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# OHIO

## FINAL GRADING ANALYSIS

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OVERALL SCORE: **453.5/700 POINTS (65%)**  
LETTER GRADE: **D**

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### I. OVERSIGHT BODY: **60/100 POINTS**

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A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY  
THAT IS PUBLICLY ACCOUNTABLE?  
**55/60 POINTS**

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Element	Points	Points Awarded
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	10
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10
4. Oversight body can engage in rulemaking	10	10
5. Oversight body's meetings must be open to the public	5	5
6. Oversight body's meetings must allow public comment	5	0
7. Oversight body can initiate investigations	5	5
8. Oversight body can impose penalties for violations	5	5
<b>Total Points</b>	60	55

**Explanation:**

The Ohio State Board of Career Colleges and Schools oversees both degree-granting and non-degree-granting private postsecondary schools in Ohio. (ORC Ann. 3332.031.) In addition to the Board acceptance and review of applications for program authorization for baccalaureate, masters and doctoral degree programs, the applications considered valid must go to the Board of Regents for approval. (ORC Ann. 3332.05.)

In 2015, HR 64 was signed into law. Among other changes, HR 64 created the Board of Higher Education. The board of regents is an advisory board to the chancellor of higher education (on the Board of Higher Education). Among other duties, the board of regents provides an additional layer of scrutiny

for career colleges wishing to grant degrees. The process proceeds as follows (this process remains unchanged by HR 64):

After reviewing an application submitted by a career school wishing to grant degrees, the board of career colleges and schools must refer any application it finds valid to the Ohio board of regents for approval. The board of regents reviews, and approves or disapproves such degree programs and if so approved, issue certificates of authorization to such schools to offer degree programs. The board of regents then notifies the state board of career colleges and schools of each school registered with the state board that receives a certificate of authorization and the approval to offer any degree program. Upon receipt of such notification, the state board must review, and may issue program authorization to offer, a degree program. (ORC Ann. 3332.05(C)(2).) Ultimately, the Board of Career Colleges and Schools is responsible for the oversight of Ohio’s private career colleges and schools, whether or not they grant degrees. (ORC Ann. 3332.031.)

The Board has authority to engage in rulemaking (ORC Ann. 3332.031; OAC 3332-1-01(B)), initiate investigations (OAC Ann. 3332-1-18(A)), and impose civil penalties of not less than one thousand nor more than three thousand five hundred dollars for each violation of section 3332.09 of the Revised Code. (ORC Ann. § 3332.091.) The Board may suspend, revoke, or refuse to issue or renew a certificate of registration or program authorization or may impose a penalty pursuant to ORC Ann. 3332.091. (ORC Ann. § 3332.091; OAC 3332-1-04; OAC 3332-1-20.)

Ohio law requires that Board meetings are open to the public, but does not specifically require meetings to provide opportunity for public comment. (OAC 3332-1-01(C); ORC Ann. 121.22.)

**B. STATUTE-SPECIFIED MEMBERSHIP:**

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

**0/25 POINTS**

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
25 Points	20 Points	10 Points	<b>0 Points</b>	-5 points

**Explanation:**

Ohio requires the Board of Career Colleges and Schools’ membership to consist of eight members as follows: the state superintendent of public instruction or an assistant superintendent designated by the superintendent, the chancellor of the Ohio board of regents or a vice chancellor designated by the chancellor, and six members appointed by the governor. (ORC Ann. 3332.03.)

Ohio law neither prohibits nor discourages for-profit membership on the Board. In fact, the Board is mandated to include for-profit membership. Three of the six members appointed by the governor shall have been engaged for a period of not less than five years immediately preceding appointment in an executive or managerial position in a private, trade, technical, or other school subject to oversight by the Board. (ORC Ann. 3332.03.)



*This provision is concerning in that it allows for a potential for-profit majority of the quorum at any meeting of the Board.*

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

**0/10 POINTS**

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

**Explanation:**

Ohio does not require the Board to include a consumer advocate on its oversight body.

