

PENNSYLVANIA FINAL GRADING ANALYSIS

OVERALL SCORE: **323.75/700 POINTS (46%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **61.25/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE?

55/60 POINTS

Element	Points Available	Type 1	Type 2	Total Points (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	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	5	5	5
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
Total Points	60	60	50	55

Explanation:

Pennsylvania divides oversight and regulation of private postsecondary educational institutions between two entities. The State Board of Private Licensed Schools is charged with oversight, licensure, and regulation of private licensed postsecondary institutions that offer career training (Type 1). (24 P.S. § 6504.) The Pennsylvania State Board of Education is charged with prescribing standards and qualifications, certification, and oversight of all institutions entitled to apply to themselves the designation of “college,” “university,” or “seminary” (Type 2). (24 Pa.C.S. § 6502 *et seq.*, 24 Pa.C.S. § 6502(a).)

Type 1: Private licensed schools. Private licensed schools include schools or classes operated for profit or tuition that provide resident instruction to prepare an individual to pursue an occupation in the skilled trades, industry or business, or systematic instruction by correspondence or by telecommunication in a field of study. Private licensed schools do not include private academic schools. (24 P.S. § 6502.) The Board of Private Licensed Schools (BPLS) has the authority to approve, disapprove initial and renewal licensure, suspend or revoke an institution’s license, establish rules and regulations, investigate complaints, and initiate enforcement actions. (24 P.S. § 6504.)

As a state agency (65 Pa.C.S. § 703), BPLS is subject to Pennsylvania’s Sunshine Act, which requires official action and deliberations by a quorum of the members of an agency to take place at a meeting open to the public. (65 Pa.C.S. § 701, *et seq.*) Pennsylvania requires agencies covered by the Sunshine Act to provide reasonable opportunity for comment at meetings. (65 Pa.C.S. § 710.1.)

Type 2: Private colleges, universities and seminaries. An institution must conform with specified standards and qualifications in Pennsylvania before it can use the term “college,” “university,” or “seminary.” The Pennsylvania State Board of Education (BOE) sets these standards and qualifications and oversees these institutions. (24 Pa.C.S. § 6501, *et seq.*)

BOE defines a college as an institution which, in accordance with its charter or articles of incorporation, offers 2-year, 4-year or 5-year postsecondary educational programs or their equivalent and which grants associate, baccalaureate or first professional degrees. BOE defines a university as a multiunit institution with a complex structure and diverse educational functions, including instruction, promotion of scholarship, preservation and discovery of knowledge, research and service. A university must meet additional specified criteria related to the provision of study and degrees. (22 Pa. Code § 31.2.)

As a state agency (65 Pa.C.S. § 703), BOE is subject to Pennsylvania’s Sunshine Act, which requires official action and deliberations by a quorum of the members of an agency to take place at a meeting open to the public. (65 Pa.C.S. § 701, *et seq.*) Pennsylvania requires agencies covered by the Sunshine Act to provide reasonable opportunity for comment at meetings. (65 Pa.C.S. § 710.1.)

B. STATUTE-SPECIFIED MEMBERSHIP:

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

-2.5/25 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 licensed schools. BPLS, consisting of 15 members, is statutorily required to include three members who represent private licensed schools providing instruction in business and commercial pursuits, three members who represent private licensed schools providing instruction in trades or technologies, three members who represent private licensed schools providing correspondence or home-study instruction, and five members who are representative of the general public having no current affiliation with private licensed schools. The Director of the Bureau of Consumer Protection in the Office of Attorney General, or a designee, shall serve ex officio and shall have voting rights. (24 P.S. § 6503(a).) While a for-profit majority is not mandated, the mandated composition of the board creates a substantial possibility that the Board will be dominated by individuals affiliated with private for-profit educational institutions; further, the state mandates that the majority of board members are affiliated with the industry the Board is charged with regulating.

Type 2: Private colleges, universities and seminaries. BOE consists of 21 members. There are no specific provisions in place which would prohibit individuals affiliated with private for-profit educational institutions from constituting a majority of the members. (24 P.S. § 26-2602-B.)

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

6.25/10 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 2.5 Points

Explanation:

Type 1: Private licensed schools. The Director of the Bureau of Consumer Protection in the Office of Attorney General, or a designee, serves as an ex officio member of BPLS and has voting rights. (24 P.S. § 6503(a).)

Type 2: Private colleges, universities and seminaries. Pennsylvania does not require the State Board of Education to include an individual with expertise and experience in the area of consumer advocacy. However, the state receives partial credit for this element because it does require the Board’s membership to include the Chairman of the Professional Standards and Practices Commission, or a Commission member designated by the chairman (ex officio member on the State Board of Education without voting privileges). (24 P.S. § 26-2602-B(a).)

