

NORTH DAKOTA

FINAL GRADING ANALYSIS

OVERALL SCORE: **302.5/700 POINTS (43%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **72.5/100 POINTS**

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

Element	Points	Type 1	Type 2	Average
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10	0	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	10	10
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	5	5
6. Oversight body's meetings must allow public comment	5	0	0	0
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
Total Points	60	55	45	50

Explanation:

North Dakota splits regulation of private postsecondary educational institutions between the State Board for Career and Technical Education (SBCTE), which oversees private career schools granting certificates, diplomas, and degrees up to the Associates of Applied Science degree (Type 1). Associate of Applied Science Degrees are career programs which prepare students for employment.

North Dakota University System's State Board of Higher Education (SBHE), which regulates schools conferring degrees beginning at the Associate of Arts degree and higher (Type 2). Associates of Arts degrees are designed to prepare a student for a 4-year institution to pursue their bachelor's degree.

Type 1: Private career and technical schools. North Dakota created the SBCTE in part to oversee private career schools granting certificates, diplomas, and degrees up to the AAS. SBCTE is charged with the powers and duties related to the authorization of career schools. (North Dakota State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, Section 100 (available at [http://www.nd.gov/cte/private-post-inst/docs/Authorization to Operate.pdf](http://www.nd.gov/cte/private-post-inst/docs/Authorization_to_Operate.pdf)); N.D. Cent. Code, § 15-20.4-03; N.D. Cent. Code, § 15-20.4.)

The North Dakota Constitutions requires: “Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or 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, shall be open to the public.” (N.D. Const. Art. XI, § 5; N.D. Cent. Code, § 44-04-19.) Although SBCTE is subject to North Dakota’s Open Meetings law, that access does not give members of the public the right to participate or speak at public meetings. (N.D.A.G. 2003-O-07; N.D.A.G. 99-O-07; N.D.A.G. 98-F-11. *But see* N.D.A.G. 2007-O-11.)

Type 2: Degree-granting private postsecondary educational institutions. The SBHE is charged with authorization and oversight of degree-granting private postsecondary educational institutions. (N.D. Cent. Code, § 15-18.1-04.) While it was not created specifically to oversee private postsecondary educational institutions in the state, SBHE has authority to engage in rulemaking, initiate investigations, and impose penalties on institutions that do not comply with the law and regulations governing them. (N.D. Cent. Code, § 15-18.1-04.)

The North Dakota Constitutions requires: “Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or 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, shall be open to the public.” (N.D. Const. Art. XI, § 5; N.D. Cent. Code, § 44-04-19.) Although SBHE is subject to North Dakota’s Open Meetings law, that access does not give members of the public the right to participate or speak at public meetings. (N.D.A.G. 2003-O-07; N.D.A.G. 99-O-07; N.D.A.G. 98-F-11. *But see* N.D.A.G. 2007-O-11.)

B. STATUTE-SPECIFIED MEMBERSHIP:

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

17.5/25 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: Private career and technical schools. While there is no explicit prohibition on a for-profit majority, the mandated composition of the SBCTE makes it unlikely that individuals affiliated with

private for-profit educational institutions will comprise a majority of the Board or a majority of a quorum. (N.D. Cent. Code, § 15-20.1-02.)

Type 2: Degree-granting private postsecondary educational institutions.



Notable Provision: While North Dakota law does not contain an explicit prohibition on a for-profit majority on the SBHE, it does include a very strong prohibition on Board membership of persons employed by any institution under the control of the Board. The North Dakota constitution prohibits persons employed by any institution under the authority of the Board from serving as a member of the Board, and further restricts any employee of any such institution from eligibility for membership on the SBHE for a period of two years following the termination of employment. (N.D. Const. Art. VIII, § 6; N.D. Cent. Code, § 15-10-02.) Because this provision has the same effect as an explicit prohibition on a for-profit majority and no possibility of a majority of the quorum, the state receives full credit.

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: Private career and technical schools. North Dakota law does not require the SBCTE to include a consumer advocate (an individual with expertise and experience in the area of consumer advocacy). (N.D. Cent. Code, § 15-20.1-02.)

