

NEW HAMPSHIRE FINAL GRADING ANALYSIS

OVERALL SCORE: **329.5/700 POINTS (47.1%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **50.5/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
THAT IS PUBLICLY ACCOUNTABLE?
47.5/60 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	5	0	2.5
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	50	45	47.5

**for purposes of this element, the term board refers to the state's multi-member Higher Education Commission*

Explanation:

Private postsecondary career schools (Type 1) and private degree-granting postsecondary educational institutions (Type 2) are governed under two separate statutory and regulatory code sections in New Hampshire. The Higher Education Commission licenses private postsecondary career schools and approves degree-granting private postsecondary educational institutions. (N.H. Rev. Stat. Ann. § 188-G:2; N.H. Rev. Stat. Ann. § 292:8-e.) For both types of school, the Commission is the final decision maker. It is responsible for rulemaking, it can initiate investigations, and it can impose penalties. (N.H. Rev. Stat. Ann. § 21-N:8-a.)

New Hampshire requires all meetings of a quorum of the membership of a public body, whether held in person, by means of telephone or electronic communication, or in any other manner, to be open to the public. **N.H. Rev. Stat. Ann. § 91-A:2** Thus, the Commission must hold public meetings, though there is no indication that New Hampshire requires these meetings to allow a period for public comment.

Type 1: Private postsecondary career schools. The Commission’s Office of Career School Licensing regulates and licenses private, postsecondary career schools. (N.H. Admin. Rules, Hedc 300.) New Hampshire receives partial credit for recognizing the need for a specialized oversight body to specifically oversee private postsecondary career schools and creating the Office of Career School Licensing for that purpose.

Type 2: Private degree-granting postsecondary educational institutions. The Higher Education Commission oversees private degree-granting institutions. The state has not statutorily created a special office or board within the Commission to oversee these institutions.

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:

New Hampshire requires that the Commission’s 22-members include one member who is a representative from a for-profit college or university, as well as six members from private four-year colleges in New Hampshire. While there is no requirement that the six members from the four-year colleges be representatives of for-profit institutions, there is no prohibition on them being so associated. (N.H. Rev. Stat. Ann. § 21-N:8-a.) Also, the two Commission members from the New Hampshire Council for Professional Education could be representatives from for-profit career schools.



Notable fact. According to a June 2017 correspondence from New Hampshire officials, no for-profit colleges or universities with a physical presence are currently operating in the state.

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:

New Hampshire law does not require the Commission to include a consumer advocates in its membership. (N.H. Rev. Stat. Ann. § 21-N:8-a.)

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

3/5 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:

The majority of Commission members are appointed either by the governor or by another publicly accountable official or board.

The Commission membership consists of the following: The president of the University of New Hampshire, the president of Keene State College, the president of Plymouth State University, and the president of Granite State College; two presidents from institutions within the Community College System of New Hampshire, to be chosen by the board of trustees of the Community College System; the chancellor of the University System of New Hampshire; the chancellor of the Community College System of New Hampshire; the commissioner of the Department of Education; six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college; one member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council; four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any college, university, or private postsecondary career school as an employee, trustee, or member on a board of directors; two members to be appointed by the governor and council, on recommendation by the New Hampshire Council for Professional Education, who shall be residents of the state and shall represent private postsecondary career schools. (N.H. Rev. Stat. Ann. § 21-N:8-a.)

II. STATE OVERSIGHT—EFFICACY: **51.5/100 POINTS**

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

2.5/10 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 4 Points	0 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 1 Point

Explanation:

Type 1: Private postsecondary career schools. New Hampshire law requires an onsite inspection as part of an institution’s initial application. Although state law does not require onsite inspections to occur at regular intervals after that, it gives the Commission discretion to inspect the premises of private postsecondary career colleges at any time in order to determine compliance with applicable laws and rules. (N.H. Rev. Stat. Ann. § 188-G:5.) One additional point is awarded for the initial onsite inspection.

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law requires institutions to submit annual and/or other reports as specified in its commission approval. The director is required to review and report compliance to the Commission.

Onsite reviews may take place in specific circumstances. New Hampshire law allows for three types of reviews: a comprehensive review, an expedited review, and an administrative review. If an institution is undergoing a comprehensive review, it will undergo an onsite visit. (N.H. Admin. Rules, Hecd 404.03.) New Hampshire receives one point for requiring onsite reviews in these limited circumstances.

