

# COLORADO: FINAL ANALYSIS

OVERALL SCORE:  
**315 / 700 POINTS**  
**45%**  
LETTER GRADE: **F**

## I. OVERSIGHT BODY: **55/100 POINTS**

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

**50 / 60 POINTS**

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
<b>Multi-Member Panel / Board created by statute:</b>	10	10	10	10
<b>Board statutorily created specifically to oversee private postsecondary institutions</b>	10	10	0	5
<b>Board is the decision-maker (<i>NOT</i> a single person - like the head of the department or director)</b>	10	10	10	10
<b>Board can engage in rule-making</b>	10	10	10	10
<b>Meetings must be open to the public</b>	5	5	5	5
<b>Must allow public comment</b>	5	0	0	0
<b>Board can initiate investigations</b>	5	5	5	5
<b>Board can impose penalties for violations</b>	5	5	5	5
<b>Total Points</b>	60	55	45	50

**Explanation:**

There are two bodies that oversee Colorado's private postsecondary institutions.

***Type 1: Private Occupational School Board:*** A private college or university in Colorado that enrolls a majority of its students at the certificate or associate level is overseen by the division of

private occupational schools and the private occupational school board. **C.R.S. 23-2-102.5.** Colorado statute specifies that the private occupational school board was created specifically to oversee private occupational schools. **C.R.S. 12-59-105.1.** The board has the power to initiate investigations and impose penalties for violations. **C.R.S. 12-59-105.3.**

**Type 2:** The **Colorado commission on higher education** (CCHE) oversees postsecondary educational institutions doing business or maintaining a place of business in the state of Colorado, which enroll the majority of their students in a baccalaureate or postgraduate degree programs - Colorado publicly-supported colleges and universities; properly accredited private colleges and universities; and postsecondary seminaries and bible colleges. **C.R.S. 23-1-102; C.R.S. 23-2-102.5.** The CCHE was not created specifically to oversee private postsecondary institutions. Rather, Colorado statute specifies that the CCHE oversees both public and private degree-granting programs (private programs that lead to the award of a Bachelor’s degree or above) **C.R.S. 23-1-102; C.R.S. 23-2-103.1.** The CCHE has the power to initiate investigations and impose penalties for violations. **C.R.S. 23-2-103.4.**

Both the private occupational school board and the CCHE are subject to Colorado’s Open Meeting’s Law though the law does not specifically require that boards / commissions provide an opportunity for public comment at meetings. **C.R.S. 24-6-402**

**B. STATUTE-SPECIFIED MEMBERSHIP:**

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

**0/ 25 POINTS\***

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

	Explicit Prohibition on For-Profit majority + 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
<b>Type 1</b>	25 Points	20 Points	10 Points	<b>0 Points</b>	-5 Points
<b>Type 2</b>	25 Points	20 Points	10 Points	<b>0 Points</b>	-5 Points

**Explanation:**

**Type 1: Private Occupational School Board (also called the Proprietary postsecondary education board):**

There is no prohibition on a for-profit majority on the Private Occupational School Board. While a for-profit majority is not mandated, it is not at all discouraged. There are there no laws or regulations in place to prevent a for-profit interest majority or majority of the quorum. The board consists of seven members appointed by the governor, with the consent of the senate, as follows: **(a)** Three members shall be *owners or operators of private occupational schools* that receive Title IV funds; **(b)** Four members shall be representatives of the general public, at least one of whom is employed by a lending institution located in Colorado and is familiar with federal loans and funds authorized in Title IV of the federal "Higher Education Act of 1965", as amended, and at least two of whom are owners or operators of businesses within Colorado that employ students who are

enrolled in schools that are subject to administration by the division. The only prohibition in place prevents board members who are employees of any junior college, community or technical college, school district, or public agency that receives vocational funds allocated by any state agency. *Colo. Rev. Stat.12-59-105.1*

**Type 2: Degree-granting Schools**

**Colorado Commission on Higher Education (CCHE):**

Colorado law forbids only association with “state-supported” schools, no mention of private for-profit schools. *Colo. Rev. Stat. § 23-1-102*

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

**0/10 POINTS\***

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

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

**Explanation:**

There is no requirement in Colorado law that either the private occupational school board or the Colorado Commission on Higher Education include a consumer advocate (an individual with expertise and experience in the area of consumer advocacy).