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

2.5/5 POINTS*

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

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

Type 1: Private licensed schools. The Secretary of Education appoints 14 of the 15 members of the Board of Private Licensed Schools, the Director of the Bureau of Consumer Protection in the Office of Attorney General, or a designee serves as the 15th member. (24 P.S. § 6503(a).) Although none of the members are appointed by a publicly accountable official directly, the Secretary is appointed by the governor. As a result, Pennsylvania receives partial credit.

Type 2: Private colleges, universities and seminaries. All 21 members of the Pennsylvania State Board of Education are appointed by the governor with the advice and consent of the majority of all members of the Senate. (24 P.S. § 26-2602-B(a).)

II. STATE OVERSIGHT—EFFICACY: 28.25/100 POINTS

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

3.5/10 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 onsite 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 Point

Explanation:

Type 1: Private licensed schools. BPLS has discretion to conduct site visits within the re-licensure period. An additional point is awarded because Pennsylvania law mandates a site visit prior to initial licensure. (22 Pa. Code § 73.55.) There is not, however, any indication as to a timeframe for regular onsite reviews.

Type 2: Private colleges, universities and seminaries. Pennsylvania mandates that any institution holding a certificate of authority under the chapter authorizing the conferring of degrees shall be subject to visitation and inspection by representatives of the Department of Education. (24 Pa.C.S. § 6506(a).) There is not, however, any indication as to a timeframe for regular onsite reviews. The state receives one point for giving state officials the authority to conduct onsite visits. These institutions conduct Academic program audits in accordance with § 31.51 Academic program audit.

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 licensed schools. BPLS has discretion to conduct unannounced site visits. (22 Pa. Code § 73.55.)

Type 2: Private colleges, universities, and seminaries. Pennsylvania law mandates that any institution holding a certificate of authority under the chapter authorizing the conferring of degrees shall be subject to visitation and inspection by representatives of the Department of Education. (24 Pa.C.S. § 6506(a).) There is no requirement that these visits must be unannounced.

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

10/20 POINTS*

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

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
Type 1	20 Points	15 Points	10 Points	5 Points	0 Points
Type 2	20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Private licensed schools. BPLS requires private licensed schools to renew their licenses after the first year and every two years thereafter. (22 Pa. Code § 73.142.)

Type 2: Private colleges, universities, and seminaries. Pennsylvania law requires colleges, universities and seminaries to maintain compliance with minimum standards, but there is no formal review or renewal of certification requirement.

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

8.25/20 POINTS*

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

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0.4 Points

Element	Type 1	Type 2
Admission requirements	M	D
Graduation requirements	M	D
Placement rate	M	

Completion rate (or graduation rate)	M	
Advertising practices	M	
Cohort default rate		
Accreditation status		D
Financial aid policies		D

M=Mandatory; D=Discretionary

Explanation:

Type 1: Private licensed schools. Pennsylvania law requires private licensed schools to provide statistical data on tuition rates, job placement of graduates, percentage of students completing programs, and the level of state support for students for relicensure. (24 P.S. § 6507(a)(9).) Pennsylvania law requires regular review of private licensed school advertising. (24 P.S. § 6512.) The law also requires schools to submit copies of school publications as specified. (22 Pa. Code § 73.52.) The publications must contain admission and graduation requirements. (22 Pa. Code § 73.61.) Publications include information about admission and graduation requirements, the requirements must also be specifically reviewed for program approval, which is a component of licensure. (22 Pa. Code § 73.81(1).)

Type 2: Private colleges, universities, and seminaries. There is no set timeframe for regular reviews of colleges, universities, and seminaries once they are authorized. However, these institutions are required to continue to comply with minimum standards in order to maintain authorization to operate. (24 Pa.C.S. § 6503; 22 Pa. Code § 31.1 (d); 22 Pa. Code § 31.53.) The standards reviewed are admission requirements (22 Pa. Code § 31.31, 22 Pa. Code § 40.42), graduation requirements, accreditation status, and the proposed catalog, among other requirements. (22 Pa. Code § 40.42.) Financial aid policies are included in the minimum standards related to student services and records (22 Pa. Code § 31.33) and as such would likely be subject to review. Because there is no regular review timeframe, the state receives only partial credit for the included elements.

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT POSTSECONDARY 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	10	5	0
Type 2	15	10	5	0

Explanation:

Type 1: Private licensed schools. Pennsylvania law does not distinguish between for-profit and nonprofit colleges in its oversight and regulation of private licensed schools.