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: Private postsecondary career schools. New Hampshire law gives the Commission discretion to conduct unannounced site visits. (N.H. Rev. Stat. Ann. § 188-G:5.)

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law neither requires nor gives the Commission discretion to conduct unannounced onsite reviews.

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

15/20 POINTS*

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

	Mandatory			Discretionary	None
	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: Private postsecondary career schools. New Hampshire law requires private postsecondary career schools to renew licenses, which requires review of specified information. (N.H. Admin. Rules, Hecdc 303.02.) New Hampshire law requires a review within 90 days of the license expiring for any institution.

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law requires degree-granting private postsecondary educational institutions to submit annual reports and requires the director to review the reports and report compliance to the Commission. (N.H. Admin. Rules, Hecdc 406.01.)

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

10/20 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 13.5 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 6.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements	M	D
Graduation requirements	M	D
Placement rate	M	D
Completion rate (or graduation rate)	M	D
Advertising practices	M	
Cohort default rate		
Accreditation status	D	M
Financial aid policies		

M=Mandatory; D=Discretionary

Explanation:

Type 1: Private postsecondary career schools. New Hampshire law requires an initial application for licensure to include information related to admission requirements, program or course outcomes (placement and completion rates). (N.H. Admin. Rules, Hecdc 304.04; N.H. Admin. Rules, Hecdc 304.06.) Additionally, the Commission may review sales (advertising) practices by virtue of the discretion the law provides the Commission to conduct review of sales literatures at any time. (N.H. Admin. Rules, Hecdc 303.01.) Finally, it can be reasonably assumed that the Commission may review a school’s accreditation given that N.H. Admin. Rules, Hecdc 304.08 requires that learning resources must meet the requirements of the school’s accreditation association, if applicable, and N.H. Admin. Rules, Hecdc 304.03 requires schools to measure instructional activity unless otherwise required by an accrediting agency accreditation or federal regulations. Upon renewal, schools must provide any updates to information provided on their initial application. (N.H. Admin. Rules, Hecdc 303.02.)

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law requires institutions to file annual and/or other reports as specified in its Commission approval. The director is required to review and report compliance to the Commission. (N.H. Admin. Rules, Hecdc 406.02.) The continuing reviews must consider accreditation, but there is no indication that the Commission is required to review any of the other elements noted above. Many of the above elements are, however, included in the standards for evaluation laid out in New Hampshire’s code and therefore would be subject to review given that the standards must be met as a condition of approval. The state is awarded partial credit here because while the standards are likely subject to review, there is no explicit requirement that the Commission review the elements/standards annually. The standards for evaluation require degree-granting private postsecondary educational institutions to submit for evaluation a catalog and supporting materials that include, among other relevant information, admission requirements; rates of student success, including rates of retention, graduation, and other measures of success appropriate to its institutional mission (which may include placement rate, and the state receives partial credit for including placement rate); schedule of tuition, fees, availability of financial aid, expected amount of student debt upon graduation, and all other charges and expenses necessary for the completion of the course of study. (N.H. Admin. Rules, Hecdc 405.11.) The institution is further required to define graduation requirements in its written plan. (N.H. Admin. Rules, Hecdc 405.04.)

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

0/15 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: Private postsecondary career schools. New Hampshire law does not distinguish between private for-profit and private nonprofit postsecondary career schools. (N.H. Rev. Stat. Ann. § 188-G:1.)

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law does not distinguish between private for-profit and private nonprofit degree-granting private postsecondary educational institutions.

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

2.5/10 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: Private postsecondary career schools. New Hampshire law requires private postsecondary career schools to maintain a system which defines and measures the knowledge, skills and competencies students have acquired, and disclose information about percentage of graduates who successfully obtained such licensure, number and percentage of students who complete or graduate from each program or course, or both, and the number and percentage of students who are working in jobs related to their training 60–90 days following completion or graduation. (N.H. Admin. Rules, Hecd 304.06.) According to the state, poor performance under N.H. Admin. Rules, Hecd 304.12 triggers an investigation under N.H. Admin. Rules, Hecd 309, which in turn triggers revocation for the school’s license under N.H. Admin. Rules, Hecd 311.01 if the school does not show increased performance. However, it is not clear from the text of the statutes whether this is guaranteed to occur, as the statutes do not specify any specific standards.

Type 2: Private degree-granting postsecondary educational institutions. New Hampshire law does not require increased oversight/scrutiny for institutions based on performance (low graduation rates, high default rates, low placement rates, and/or low exam passage rates).