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

**5/5 POINTS\***

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

	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 Occupational School board:**

All 7 members of the board are appointed by the governor with the consent of the senate. **C.R.S. 12-59-105.1(3).**

**Type 2: Degree-granting Schools**

**Colorado Commission on Higher Education (CCHE):**

All 11 members of the CCHE are appointed by the governor with the consent of the senate. **C.R.S. 23-1-102(3)(a).**

**II. STATE OVERSIGHT – EFFICACY: 23/100 POINTS**

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

**1.5/10 POINTS\***

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

	<b>Mandatory On-Site Reviews</b>			<b>Discretionary</b>	<b>None</b>
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to Conduct On-Site Reviews	No On-Site Review Specified
<b>Type 1:</b>	10 Points	8 Points	5 Points	3 Points	<b>0 Points</b>
<b>Type 2:</b>	10 Points	8 Points	5 Points	<b>3 Points</b>	0 Points

**Explanation:**

***Type 1: Private Occupational Schools:***

There are no provisions for on-site review either prior to issuance of a certificate of approval to operate or as a part of subsequent reviews. There is a provision which states: "Following the review and evaluation of an application for a certificate of approval and any further information required by the board to be submitted by the applicant and such investigation and appraisal of the applicant as the board deems necessary or appropriate, the board shall either grant or deny a certificate of approval to the applicant." **C.R.S. 12-59-109(1)**. This provision, presumably, could allow for an onsite visit, but such a requirement is not specified as either mandatory or discretionary. Thus, Colorado does not receive any credit for this element as it relates to private occupational schools.

***Type 2: Degree-granting Schools:***

There are no provisions that specifically mandate that the Commission conduct an on-site inspection of the school prior to granting authorization or as a part of subsequent reviews. The Commission may order the department of higher education to investigate a private college and the department may, in the course of conducting this investigation, physically inspect an institution's facilities and records. **C.R.S. 23-2-103.4(1)**. This provision could allow, on occasion, for an onsite visit. Colorado receives only partial credit for discretionary review.

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

**0/ 5 POINTS\***

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

	<b>Required Unannounced Visits</b>	<b>Discretion to do Unannounced Visits</b>	<b>No indication</b>
<b>Type 1:</b>	5 Points	3 Points	<b>0 Points</b>
<b>Type 2:</b>	5 Points	3 Points	<b>0 Points</b>

**Explanation:**

***Type 1: Private Occupational Schools:*** No requirement for onsite reviews.

***Type 2: Degree-granting Schools:*** No requirement for onsite reviews.

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

**15/20 POINTS\***

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

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to Conduct On-Site Review	No Review Specified
<b>Type 1:</b>	20 Points	<b>15 Points</b>	10 Points	5 Points	0 Points
<b>Type 2:</b>	20 Points	<b>15 Points</b>	10 Points	5 Points	0 Points

**Explanation:**

***Type 1: Private Occupational Schools:***

A certificate of approval is valid for three years. **C.R.S. 12-59-109(2)**

***Type 2: Degree-granting Schools:***

Colorado law requires institutions to apply to the department of higher education for reauthorization every 3 years, or in accordance with the schedule for reaccreditation by its accrediting body. **C.R.S. 23-2-103.3(5)**.

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

**4/ 20 POINTS\***

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

	All 8 Required	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	<b>0 Points</b> <i>(+3 points)</i>
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	<b>5 Points</b>	2.5 Points	0 Points

Element	Type 1	Type 2
Admission Requirements	D	
Graduation Requirements		
Placement Rate		
Completion Rate (or Graduation Rate)		
Advertising Practices	D	
Cohort Default Rate		
Accreditation Status	D	M
Financial Aid Policies		M

*M=Mandatory; D=Discretionary*

**Explanation:**

**Type 1: Private Occupational Schools:**

The minimum standards for private occupational schools includes a requirement that the school provides each prospective student with a school catalog and other printed information describing the educational services offered and describing entrance requirements, program objectives, length of programs, schedule of tuitions, fees, all other charges and expenses necessary for the completion of the program of study. Admissions or entrance requirements are included. The minimum standards further require schools to adhere to procedures, standards, and policies set forth in the school catalog. **C.R.S. 12-59-106.** Because the minimum standards require schools to provide this information to students, presumably, the information would be reviewed as a matter of course when the school is reviewed for approval. However, there is no specific language mandating review of these elements. The state receives partial credit.