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

**5/5 POINTS**

<b>All</b>	Majority	Half	Minority	None
<b>5 Points</b>	3 Points	2.5 Points	1 Point	0 Points

**Explanation:**

Six of the eight members are appointed by the governor with the advice and consent of the senate. One member is the state superintendent of public instruction or assistant superintendent appointed by the superintendent; the superintendent is appointed by the state board of education (members are elected or appointed by the governor). The final member of the Board is the chancellor of the Ohio board of regents. The chancellor of the Ohio board of regents is appointed by the governor. (ORC Ann. 3332.03.)

**II. STATE OVERSIGHT—EFFICACY:**

**57.5/100 POINTS**

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

**10/10 POINTS**

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

**Explanation:**

Any time while a school is in session, the Board or its designee may conduct onsite inspections and reviews of a school and its courses of instruction. (ORC Ann. 3332.091.)

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

**5/5 POINTS**

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

**Explanation:**

Any time while a school is in session, the Board or its designee may conduct onsite inspections and reviews of a school and its courses of instruction. The Board shall conduct such visits and reviews, including visits without prior notice to the schools, as necessary to ensure compliance. (ORC Ann. 3332.091.)

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

**20/20 POINTS**

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

**Explanation:**

A certificate of registration is valid for a maximum of two years. (OAC Ann. 3332-1-04(A)(5).)

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

**12.5/20 POINTS**

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

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

*M= Mandatory; D=Discretionary*

**Explanation:**

Criteria includes advertising practices (OAC Ann. 3332-1-04.5). Program standards include disclosures to students about content of curriculum/employment outcomes/graduation requirements, and educational/facility requirements. (OAC Ann. 3332-1-26.) A school with graduation or placement rates that are one or more standard deviations below the average may be required to submit an explanation for the deviation and a plan for improvement. The Board may accept the school's explanation or the Board may take other disciplinary action. (OAC Ann. 3332-1-24.)

**Notable Provision:**



Ohio requires all registered schools to administer student surveys which are used to solicit comments from students enrolled at the school. The survey must be designed to determine student satisfaction with the quality of instruction, facilities, school personnel, and business operations, including recruitment and recruitment agents. (OAC Ann. 3332-1-14.)

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

**5/15 POINTS**

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<b>Yes, strongly distinguished</b>	<b>Yes, moderately distinguished</b>	<b>Yes, slightly distinguished</b>	<b>Not distinguished</b>
15 Points	10 Points	<b>5 Points</b>	0 Points

**Explanation:**

Ohio law provides an exemption for nonprofit institutions that have certificates of authorization issued pursuant to section 1713.02 of the Revised Code (“bible college” or “bible institute”) or that are nonprofit institutions exempted from the requirement to obtain a certificate by division. (ORC Ann. § 3332.02; OAC Ann. 1713.02.)

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

**5/10 POINTS**

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<b>Yes, mandatory</b>	<b>Yes, mandatory but limited</b>	<b>Yes, discretionary</b>	<b>Yes, discretionary but limited</b>	<b>No</b>
10 Points	7.5 Points	<b>5 Points</b>	2.5 Points	0 Points

**Explanation:**

All schools registered with the Board shall assist students with job placement after graduation; placement assistance must include elements which exceed steps that the student could initiate on his/her own. (OAC Ann. 3332-1-24.) A school with graduation or placement rates that are one or more standard deviations below the average may be required to submit an explanation for the deviation and a plan for improvement. The Board may accept the school's explanation or it may take other disciplinary action. (OAC Ann. 3332-1-24.)

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

**0/20 POINTS**

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

**Explanation:**

While Ohio law does contain a laudable provision for military leave (ORC Ann. 3332.20), it does not provide any substantial protections with regard to consumer protection related to abuses by for-profit colleges.

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

**50/100 POINTS**

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

**50/100 POINTS**

<b>No exemptions</b>	<b>Few exemptions</b>	<b>Moderate exemptions</b>	<b>Broad exemptions</b>
100 Points	75 Points	<b>50 Points</b>	0 Points

**Explanation:**

Any institution authorized on February 20, 2002, to grant baccalaureate or master’s degrees, for which certificates of authorization have been issued under Chapter 1713 of the Revised Code; that is accredited by the appropriate regional and, when appropriate, professional accrediting associations within whose jurisdiction it falls; and that is operated by a for-profit corporation shall cease to be subject to any regulation under Chapter 3332 of the Revised Code but shall continue to be subject to the provisions for approval of degree programs set forth in Chapter 1713 of the Revised Code, including approval of any additional associate, baccalaureate, or master’s degree programs offered by the institution. (ORC Ann. 3332.02 and OAC 3332-1-03; ORC Ann. 3333.046.)