Type 2: Degree-granting private postsecondary educational institutions. While North Dakota law laudably requires one student member on the SBHE, it does not require that the membership include a consumer advocate (an individual with expertise and experience in the area of consumer advocacy). (N.D. Const. Art. VIII, § 6; N.D. Cent. Code, § 15-10-02.)

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

Type 1: Private career and technical schools. The SBCTE membership consists of the members of the State Board of Public School Education, the executive director of Job Service North Dakota, and the commissioner of higher education or the commissioner’s designee. (N.D. Cent. Code, § 15-20.1-02.) The governor appoints members of the Board of Public School Education as well as the executive director of

Job Service North Dakota. The State Board of Higher Education appoints the commissioner of higher education. (N.D. Cent. Code, § 15.1-01-01(3); North Dakota SBHE Policies § 100.6.)

Type 2: Degree-granting private postsecondary educational institutions. All eight members of the SBHE are appointed by the governor. Seven of the members are subject to confirmation by the senate. The eighth member, the student member, must be a full-time resident student in good academic standing at an institution under the jurisdiction of the Board. The student member is not subject to confirmation by the senate. (N.D. Const. Art. VIII, § 6.)

II. STATE OVERSIGHT—EFFICACY:

38/100 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: Private career and technical schools. North Dakota law does not explicitly require regular onsite reviews of these schools as a condition of acquiring and maintaining authorization.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not explicitly require regular onsite reviews of degree-granting private postsecondary educational institutions in the state as a condition of acquiring and maintaining authorization.

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: Private career and technical schools. North Dakota law does not explicitly require unannounced

onsite reviews of career and technical schools in the state as a condition of acquiring and maintaining authorization.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not explicitly require unannounced onsite reviews of degree-granting private postsecondary institutions in the state as a condition of acquiring and maintaining authorization.

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

20/20 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: Private career and technical schools. North Dakota law provides for an annual review of these schools, which includes a review of program curriculum. (North Dakota State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 200.8.)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law requires annual reviews of degree-granting private postsecondary educational institutions. (N.D. Cent. Code, § 15-18.1-05; see also NDHE board policies, section 400.)

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

6.75/20 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 11 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	D	
Graduation requirements	M	
Placement rate	M	
Completion rate (or graduation rate)		
Advertising practices	M	
Cohort default rate		

Accreditation status	M	M
Financial aid policies		

M=Mandatory; D=Discretionary

Explanation:

Type 1: Private career and technical schools. North Dakota law requires private career and technical schools to provide a copy of the institutional catalog, which must include entrance requirements. (North Dakota State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 200.4.) Therefore, the information is available to reviewers, but the review is conducted for the purpose of ensuring that the specified requirements are in the catalog, not to review the requirements themselves. The state requires information about program curricula, including length of program, to be submitted annually for review. (North Dakota State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 400.3.) Renewal applicants must provide placement data indicating whether program completers have obtained employment in the field for which they have trained, an unrelated field, or are unemployed. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 200.4(e).) The SBCTE reviews promotional (advertising) materials as a part of authorization and annual renewal. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 200.4(k).)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law requires review of accreditation status. There is no clear indication that any of the other above-listed elements are reviewed annually. (N.D. Cent. Code, § 15-18.1-05.)

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

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: Private career and technical schools. North Dakota law provides a narrow exemption for education offered by charitable schools or institutions, organizations, or agencies so recognized by the SBCTE, provided the education is not advertised or promoted as leading toward educational credentials. (N.D. Cent. Code, § 15-20.4-02(5).)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law contains a narrow exemption for education offered by charitable institutions, organizations, or agencies so recognized by the SBHE, provided the education is not advertised or promoted as leading toward educational credentials. (N.D. Cent. Code, § 15-18.1-02(2).)

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

1.25/10 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 career and technical schools. North Dakota law receives partial credit for this element because it requires review of placement rates for some career and technical schools. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, §200.4(e).) It is not clearly stated which, if any, penalties or increased oversight apply when a school produces poor placement rates. The state has a procedure for provisional authorization in place, but the review of provisionally authorized institutions pivots on accreditation, not performance standards (such as graduation rate, default rate, placement rate, etc.). (N.D. Cent. Code, § 15-20.4-04.)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not have any provision in place related to degree-granting private postsecondary educational institutions which would require increased oversight/scrutiny of private postsecondary institutions based on poor performance.