Type 2: Private colleges, universities, and seminaries. Specified nonprofits are distinguished from for-profit and public colleges, universities, and seminaries in several statutory and regulatory provisions. For example, 24 Pa.C.S. §§ 6505, 6503, and 6507.1, and 22 Pa. Code §§ 40.3, 40.4, and 40.51 all distinguish nonprofits in some way.

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

0/10 POINTS*

**The points for Type 1 and Type 2 institutions have been averaged for the final element score, above.*

	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 Licensed Schools:

Pennsylvania requires private licensed schools to provide statistical data on tuition rates, job placement of graduates, percentage of students completing programs, and the level of state support for students for re-licensure. **24 P.S. § 6507(a)(9)** There is, however, no specific requirement that schools that repeatedly perform poorly are subject to additional oversight or scrutiny.

Type 2: Private Colleges, Universities and Seminaries:

Pennsylvania does not require increased oversight or scrutiny of colleges, universities or seminaries institutions based on poor performance.

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

0/20 POINTS*

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

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

Explanation:

Type 1: Private licensed schools. Pennsylvania law does not include any special protections specifically for veterans who attend private licensed schools.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not include any special protections specifically for veterans who attend colleges, universities, or seminaries.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

75/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

75/100 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 licensed schools. Pennsylvania law exempts few private licensed schools from licensure. Private academic schools are exempt, as are schools or classes providing training in public service or other service occupations as specified, barber schools, flight training schools, degree-granting institutions, private tutorial schools, schools owned and operated by a bona fide religious institution for the sole purpose of giving religious instruction, a school operated by the Commonwealth or a political subdivision thereof, a school which is operated by a hospital licensed under the Health Care Facilities Act, and other common exemptions.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law exempts very few private colleges, universities or seminaries. The state exempts certain nonprofits and has some narrowly tailored exceptions for corporations which were in compliance under a prior law (Nonprofit Corporation Law of 1933) and certain corporations incorporated prior to September 1, 1937. (24 Pa.C.S. § 6503.)

IV. DISCLOSURE REQUIREMENTS: 12.5/100 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 licensed schools. Pennsylvania law does not explicitly require private licensed schools to make any performance disclosures directly to potential students prior to enrollment.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not explicitly require private colleges, universities, or seminaries to make any performance disclosures directly to potential students prior to enrollment.

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 licensed 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:

Pennsylvania law does not explicitly require private licensed schools to make any performance disclosures directly to potential students prior to enrollment.

Type 2: Private colleges, universities, and seminaries

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:

Pennsylvania law does not explicitly require private colleges, universities, or seminaries to make any performance disclosures directly to potential students prior to enrollment.

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

12.5/20 POINTS*

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

Type 1: Private licensed 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:

Private licensed schools must disclose the costs associated with a program, the time required to complete a program, the refund policy of the institution in the enrollment agreement., the school also must include a copy the institution’s student information publication. (22 Pa. Code § 73.61.)

Type 2: Private colleges, universities, and seminaries

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:

Private colleges, universities, and seminaries must provide each student a copy of the current catalog, in print or electronic form, upon enrollment. Catalogs must include explicit tuition costs and fees for which students will be charged and a statement of the institution’s refund policy. (22 Pa. Code § 31.32.)

V. REGULATION OF RECRUITING PRACTICES:

75/100 POINTS

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

75/100 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)	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:

Type 1: Private licensed schools. Pennsylvania law prohibits private licensed schools from engaging in most of the above-listed actions in addition to several others related to misleading, deceptive, or fraudulent information. (22 Pa. Code § 73.173.)

Type 2: Private colleges, universities, and seminaries. Pennsylvania’s laws and regulations related to the advertising and recruiting practices of private colleges, universities, and seminaries are far weaker than they are for private licensed schools. Pennsylvania law requires postsecondary institutions to comply with very specific standards before the institution can use the term “college” or “university” in its name. (24 Pa.C.S. § 6502; 22 Pa. Code § 31.2.) Aside from this restraint, none of the above elements are specifically prohibited in relation to the advertising, promotion and recruiting practices of private colleges, universities, and seminaries.

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

51.75/100 POINTS

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

15/20 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 licensed schools. Private licensed schools must provide evidence of surety as a condition of licensure or registration. (24 P.S. § 6507; 22 Pa. Code § 73.52.)

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not require a bond, but the state does require colleges, universities and seminaries to have a minimum protective endowment of at least \$500,000 (with exceptions for some religious or eleemosynary institutions). (24 Pa.C.S. § 6502.) Thus, partial credit has been awarded.

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

0/20 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 licensed schools. Pennsylvania law does not explicitly require private licensed schools to refund tuition if a student enrolls as the result of misrepresentation.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not explicitly require colleges, universities or seminaries to refund tuition if a student enrolls as the result of misrepresentation.

