

RHODE ISLAND

FINAL GRADING ANALYSIS

OVERALL SCORE: **360.25/700 POINTS (51.5%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **50/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
 THAT IS PUBLICLY ACCOUNTABLE?
45/60 POINTS

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0	0	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	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	45	45	45

Explanation:

The Rhode Island Council on Higher Education is charged with regulation and oversight of postsecondary educational institutions. The Council was not created specifically to oversee private postsecondary institutions, rather, it is charged with responsibility for public and independent higher education in the state. (R.I. Gen. Laws § 16-59-4.) The Council separates institutions into whether the certificates they offer are for above associate degree level (Type 1) or below associate degree level (Type 2).

The Council has authority to engage in rulemaking, investigate postsecondary institutions, and impose appropriate penalties. (R.I. Gen. Laws § 16-59-4.) The Council is a public body and, as such, its meetings

must be open to the public. (R.I. Gen. Laws § 42-46-3; R.I. Gen. Laws § 16-59-5.) Pursuant to Rhode Island’s Open Meetings Law, public bodies have discretion to provide an open forum during public meetings at which the public may comment, but there is no requirement that the council provide for open forums at their meetings. (R.I. Gen. Laws § 42-46-2(6).)

Note that Rhode Island has separate statutes and regulations for degree-granting and non-degree-granting postsecondary educational institutions; however, this report reviews in detail only those law and regulations governing non-degree-granting postsecondary educational institutions because, with one statutory exception, Rhode Island does not allow private for-profit postsecondary educational institutions to grant degrees.

B. STATUTE-SPECIFIED MEMBERSHIP:

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

0/25 POINTS

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

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 Points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Rhode Island law does put in place any limitations on Council membership specifically related to individuals affiliated with private for-profit educational institutions. (R.I. Gen. Laws § 16-59-2.)

2. IS THE OVERSIGHT BODY IS 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:

Rhode Island law does not specifically mandate the Council to include an individual with expertise and experience in the area of consumer advocacy. (R.I. Gen. Laws § 16-59-2.)

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

5/5 POINTS

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

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

Explanation:

The Governor of Rhode Island appoints all members of the Council. (R.I. Gen. Laws § 16-59-2.)

II. STATE OVERSIGHT—EFFICACY: 43.25/100 POINTS

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

6.5/10 POINTS*

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

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
Type 1	10 Points	8 Points	5 Points	3 4 Points	0 Points
Type 2	10 Points	8 9 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Below associate level proprietary institutions. The Commissioner of Higher Education has discretion, at any time during regular business or school hours, with or without notice, to visit a school. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island § I (Initial Approval, pg. 7) & § IV, 9.4 (pg. 25).) Additionally, one extra point is awarded because the Council requires an onsite visit as part of the initial authorization process.

Type 2: Above associate level proprietary institutions. Rhode Island law requires inspections with renewals. (Rhode Island Board of Governors for Higher Education, Regulations Governing Institutions of Higher Education Operating in Rhode Island § II (Initial Approval, pg. 4) & § IV, C (pg. 20).) Additionally, one extra point is awarded because the Council requires an onsite visit as part of the initial authorization process.

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: Below associate level proprietary institutions. The Commissioner (or his /her designee) has discretion to conduct onsite visits during regular business or school hours (see above).

Type 2: Above associate level proprietary institutions. There is no indication whether inspections may or must be unannounced.

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: Below associate level proprietary institutions. These institutions are required to submit annual reports as a condition of registration. (R.I. Gen. Laws § 16-40-11.)

Type 2: Above associate level proprietary institutions. These institutions that offer certificates above the associate level are required to submit annual reports to the Board. (R.I. Gen. Laws § 16-40-11.)

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

15.25/20 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 16 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 14.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

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

M=Mandatory; D=Discretionary

Explanation:

The Council requires proprietary schools to meet several standards in order to maintain authorization to operate. The standards include, but are not limited to, standards relating to admission requirements, advertising practices, accreditation, and financial aid practices. The Council requires proprietary schools to report placement rates and completion rates on a regular basis. Finally, while the Council does not specify review of graduation requirements, it does require that these requirements are disclosed in the student catalog, which the Council reviews regularly, so the information is available for the Council to review at its discretion. (Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, § IV: Standards for the Operation of Proprietary Schools (pp. 17-32).)

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

0/15 POINTS

Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
15 Points	10 Points	5 Points	0 Points

Explanation:

Rhode Island law does not distinguish between for-profit and nonprofit proprietary schools; this is true for both Type 1 and Type 2 institutions. However, Rhode Island does distinguish between for-profit and nonprofit schools for the purposes of regulating degree-granting schools (as noted in “illuminating information,” below).

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

0/10 POINTS

Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

While the Council requires proprietary schools (both Type 1 and Type 2) to regularly report placement and graduation rates, there is no specific requirement that poorly performing schools are subject to increased oversight or scrutiny.

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

0/20 POINTS

Yes	No
20 Points	0 Points

Explanation:

Rhode Island law does not provide any special protections specifically for veterans who attend proprietary schools (for either Type 1 or Type 2 institutions).

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

75/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

75/100 POINTS

No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
100 Points	75 Points	50 Points	0 Points

Explanation:

Rhode Island law contains very few narrowly tailored exceptions to oversight (both Type 1 and Type 2). Specifically, the state exempts under the public school system of this state, any academy, college, university, or institution of education which has been established and conducted within Rhode Island for ten years prior to April 13, 1932, any academy, college, university, or institution of education established by a special act of the general assembly of this state prior to January 1, 1987, and Roger Williams University in Bristol, Rhode Island.