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

20/20 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: Private postsecondary career schools. New Hampshire law has some special provisions in place that provide special protections for veterans. The Veterans Education Services may approve for veterans' education and services any institution licensed as a private postsecondary career school. The Department of Education may adopt rules relative to the procedures for approval of institutions for veterans' education

and benefits. (N.H. Rev. Stat. Ann. § 188-G:8.) In addition, the Department of Education has a webpage dedicated to veterans’ education.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law has some special provisions in place that may provide special protections for veterans. The Department of Education may adopt rules relative to the procedures for approval of institutions for veterans' education and benefits. (N.H. Rev. Stat. Ann. § 188-G:8.) In addition, the Department of Education has a webpage dedicated to veterans’ education.

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: Private postsecondary career schools. New Hampshire law provides no significant exemptions to Commission oversight and regulation. The exceptions that are allowed include avocational training, courses offered by an employer for employees (at no cost to the employee), schools specifically licensed as an education or training school by a state agency other than the Commission, noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade, and the like. (N.H. Rev. Stat. Ann. § 188-G:1.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law allows the Commission to accept accreditation or program approval by a recognized accrediting body in place of its own independent evaluation, thereby creating a broad exemption to the oversight of degree-granting private postsecondary educational institutions. (N.H. Rev. Stat. Ann. § 292:8-e.)

IV. DISCLOSURE REQUIREMENTS: **48.75/100 POINTS**

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

10/20 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: Private postsecondary career schools. New Hampshire law requires private postsecondary career schools to make information available to the public in hard copy and electronically, although there is nothing that requires schools disclose this information to potential students. This information must include several disclosures, rates of student success, including rates of retention, graduation and other measures of success applicable to its institutional mission. (N.H. Admin. Rules, Hedc 304.12.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law requires institutions to provide disclosures to the public in their catalog and supporting materials that are accessible electronically. (N.H. Admin. Rules, Hedc 405.11.) Institutions are not required to provide the disclosures to the students prior to enrollment, but because the institutions are required to make these disclosures available to the public, the state receives partial credit for this element.

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

25/60 POINTS*

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

Type 1: Private postsecondary career schools

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

Explanation:

New Hampshire law specifically requires private postsecondary career schools to disclose to the public information related to student success, including rates of retention, graduation and other measures of success applicable to its institutional mission. (N.H. Admin. Rules, Hedc 304.12(k).) Though they are not specifically enumerated, it is reasonable to assume that placement rates, wage information, and license exam passage rates and methods and sources used to calculate these rates are “other measures of success applicable to institutional mission,” in light of the fact that New Hampshire law requires schools to maintain records related to program or course outcomes including a system which defines and measures the knowledge, skills and competencies students have acquired, and information related to graduation, exam passage and employment rates. (N.H. Admin. Rules, Hedc 304.06.) New Hampshire law does not require private postsecondary career schools to disclose cohort default rates.

Type 2: 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:

New Hampshire law requires institutions to provide disclosures to the public in their catalog and supporting materials that are accessible electronically. (N.H. Admin. Rules, Hecd 405.11.) Rates of student success including rates of retention, graduation, and other measures of success appropriate to its instructional mission. (N.H. Admin. Rules, Hecd 405.11(g).) “Other measures of success appropriate to its instructional mission” may reasonably include information related to placement, wage, and license passage rates. Institutions are not required to provide the disclosures to the students prior to enrollment, but because institutions are required to make these disclosures available to the public, the state receives partial credit for this element.

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

13.75/20 POINTS*

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

Type 1: Private postsecondary career 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:

New Hampshire requires public disclosure of information related to the cost of programs, refunds, transferability of credits, and requirements for completing a program. (N.H. Admin. Rules, Hecd 304.12.) The state receives partial credit because there is no requirement that these disclosures are made to potential student prior to enrollment or in the enrollment contract.

Type 2: 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:

New Hampshire law requires institutions to provide disclosures to the public in their catalog and supporting materials that are accessible electronically. (N.H. Admin. Rules, Hedc 405.11.) The state requires public disclosures to include information related to total cost of programs, refund information, transferability of credits, and the length of programs. (N.H. Admin. Rules, Hedc 405.11.) Institutions are not required to provide the disclosures to the students prior to enrollment, or in the enrollment contract, but because institutions are required to make the disclosures available to the public, the state receives partial credit for this element.