**Type 2: Degree-granting Schools:**

The minimum standards for private colleges under the Commission of higher education require private colleges and universities to be institutionally accredited by a regional or national accrediting body recognized by the United States department of education. **C.R.S. 23-2-103.3.** The law further requires some review of financial aid policies **C.R.S. 23-2-103.8(2).**

**E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFITS AND NONPROFITS?**

**2.5/15 POINTS\***

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

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, Slightly Distinguished	Not distinguished
<b>Type 1:</b>	15 Points	10 Points	5 Points	<b>0 Points</b>
<b>Type 2:</b>	15 Points	10 Points	5 Points	0 Points

**Explanation:**

**Type 1: Private Occupational Schools:**

Private Occupational Schools, under Colorado’s Private Occupational Education Act, can be a school operated for-profit or not for profit. **Colo. Rev. Stat. § 12-59-103(11).**

**Type 2: Degree-granting Schools:**

CCHE defines for-profit and non-profit schools separately **Colo. Rev. Stat. § 23-2-102.**

**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	Yes, Discretionary	Yes, Discretionary	No

		<b>but Limited</b>		<b>but Limited</b>	
<b>Type 1:</b>	10 Points	7.5 Points	5 Points	2.5 Points	<b>0 Points</b>
<b>Type 2:</b>	10 Points	7.5 Points	5 Points	2.5 Points	<b>0 Points</b>

**Explanation:**

There is no indication of any requirement for increased oversight or scrutiny of private postsecondary institutions based on poor performance either for private occupational schools or for degree-granting schools. Colorado does not use available data in a punitive manner at this point.

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

**0/20 POINTS\***

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

	<b>Yes</b>	<b>No</b>
<b>Type 1:</b>	10 Points	<b>0 Points</b>
<b>Type 2:</b>	10 Points	<b>0 Points</b>

**Explanation:**

There are no special protections in place for veterans who attend private postsecondary institutions either for private occupational schools or for degree-granting schools.

**III. STATE OVERSIGHT - SCOPE & INCLUSION:**

**75/100 POINTS**

**A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?**

**75/100 POINTS\***

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

	No Exemptions	<b>Few Exemptions</b>	Moderate Exemptions	Heavy Exemptions
Type 1	100 Points	<b>75 Points</b>	50 Points	0 Points
Type 2	100 Points	<b>75 Points</b>	50 Points	0 Points

**Explanation:**

***Private Occupational Schools:***

There are several exemptions for private occupational schools, most of which are common exemptions for public schools, nonprofit parochial schools, avocational programs, for example. Programs which offer Bachelor’s degrees or higher and offer programs or courses in this state, the majority of which are not occupational in nature are exempt here, but are regulated by the commission on higher education. There is, additionally, one narrowly tailored exemption for private educational institutions that are accredited by an agency recognized by the United States

department of education, that confer post-graduate degrees, and that offer programs or courses that are not defined as occupational education. C.R.S. 12-59-104

**Private Degree-granting Schools:**

Private colleges or universities that enroll a majority of students at the certificate or associate level are regulated by the division of private occupational schools and the private occupational school board and are not subject this article. They are, however, regulated, as discussed above. Some religious institutions are exempt from various narrow provisions of the law related to oversight. Aside from exempting religious institutions from certain provisions, Colorado does not exempt any other private degree-granting institutions from oversight by the commission on higher education. **C.R.S. 23-2-101 et seq.**

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**IV. DISCLOSURE REQUIREMENTS: 7.5/100 POINTS**

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

**0/20 POINTS\***

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

	<b>Yes, Mandatory</b>	<b>Yes, Discretionary</b>	<b>None</b>
	Fact sheet or equivalent required to be given to students:	Fact sheet or documents given to students upon request:	No Performance Fact Sheet Required
<b>Type 1:</b>	20 Points	10 Points	<b>0 Points</b>
<b>Type 2:</b>	20 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private Occupational Schools:**

Private occupational postsecondary institutions are not explicitly required to disclose any institutional performance measures to potential students. There is one provision that requires schools to disclose in their catalogs material facts concerning the school and the program of instruction likely to affect the decision of a student to enroll, but the provision references items such as the educational services offered, entrance requirements, program objectives, length of programs, schedule of tuitions, and fees. **C.R.S. 12-59-106(f)** There is nothing which explicitly requires the disclosure of performance measures.