IV. DISCLOSURE REQUIREMENTS: **12.5/100 POINTS**

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

0/20 POINTS

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
20 Points	10 Points	0 Points

Explanation:

The Council requires proprietary schools (both Type 1 and Type 2) to submit graduation / completion rates and placement rates for review, but does not specifically require the schools to disclose the information directly to students.

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

0/60 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:

The Council requires proprietary schools (Type 1 and Type 2) to submit graduation / completion rates and placement rates for review, but does not specifically require the schools to disclose the information directly to 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

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:

The Council requires proprietary schools in Rhode Island (Type 1 and Type 2) to include information about the cost of its programs and its refund policy in the school catalog and in the enrollment agreement. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, § IV, Standards 4 & 5 (pp. 20-21).)

Rhode Island receives partial credit for providing information about the transferability of credits because it requires proprietary schools to provide each student enrolled in a program that requires state licensure or other certification with specific information about licenses, credentials, or additional course work beyond that provided by the school required to practice the profession or vocation in the state; the degree to which completion of the required coursework meets state license or credential requirements; and whether the program has received the necessary approval or accreditation for students completing the program to apply for all required licenses or credentials. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, §IV, Standard 6.7 (p. 23).) Transferability of credits may be relevant information in these circumstances and, therefore, would need to be provided to students.

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

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”	
Misleading institution affiliations (e.g., military, public institution, businesses)	X
Promise of employment	X
Compensation for enrollment	
Compensation or “bounty” to recruiters	X
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:

Rhode Island law prohibits proprietary schools (Type 1 and Type 2) from misrepresentation or deception in advertising, and specifically prohibits use of photograph, cut, engraving, electronic image or illustration in such a manner as to convey a false impression of a school’s size, importance, location, equipment, or facilities (this has the effect of prohibiting misleading affiliations), and misleading statements relating to accreditation, misleading statements relating to employment. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, § IV, Standard 7 (pp. 23-24).) Finally, Rhode Island law requires proprietary schools to comply with federal law (34 CFR 668.14), which addresses the issue of providing commissions or bonuses to recruiters. (§ IV, Standard 2.3, p. 19.)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

54.5/100 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 Council requires each proprietary school to show evidence that it is covered by a bond as a condition of authorization and renewal. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, § IV, Standard 10.4 (p. 27).)

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:

Rhode Island law does not explicitly requires proprietary schools (Type 1 or Type 2) to refund tuition in full if a student enrolls as the result of misrepresentation..

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

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:

Rhode Island law requires proprietary schools (Type 1 and Type 2) to return any pre-paid tuition and/or other deposits to the students and/or persons who have made such deposits and tuition payments and for which instruction time will not be provided. (R.I. Gen. Laws § 16-40-16(e).)

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

10/10 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:

Rhode Island law does not specify a deadline or a timeline by which a student must file a complaint.

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

7.5/20 POINTS

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:

Rhode Island law requires proprietary schools (Type 1 and Type 2) to include information in school catalogs related to the school complaint procedure, but there is no specific requirement that this information must include information about how and where to file a complaint with the state oversight body. (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island, § IV, Standard 14.1 (p. 31).) The state receives partial credit for requiring inclusion in the catalog (since inclusion is discretionary). The state also receives partial credit for

requiring inclusion on the school website because it is common practice for schools to include school catalogs or information similar to that included in the catalog on the school website.

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

2/10 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 Council maintains a webpage containing information and instructions for students and third parties wishing to file a complaint against a proprietary school. The information includes the mailing address for each entity to which different types of complaints must be directed (for both Type 1 and Type 2). (See http://www.riopc.edu/static/photos/2016/03/10/StudentComplaint_full_120215.pdf.)

VII. ENFORCEMENT: 0/100 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

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

Explanation:

While the Council requires proprietary schools to regularly report placement and graduation rates, there is no specific requirement that poorly performing schools lose state aid.

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

Yes	Limited circumstances	No
30 Points	15 Points	0 Points

Explanation:

Rhode Island law does not explicitly authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

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

0/20 POINTS

Yes	Limited	No
20 Points	15 Points	0 Points

Explanation:

Rhode Island law does not explicitly allow students at proprietary schools attorney fee awards against institutions that have violated the laws and regulations in place to govern them..

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

0/20 POINTS

Yes	Limited circumstances	No
20 Points	10 Points	0 Points

Explanation:

While the Attorney General may have involvement in enforcing laws relating to proprietary schools in Rhode Island, there is no explicitly mandated role with regard to the enforcement of the statutes and regulations in place to govern these schools.

BONUS POINTS

Rhode Island receives 50 bonus points because the state has a unique policy. Private for-profit educational institutions are prohibited from granting degrees in the state (with one statutory exception). (Rhode Island Board of Governors for Higher Education, Regulations Governing Proprietary Schools in Rhode Island (available at <http://www.ribghe.org/proprietaryregs.pdf>, at Preface (p. ii).)



ILLUMINATING INFORMATION



UNIQUE PROVISIONS

With one statutory exception, Rhode Island does not allow for-profit postsecondary institutions to grant degrees.

RECIPROCITY AGREEMENTS

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

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

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>.