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

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

Explanation:

Type 1: Private postsecondary career schools. New Hampshire law prohibits private postsecondary career schools from falsely misleading the public as to its name, nature of business, facilities and equipment and from engaging in fraudulent or deceitful marketing practices. Schools are further prohibited from making unsubstantiated claims or guarantees regarding employment to prospective students. (N.H. Admin. Rules, Hedc 304.13.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law prohibits degree-granting private postsecondary educational institutions from using the terms “college,” “university,” or “junior college” in connection with the institution absent authorization under New Hampshire law. **N.H. Rev. Stat. Ann. § 292:8-g**

VI. COMPLAINT PROCESS & RELIEF FOR STUDENTS:

56.25/100 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: Private postsecondary career schools. New Hampshire law requires private postsecondary career schools to post a surety bond, an irrevocable letter of credit or a term deposit of at least \$10,000 as a condition of licensure. (N.H. Admin. Rules, Hecd 304.11.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not require degree-granting private postsecondary educational institutions to post a bond or any similar instrument as a condition of approval to operate in the state.

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

10/20 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: Private postsecondary career schools. New Hampshire law requires private postsecondary career schools to students with a full refund, of all monies paid within 30 days if the school procured the student’s enrollment as the result of any false representations in the written materials used by the school or in oral representations made by or on behalf of the school. (N.H. Admin. Rules, Hecd 307.02.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not require a refund of tuition if a student enrolls in a degree-granting private educational institution as the result of misrepresentation.

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

5/20 POINTS*

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

	Yes, full refund	Yes, limited refund	Yes, refund in limited circumstances	No refund required
Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Private postsecondary career schools. New Hampshire law provides refunds to students in specified circumstances, some of which may apply if a school closes. (N.H. Admin. Rules, Heds 307.01, 307.02, 307.03.) State law does not, however, expressly require refunds in the event that a school closes and/or becomes insolvent.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not require degree-granting private postsecondary educational institutions to refund tuition in the event of closure.

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: Private postsecondary career schools. New Hampshire law does not specify a deadline by which a student must file a complaint against a private postsecondary career school.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not specify a deadline by which a student must file a complaint against a degree-granting private educational institution.

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

11.25/20 POINTS*

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

Type 1: Private postsecondary career schools

Medium	Mandatory	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:

New Hampshire requires that institutions make available information about where to file student complaints and where to seek redress. (N.H. Admin. Rules, Hecd 304.12(o).) The law requires this information to be made available in hard copy and electronically, but does not explicitly require it to be in a catalog or on a website. However, the state receives partial credit because the institutional catalog and website are common places for colleges to disclose this type of information.

Type 2: Degree-granting private postsecondary educational institutions.

Medium	Mandatory	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:

New Hampshire requires institutions to disclose information about where to file student complaints and where to seek redress in a catalog and other supportive materials available electronically. (N.H. Admin. Rules, Hecd 405.11.)

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

10/10 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: Private postsecondary career schools. New Hampshire's Department of Education's website has a page relating to career schools; on that page, there is a contact email and phone number listed webpage, as well as a link to an electronic complaint form with name, address, phone number and email address (<http://education.nh.gov/highered/>).

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire’s Department of Education has a website that describes the general procedure for filing complaints. The page includes an electronic form and a name, address, phone number and email address (<http://education.nh.gov/highered/compliance-allegation.htm>).

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:

Type 1: Private postsecondary career schools. New Hampshire law requires private postsecondary schools to disclose information related to student performance, but there is no indication that the schools will lose state aid as a direct result of repeatedly producing substandard graduation rates, job placement rates, and/or cohort default rates.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not require that degree-granting private postsecondary institutions lose state aid as a direct 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:

Type 1: Private postsecondary career schools. New Hampshire law does not explicitly authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not explicitly authorize a private right of action for students against institutions that 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: Private postsecondary career schools. New Hampshire law does not explicitly allow attorney fee awards for students who prevail in litigation against institutions that have violated the laws and regulations in place to govern them.

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not explicitly allow attorney fee awards for students who prevail in litigation against institutions that have violated the laws and regulations in place to govern them.

D. DOES THE STATE 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:

Type 1: Private postsecondary career schools. New Hampshire law explicitly authorizes Attorney General involvement in matters related to private postsecondary career schools. (N.H. Admin. Rules, Hedc 310.01; N.H. Rev. Stat. Ann. § 188-G:10.)

Type 2: Degree-granting private postsecondary educational institutions. New Hampshire law does not explicitly authorize Attorney General involvement in matters related to degree-granting private postsecondary institutions.

BONUS POINTS:

New Hampshire does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

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

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

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>.