**IV. DISCLOSURE REQUIREMENTS: 80/100 POINTS**

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

**20/20 POINTS**

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

**Explanation:**

Prior to a student’s enrollment, a school shall determine, with reasonable certainty, that a prospective

student is fully informed as to several performance measures (see below) related to the school. (OAC Ann. 3332-1-09(B).) Prior to completing an enrollment agreement, all potential students enrolled in an Ohio school must review and complete the Board’s student disclosure form as required by the Board. (OAC Ann. 3332-1-09(C).)

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

**40/60 POINTS**

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:**

Prior to a student’s enrollment, a school shall determine, with reasonable certainty, that a prospective student is fully informed as to the graduation requirements and expected outcomes of the program they desire to take; the financial obligations they are entering into; their responsibilities and rights under any contracts or agreements that they are given to sign; the placement and graduation rates for the program they are entering into (no applicant will be allowed to sign an enrollment agreement until the school has provided the applicant with placement and graduation rates, for any program the student is considering, for each of the preceding three years); and the school’s most recently available passage rates on any state licensure exams related to any program that the student is considering. (OAC 3332-1-09.)

Ohio does not require career schools to disclose information regarding the prevailing wage of the school’s graduates. However, OAC Ann. 3332-1-12 indicates that no school shall guarantee any certain wage, or imply earnings greater than the prevailing wage earned by the school’s graduates as documented by the school’s placement records. For new programs that have no current graduates, information provided to students about potential wages should be corroborated by verifiable documentation concerning entry level wages in the field of study. Thus, schools are not required to disclose wage information, but can, at their discretion provide the information to students if the information is consistent with that which is documented in the school’s placement records. Therefore, Ohio 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?**

**20/20 POINTS**

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:**

Ohio law explicitly requires disclosures related to tuition and refund policy in the enrollment contract. In addition, Ohio requires schools to determine, with reasonable certainty, that the student has been fully informed as to a number of issues (see below), including graduation requirements and expected outcomes, which would presumably include information as to the number of classes required to graduate, and may also include information on the amount of time it would take a student to complete the program. Ohio receives partial credit here as a result. (See explanation for IV.B above, related to performance disclosures.)

Ohio law requires that the enrollment contract includes tuition disclosures, refund policy and information regarding number of clock hours, weeks, or months required to complete the program. (OAC Ann. 3332-1-09.)

Prior to completing an enrollment agreement, all potential students enrolled in an Ohio school must review and complete the Board’s student disclosure form as required by the Board. This form requires each student to initial statements indicating that the student has read and received a copy of the enrollment contract; been informed as to the school’s placement and graduation rates for each of the preceding three years as well as the most recent Ohio state licensure test results, if applicable, for the program; understands that the schools will provide placement services but cannot guarantee employment; understands the transferability of credits to another institution is determined exclusively by the receiving institution; and understands the grievance procedure. (OAC Ann. 3332-1-09.)

**V. REGULATION OF RECRUITING PRACTICES:**

**100/100 POINTS**

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

**100/100 POINTS**

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

**PROHIBITED ACTS**

Included in list of Prohibited Acts	
Misleading representations using the word “college” or “university”	X
Misleading institution affiliations (e.g., military, public institution, businesses)	X
Promise of employment	X
Compensation for enrollment	X
Compensation or “bounty” to recruiters	/
Deception (broad prohibition)	X
Misrepresentation (broad Prohibition)	X
Misleading representations re: accreditation	X

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



**Explanation:**

Ohio receives full credit for this element, as career schools in Ohio are prohibited from the above-listed acts. Although Ohio does not prohibit “bounty” to all recruiters, it does prohibit the practice of awarding monetary or other valuable considerations to students in exchange for procuring the enrollment of others, and therefore receives partial credit for including the element. (OAC Ann. 3332-1-04.5(M).)