**Type 2: Private Degree-granting Schools:**

Private postsecondary degree-granting institutions (Bachelor's degree and above) are not explicitly required to disclose any institutional performance measures to potential students prior to enrollment.

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

**0/60 POINTS\***



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

Disclosures	Mandatory	Discretionary	Not Specified
<b>Cohort Default Rate (CDR)</b>	10 Points	5 Points	<b>0 Points</b>
<b>Graduation / Completion Rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Placement Rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Wage Information</b>	10 Points	5 Points	<b>0 Points</b>
<b>License Exam Passage Rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Methods &amp; Sources used to Calculate</b>	10 Points	5 Points	<b>0 Points</b>

**Explanation:**

Colorado does not require either private occupational schools or private degree-granting schools to disclose any of the above referenced performance standards to students prior to enrollment.

**C. DOES THE STATE REQUIRE SCHOOLS TO INCLUDE ELEMENTS ESSENTIAL FOR STUDENTS TO MAKE AN INFORMED DECISION IN THE ENROLLMENT CONTRACT?**

**7.5/ 20 POINTS\***

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

**Type 1: Private Occupational Schools:**

Element Description	Mandatory	Discretionary	Not Specified
<b>Total Cost of Program</b>	<b>5 Points</b>	2.5 Points	0 Points
<b>Refund Information</b>	<b>5 Points</b>	2.5 Points	0 Points
<b>Transferability of Credits</b>	5 Points	<b>2.5 Points</b>	0 Points
<b>Length of Program</b>	5 Points	<b>2.5 Points</b>	0 Points

**Explanation:**

Colorado law explicitly requires private occupational schools to include in enrollment contracts information relating to the total cost of programs and refund information. **8 CCR 1504-1(III)(I)**. Colorado law requires enrollment agreements to reflect and be consistent with the school catalog in effect at the time of enrollment and must be approved by the Division prior to use. Colorado requires enrollment agreements to include a statement acknowledging receipt of a current/approved copy of the school catalog by the student. Catalogs are required to include information related to the transferability of credits and information related to the time required to complete programs offered. **8 CCR 1504-1(III)(H)**. Because information related to the transferability of credits is not explicitly required in the enrollment contract, but is required in the catalog, Colorado receives partial credit for this element. The information must be included in the catalog, but it is left up to the discretion of the schools whether to explicitly include the information in the enrollment contract.

**Type 2: Private Degree-granting Schools:**

Element Description	Mandatory	Discretionary	Not Specified
<b>Total Cost of Program</b>	5 Points	2.5 Points	<b>0 Points</b>

<b>Refund Information</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Transferability of Credits</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Length of Program</b>	5 Points	2.5 Points	<b>0 Points</b>

**Explanation:**

Colorado law does not specifically require private degree-granting schools to include any of the above-referenced elements in enrollment contracts. Enrollment agreement is defined as “the contract prepared by a private college or university or seminary or religious training institution that a student signs to indicate agreement to the terms of admission, delivery of instruction, and monetary terms as outlined in the institution's student handbook or catalog.” **C.R.S. 23-2-102(6)** Private degree-granting schools are required to “annually provide to the department a copy of the institution's enrollment agreement if the institution uses an enrollment agreement.” **C.R.S. 23-2-103.7(1)(b)** Thus, institutions are not even required to use an enrollment agreement, much less provide specified information in such an agreement.

**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\***

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

	<b>Yes, strong regulation</b>	<b>Yes, Moderate Regulation</b>	<b>Yes, weak regulation</b>	<b>No list of prohibited acts</b>
<b>Type 1</b>	100 Points	<b>75 Points</b>	50 Points	0 Points
<b>Type 2</b>	100 Points	<b>75 Points</b>	50 Points	0 Points

**PROHIBITED ACTS**

<b>Included in list of Prohibited Acts</b>	<b>Type 1</b>	<b>Type 2</b>
<b>Misleading representations using the word “college” or “university”</b>		
<b>Misleading Institution Affiliations (re: military, public institution, business establishments...)</b>	/	X
<b>Promise Employment</b>	X	
<b>Compensation for enrollment</b>		
<b>Compensation or “bounty” to recruiters</b>		
<b>Deception (Broad prohibition)</b>	X	X
<b>Misrepresentation (Broad Prohibition)</b>	X	X
<b>Misleading representations re: accreditation</b>	X	X