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

5/20 POINTS*

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

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

Explanation:

Type 1: Private career and technical schools. North Dakota law does not have any special protections in place specifically for veterans who attend private career and technical schools.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law has provisions in place to protect students called to active military service, but there are no special consumer protection provisions in place specifically tailored to veterans. The state receives partial credit for this element. (See NDSBHE Policies, Section 510.)

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 career and technical schools. North Dakota law provides moderate exemptions, typically for schools that do not provide instruction leading to an educational credential, are provided for no fee, or are provided by trade organizations for members or avocational courses. Other exemptions include postsecondary institutions governed by other boards and those which are overseen by the North Dakota University system. Postsecondary career schools not operating in the state are also exempted. (N.D. Cent. Code, § 15-20.4-02.)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law provides moderate exemptions for degree-granting private postsecondary educational institutions as well. The exemptions are similar to those provided for private career and technical schools. Private four-year institutions chartered or incorporated and operating in the state prior to July 1, 1977, so long as the institutions retain accreditation by national or regional accrediting agencies recognized by the U.S. Department of Education are exempt. Schools not operating in the state are also exempt. Other exemptions include postsecondary institutions governed by other boards, Native American colleges, and postsecondary educational institutions established, operated, and governed by this or any other state or its political subdivisions. (N.D. Cent. Code, § 15-18.1-02.)

IV. DISCLOSURE REQUIREMENTS: 3.75/100 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: Private career and technical schools. North Dakota law does not require private career and technical schools to disclose any institutional performance measures to students prior to their enrollment in the institution.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not require degree-granting private postsecondary educational institutions to disclose any institutional performance measures to students prior to their enrollment in the institution

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: Private career and technical 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:

North Dakota law does not require private career and technical schools to disclose any institutional performance measures to students prior to their enrollment in the institution. The state requires disclosure of placement rates to the SBCTE as a part of the annual review, but institutions are not required to disclose this information to potential students prior to their enrollment.

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:

North Dakota law requires the state university system, in collaboration with the SBCTE, to provide information via internet websites to protect students, businesses, and others from persons that issue, manufacture, or use false academic degrees. However, the state does not explicitly require degree-granting private postsecondary educational institutions to disclose any of the above listed institutional performance measures to students prior to their enrollment in the institution.

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

3.75/20 POINTS*

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

Type 1: Private career and technical 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:

North Dakota law requires private career and technical schools to include in their catalogs information about the cost of the program, the institutional refund policy, and an outline of each program or course of instruction including course objectives and subjects or units in each course. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, §200.4(d).) The state receives partial credit because while there is no indication that provision of this information to potential students is mandatory, students may receive this information prior to enrollment,

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:

North Dakota law does not require disclosure of any of the above elements to students prior to enrollment in degree-granting private postsecondary educational institutions.

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 (e.g., military, public institution, businesses)	/	
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 career and technical schools. North Dakota law prohibits private career and technical schools from use of the term “university,” “institute,” or “college” without authorization to do so from the board. (N.D. Cent. Code, § 15-20.4-05.) The state prohibits fraudulent statements, misrepresentations, or misleading statements of fact with respect to institutional tuition, personnel, courses and services, or the occupational opportunities for graduates. Further, state also prohibits guarantees of employment and prohibits institutions from advertising or implying that they are “supervised,” “recommended,” “endorsed,” or “accredited” by the SBCTE, or that it is in any way endorsed by the state. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, § 700.) Prohibitions on misleading affiliations and on misleading representations related to accreditation should go beyond those associated specifically with the oversight board, so the state receives partial credit here.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law prohibits degree-granting private postsecondary educational institutions from using the term “university,” “institute,” or “college” without authorization to do so from the board. (N.D. Cent. Code, § 15-18.1-06(1)(c).) There are several provisions in place in North Dakota law to prohibit false degrees, but the state has only one of the above prohibitions in place related to advertising and promotional materials used by degree-granting private postsecondary institutions.