**Notable provision.** Ohio prohibits schools from soliciting prospective students through contact with members of the public on public streets, sidewalks, and parking lots, on public modes of transportation, in and around other schools, door-to-door, and in buildings open to the public such as welfare offices unless the activity has been requested or approved by that agency or the entity controlling the premises. Where approved, schools must utilize booths, tables, or offices which clearly identify the name of the school and the training programs offered. (OAC Ann. 3332-1-12.)

The state has in place a list of prohibited practices that provides strong protections to potential students:

- Revocation of authorization if presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration. (ORC Ann. § 3332.09; OAC Ann. 3332-1-04.5(F).)
- School names should avoid leaving any false or misleading impressions about the school and the programs a school offers. Schools cannot use “college” or “university” without meeting specified requirements. (OAC Ann. 3332-1-04.2(B), (C).)
- No school or its agents shall advertise or imply that the school is “recommended” or “endorsed” by the board; Any advertisement or piece of promotional literature written or used by a school holding a certificate of registration with the board must be completely truthful and must be prepared and presented in such a manner as to avoid leaving any false, misleading or exaggerated impressions with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates; Schools or representatives shall not use a picture, photograph, cut, engraving, or illustration in bulletins, sales literature, web pages or other promotional material, in such a manner as to convey a false impression; A guarantee of placement for graduates must not be promised or implied by any school, agent, or representative thereof. No guarantees of employment; No school shall guarantee any certain wage, or imply earnings greater than the prevailing wage earned by the school's graduates as documented by the school's placement records. For new programs that have no current graduates, information provided to students about potential wages should be corroborated by verifiable documentation concerning entry level wages in the field of study; No fraudulent statement, misrepresentation, or misleading statement of fact; Schools using classifieds or employment related publications must use only such classifications that are headed by “education,” “schools,” “instruction.” “Help wanted,” “employment,” or “job opportunities,” classifications may be used only to procure employees for the school; No school may advertise that it is endorsed by business establishments, manufacturers, organizations or individuals until written evidence of this fact is presented to the board and approved by it. (OAC Ann. 3332-1-12.)

## VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

**66/100 POINTS**

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

**20/20 POINTS**

Yes	No
20 Points	0 Points

**Explanation:**

The application for a certificate of registration for a school located within Ohio shall be accompanied by a surety bond. However, the Board may permit a school to cancel its bond if the school has been approved to participate in any federal student financial assistance program authorized under Title IV of the Higher Education Act, or if the school meets standards of financial responsibility otherwise established by the board. The bond shall provide for the indemnification of any person suffering prepaid tuition loss as the result of a school closure. (ORC Ann. § 3332.08.) The bond shall provide for indemnification of any person suffering prepaid tuition loss as the result of a school closure, program termination or other acts or omissions resulting in the cancellation, revocation, or expiration of a certificate of registration or program authorization. (OAC 3332-1-13.)

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

**0/20 POINTS**

Yes, full refund	Yes, partial refund	No refund required
20 Points	10 Points	0 Points

**Explanation:**

Ohio law does not specifically mandate 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?

**15/20 POINTS**

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

**Explanation:**

In case of school closure, surety bond and student tuition recovery fund shall reimburse student for prepaid tuition loss or advance against a possible prepaid tuition. Tuition loss does not include moneys held by a school in escrow accounts for tuition or fees for future terms, as uncommitted grants, loans, or Pell grant money. If the fund is not of sufficient size to pay the students the full amount of their prepaid

fee, the student tuition recovery authority shall determine the percentage of the amount that will be paid. (ORC Ann. § 3332.082.) Thus, while Ohio does require institutions to provide refunds in the event of insolvency, the refund may be limited depending upon the size of the fund, the number of students to be reimbursed, and the amount of the reimbursements. However, further action may be available to students. ORC Ann. §3332.13 specifies that the fact that a bond is in force does not limit nor impair any right of recovery otherwise available pursuant to law, nor is the amount of such bond relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

**Notable Provision:**



“The student tuition recovery authority is created as a body corporate and politic of this state. The purpose of the authority is to protect students of any school registered by the state board of career colleges and schools from prepaid tuition loss for the academic term due to a school closure....” (ORC Ann. 3332.081.)

