granting private postsecondary educational institutions. There is no indication that Montana requires non-degree-granting private postsecondary educational institutions to provide a refund of tuition if a student enrolls as the result of misrepresentation.

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

Type 1: Degree-granting private postsecondary educational institutions. The Board’s Policy and Procedures Manual, Policy 221(E)(2), specifies that if an institution submits a bond as the means to demonstrate financial integrity, the bond shall be conditioned to provide indemnification to any student or enrollee or his or her parent of guardian, determined to have suffered loss of tuition or any fees as a result of any act or practice of the institution. This may include instances when an institution closes, but the provision does not necessarily guarantee a full refund under such circumstances. Further, it is unclear what refund rights students have at institutions that have not posted such a bond.

Type 2: Non-degree-granting private postsecondary educational institutions. There is no indication that Montana requires non-degree-granting private postsecondary educational institutions to provide a refund of tuition if the institution closes.

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:

Montana law does not specify a deadline for the filing of complaints with regard to either degree-granting or non-degree-granting private postsecondary educational institutions.

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

3.75/20 POINTS*

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

Type 1: Degree-granting private postsecondary educational institutions

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

Explanation:

Montana requires schools to make complaint procedures available to students, but there is no specification as to where this disclosure is to be made. Because two of the most common places for institutions to make these disclosures are in the institutional catalog and on the institutional website,

Montana’s explanation about the complaint process for various types of private postsecondary educational institutions is located online at <http://mus.edu/mus-statement-of-complaint-process.asp>.)

Type 2: Non-degree-granting private postsecondary educational institutions.

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

Explanation:

There is no indication that Montana has any general requirements related to complaint processes for non-degree-granting postsecondary educational institutions.

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

7/10 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:

Montana directs students with complaints related to private postsecondary educational institutions that are outside of the Montana university system to the Montana Department of Justice Office of Consumer’s complaints website. The website contains information on how to file a complaint and provides consumers

with an option to print out and mail in a complaint form or to file a complaint online using an electronic form. The complaint portal is located at <https://dojmt.gov/consumer/consumer-complaints/>.)

VII. ENFORCEMENT: **10/100 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:

There is no indication that degree-granting or non-degree-granting private postsecondary educational institutions lose state aid as a result of repeatedly producing 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?

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:

While Montana laudably prohibits a college or university from requiring a student to sign any contract that would waive the student’s right to privacy and due process of law, it does not create a private right of action for students against institutions who have violated the laws and regulations in place to govern them, whether the students impacted attend a degree-granting or a non-degree-granting postsecondary institution. (20-25-512, MCA.)

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:

Montana does not explicitly allow attorney fee awards for students who prevail in litigation against institutions who have violated the laws and regulations in place to govern them, whether the students impacted attend a degree-granting or a non-degree-granting postsecondary institution.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

10/20 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:

Attorney General involvement is explicitly authorized in limited circumstances, applicable to both degree-granting and non-degree-granting private postsecondary educational institutions. (20-25-102, MCA.)

BONUS POINTS

Montana does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

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

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

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>.)