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

55.75/100 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 career and technical schools. North Dakota requires a private career and technical schools to post a surety bond as a condition of authorization. (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, §200.4(n).)

Type 2: Degree-granting private postsecondary educational institutions. The SBHE has authority to require postsecondary schools that fall under its jurisdiction to provide a bond, but it does not appear that the Board currently requires degree-granting private postsecondary educational institutions to provide a bond as a condition of authorization.

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

20/20 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 career and technical schools.



Notable Provision:

North Dakota law allows the recovery of treble damages to “any person defrauded by any advertisement or circular issued by a postsecondary career school, or by any person who sells textbooks to the school or to the pupils thereof...” (N.D. Cent. Code, § 15-20.4-09.)

Type 2: Degree-granting private postsecondary educational institutions.



Notable Provision:

North Dakota law states that “A person defrauded by an advertisement or circular issued by a postsecondary educational institution, or by a person who sells textbooks to the institution or to the pupils thereof, may recover from the institution or person three times the amount paid.” (N.D. Cent. Code, § 15-18.1-09.)

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

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: Private career and technical schools. North Dakota law does not require schools to refund tuition in cases where a private career or technical school closes. The state requires schools to post a surety bond, as noted above. The purpose of the bond is to protect the contractual rights of students. Thus, there may be some relief available from the bond for students attending private career and technical schools that close. Additionally, there are required refund policies in place that may result in students

receiving a refund in the event of a school closure, so the state receives partial credit, but there are no policies in place specific to instances in which a school closes or becomes insolvent.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not require private postsecondary educational institutions to refund student tuition when a school closes or becomes insolvent.

**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 career and technical schools. North Dakota law does not specify a deadline or set a timeframe by which student complaints must be received.

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law does not specify a deadline or set a timeframe by which student complaints must be received.

**E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?
6.25/20 POINTS***

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

Type 1: Private career and technical 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:

North Dakota law mandates that career and schools provide complaint procedures in the school catalog, student handbook, or other format accessible to the student. The way the regulation reads, the information is mandated on one of several possible formats accessible to the student, because of this mandate, the state receives full credit for mandating this inclusion in the catalog. It receives partial credit for providing discretion to post information on the school website because (1) it is common for schools to their catalogs or information similar to that available in the school catalog online and (2) a website can be considered another “format accessible to the student.” (State Board for Career and Technical Education Policies Authorization to Operate Postsecondary Career Schools, §200.4(m).)

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:

North Dakota law does not explicitly require private postsecondary educational institutions to publish information about where to file complaints in any of the above-listed media.

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

4.5/10 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 career and technical schools. The SBCTE maintains a webpage from which students can link to find information about the complaint process. The information includes a phone number and physical address that students must use to file a complaint.

Type 2: Degree-granting private postsecondary educational institutions. The SBHE maintains a webpage with contact information related to complaints related to degree-granting private postsecondary educational institutions. The website provides a name, phone number, and email address to which complaints may be directed.

VII. ENFORCEMENT: 20/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES AND/OR COHORT DEFAULT RATES?

0/30 POINTS*

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

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Private career and technical schools. Under North Dakota law, there is no loss of aid for private

career and technical schools that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates.

Type 2: Degree-granting private postsecondary educational institutions. Under North Dakota law, there is no loss of aid for degree-granting private postsecondary educational institutions that repeatedly produce 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 career and technical schools. North Dakota law does not authorize a private right of action for students against private career and technical schools that have violated the laws and regulations in place to govern them.

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

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

D. DOES STATE LAW EXPLICITLY AUTHORIZE
ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS*

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

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

Explanation:

Type 1: Private career and technical schools. North Dakota law authorizes attorney general involvement in enforcing laws and regulations in place to govern private career and technical schools. (N.D. Cent. Code, § 15-20.4.)

Type 2: Degree-granting private postsecondary educational institutions. North Dakota law authorizes attorney general involvement in enforcing laws and regulations in place to govern degree-granting private postsecondary educational institutions. (N.D. Cent. Code, § 15-18.1-12.)

BONUS POINTS:

North Dakota does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

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

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

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>.