Ohio’s creation of the student tuition recovery authority is notable, particularly in light of recent issues related to the closure of Corinthian College and ITT Tech campuses nationwide, and the problems these closures have been creating.

**D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?  
1/10 POINTS**

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

**Explanation:**

Ohio law allows only six months for students to file a complaint. Any person adversely affected by the actions of a certificate holder may file a complaint with the Board. (ORC Ann. § 3332.091.) Complaints must be submitted within six months after the violations allegedly were committed. (OAC 3332-1-18.)

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

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:**

Ohio law requires career schools to include in their catalogs initial in-school student grievance procedure and subsequent avenues for student complaints to be brought to the attention of the Board. The statement must include the telephone number and address at the Board where student complaints are to be directed. (OAC 3332-1-08(14).) Ohio receives credit for requiring schools to disclose information about filing a complaint to the state oversight body in their catalogs. In addition, Ohio requires schools that maintain a website to make information contained in the school catalog (including information related to filing a complaint) publicly available on the website. (OAC Ann. 3332-1-08(F).) Finally, Ohio requires schools to

include in the enrollment contract a notice to students concerning their ability to file a complaint with the state board of career colleges and schools including Board's correct name, address and toll-free telephone number. (OAC Ann. 3332-1-09(E)(8).)

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

**10/10 POINTS**

Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
2 Points	2 Points	3 Points	3 Points	0 Points

**Explanation:**

The Board maintains a website containing information instructing students how to file a complaint with the Board. The website contains, in addition to an explanation of the complaint process, the address, phone number, and email of the Board, and an electronic form.

**VII. ENFORCEMENT: 40/100 POINTS**

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

**5/30 POINTS**

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

**Explanation:**

Ohio receives partial credit for this element because, as noted above, Ohio law allows the Board to require a school with graduation or placement rates that are one or more standard deviations below the average to submit an explanation for the deviation and a plan for improvement. The law allows the Board to accept the school's explanation or to take other disciplinary action. (OAC 3332-1-24.) This puts in place a mechanism which, potentially, may lead to the loss of aid depending upon the plan for improvement and/or the disciplinary action the Board elects to take.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

**15/30 POINTS**

Yes	Limited circumstances	No
30 Points	15 Points	0 Points

**Explanation:**

Ohio law explicitly authorizes a private right of action for students in limited circumstances, specifically, with regard to students who are on active duty with the military. (ORC Ann. § 3332.20(D))  
Additionally, while not a specific private right of action, ORC ann. §3332.13 specifies that the existence of a bond does not impair any right of recovery otherwise available pursuant to law. This can be read to anticipate a private right of action, thus while a private right of action is not explicitly stated, a private right of action is likely available.

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

**0/20 POINTS**

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<b>Yes</b>	<b>Limited</b>	<b>No</b>
20 Points	15 Points	<b>0 Points</b>

**Explanation:**

Ohio law does not explicitly allow attorney fee awards for students who prevail in litigation against private for-profit postsecondary institutions that have violated the laws and regulations in place to govern them.

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

**20/20 POINTS**

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<b>Yes</b>	<b>Limited circumstances</b>	<b>No</b>
<b>20 Points</b>	10 Points	0 Points

**Explanation:**

The Board may pursue any lawful means of assuring that students of any school registered by it do not suffer prepaid tuition loss as a result of the closure of a school. This may include lawsuits against a school or any individual who may reasonably have liability as a result of the default, in which the attorney general shall advise and represent the board. (ORC Ann. § 3332.082; 1349.04(B).)

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**BONUS POINTS:**

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Ohio does not receive any bonus points.



## ILLUMINATING INFORMATION



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### RECOPROCITY AGREEMENTS / OUT-OF-STATE SCHOOLS

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Ohio is part of the State Authorization Reciprocity Agreements (SARA). However, the state requires out-of-state schools to obtain a certificate of approval prior to soliciting students in the state. Further, any out-of-state school who solicits students in Ohio must receive program authorization from the board for each individual program of study. The program authorization shall be for solicitation purposes only. Certificate, diploma, and degree programs are approved for a two year period. (OAC Ann. 3332-1-05.)

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

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For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.