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

7.5/20 POINTS*

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

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

Explanation:

Type 1: Private licensed schools. Private licensed schools must provide evidence of surety as a condition of licensure or registration. The purpose of the surety is to reimburse the unearned tuition due students whenever the licensed or registered school closes.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law contains provisions relevant to the closure of a college, university or seminary (22 Pa. Code § 31.72), but those provisions do not contain any requirement that the closing institution refund tuition to its students.

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 licensed schools. Pennsylvania law contains no set deadline or timeframe by which a student must file a complaint against a private licensed school.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law contains no set deadline or timeframe by which a student must file a complaint against a college, university, or seminary.

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 Licensed 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:

Private licensed schools must disclose their complaint procedure in the enrollment agreement. Schools are not required to include this information in their catalog (publications) or on their websites.

Notable Provision:



Pennsylvania law requires the BPLS to submit annually to the Education Committees of the Senate and House of Representatives a report describing the types of complaints received pertaining to private licensed schools. The report must include the source of the complaints, the status of the complaints, Board action initiated, and the elapsed time from the filing of the complaints until final resolution. (24 P.S. § 6504(c).)

Type 2: Private colleges, universities, and seminaries

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:

Private colleges, universities, and seminaries are required to provide information about grievance procedures in the institutional catalog and in “official publications.” An institution’s website would likely be an “official publication,” institutions often post information similar to that included in their catalog online, and the regulations make reference to an electronic version of the catalog, therefore, it is reasonable to conclude that information included in the catalog is included on institutional websites. Institutions must provide students with a catalog upon enrollment, so, while this information is not in the body of the enrollment agreement, it is required as a part of the enrollment process, and the state receives partial credit for the element. (22 Pa. Code § 31.32.)

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

8/10 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 1.5 Points	0 Points
Type 2	2 Points	2 1 Points	3 Points	3 1.5 Points	0 Points

Explanation:

Type 1: Private licensed schools. The BPLS webpage has a link to an electronic complaint form and instructions for filing a complaint. The form must be completed and mailed in. Because the form cannot be submitted directly from the internet, only partial credit is awarded. The form contains an email, phone number, and mailing address (http://www.education.pa.gov/Postsecondary-Adult/College%20and%20Career%20Education/Pages/Private-Licensed-Schools.aspx#.Vw6jG_krLIV).

Type 2: Private colleges, universities and seminaries. The Department of Education’s website includes a page with information related to filing a complaint with the State Board of Education related to a college, university, or seminary. The page contains a link to an electronic form, which contains a mailing address, fax number, and email address to which the form must be sent. Because the form cannot be submitted directly from the internet, only partial credit is awarded. The form also notes that questions may be sent to the email address (<http://www.education.pa.gov/Documents/Postsecondary-Adult/College%20and%20Career%20Education/Private%20Licensed%20Schools/Community%20Colleges-Colleges-Universities%20and%20Seminaries%20Complaint%20Form.pdf>).

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 licensed schools. While Pennsylvania reviews statistical data related to performance outcomes such as graduation rates and placement rates as a condition or relicensure, (24 P.S. § 6507(a)(9)), there is no explicit mandate that a private licensed school lose state funding for repeatedly producing substandard graduation, job placement, or cohort default rates.

Type 2: Private colleges, universities, and seminaries. There is no an explicit mandate that a college, university or seminary lose state funding for repeatedly producing substandard graduation, job placement, 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 licensed schools. Pennsylvania law does not contain a private right of action for students to bring against private licensed schools that have violated the laws and regulations in place to govern them.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not contain a private right of action for students to bring against private colleges, universities, and seminaries 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 circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1: Private licensed schools. Pennsylvania law does not explicitly authorize attorney fee awards for students who prevail in litigation against private licensed schools.

Type 2: Private colleges, universities, and seminaries. Pennsylvania law does not explicitly authorize attorney fee awards for students who prevail in litigation against private colleges, universities, and seminaries.

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 licensed schools. Pennsylvania law mandates inclusion of the Director of the Bureau of Consumer Protection in the Office of Attorney General, or a designee to serve ex officio member of BPLS with voting rights. (24 P.S. § 6503(a).) Additionally, the Attorney General assists with the collection of penalties. (22 Pa. Code § 73.193.)

Type 2: Private colleges, universities, and seminaries. Pennsylvania law provides for Attorney General involvement in enforcement of the laws in place to govern private colleges, universities, and seminaries. (24 Pa.C.S. § 6508.)

BONUS POINTS:

Pennsylvania does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCALITY AGREEMENTS

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

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

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>.