*1-3=Weak; 4-6=Moderate; 7+=Strong*

**Explanation:**

**Type 1: Private Occupational Schools:**

Prohibition on promises of employment:

Colorado has several protections in place to ensure that institutions do not mislead students with regard to promises of employment. First, Colorado prohibits private occupational schools from promising or implying a guarantee of placement **8 CCR 1504-1 (VII)(A)**. The state further prohibits private occupational schools from following up employer help wanted advertisement with offers of training. **8 CCR 1504-1 (VII)(P)**. Finally, Colorado prohibits institutions placing advertisements in classified columns of newspapers or other publications from using headings such as "Help Wanted," "Employment," "Career Opportunity," or "Business Opportunities" for advertising purposes other than to procure employees for the institution. **8 CCR 1504-1 (VII)(V)**

Prohibition on deception (broad prohibition):

Colorado has several prohibitions in place meant to prevent deception in advertising: Colorado prohibits private occupational schools from representing that the school has restrictions on enrollment as to number, date of submission of application or similar false representations **8 CCR 1504-1 (VII)(E)**

Colorado further prohibits private occupational schools from making statements in regard to any other postsecondary school or college, whether public or private, nor shall a school or agent recruit students who are currently enrolled in another school **8 CCR 1504-1 (VII)(F)**

Finally, Colorado prohibits private occupational schools from deceptively advertising in conjunction with any other business or establishment **8 CCR 1504-1 (VII)(O)**.

Prohibition on misleading institution name:

Colorado law states that:

- A school shall advertise only in its approved name **8 CCR 1504-1 (VII)(G)**.
- A school may advertise that it is endorsed by manufacturers, business establishments, organizations or individuals engaged in the line of work for which it provides training, if the school has written evidence of this fact and this evidence is made available to the student. **8 CCR 1504-1 (VII)(L)**.

These two provisions, taken together, should prevent private occupational schools from advertising with a misleading name (name must be approved), however, there is no explicit prohibition regarding the implication of military or public institutions in a school name, so Colorado receives partial credit here.

Prohibition on deceptive or misleading representations re: accreditation:

No school shall advertise "accredited" unless such status has been received from an accrediting body currently listed as recognized by the U.S. Secretary of Education **8 CCR 1504-1 (VII)(M)**.

Prohibition on misrepresentation:

Colorado law regarding deceptive sales practices does not expressly use the word "misrepresent" or "misrepresentation" in the provisions to prevent deceptive sales practices, however, many of the provisions were clearly crafted to prohibit misrepresentation. Therefore, Colorado receives credit for this element. (see, for example, **8 CCR 1504-1 (VII)(B),(J),(K),(R)**).



### **Notable Provisions:**

Colorado has some notable provisions in place that are not covered by the elements which make up the grading criteria, but nonetheless put in place important protections for students in Colorado and provide example for other states:

- 1) Colorado prohibits private occupational schools admissions representatives / agents from using the availability of student aid as an inducement.
- 2) Colorado prohibits schools from conducting surveys for the purpose of developing enrollment leads near any state or federal social services program center (welfare, food stamps, unemployment, etc.)

### ***Type 2: Private Degree-granting Schools:***

#### **Prohibition on misleading institution name (military, public institutions affiliations)**

Two provisions in Colorado law achieve this purpose. (1) It is deceptive trade practice for an institution or agent to represent falsely or to deceptively conceal, directly or by implication, through the use of a trade or business name, the fact that an institution is a school. **C.R.S. 23-2-104(4)(b)** and (2) It is deceptive trade practice for an institution or agent to adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the institution or its educational services. **C.R.S. 23-2-104(4)(c)**

#### **Prohibition on deception (broad)**

Colorado law defines deceptive trade practice as it relates to private degree-granting schools at **C.R.S. 23-2-104(4)**. Deceptive trade practices are prohibited, and the Colorado Department of Higher Education, which acts as staff to the Colorado Commission on Higher Education, has authority to investigate complaints related to deceptive trade practice. The Colorado Commission on Higher education specifies policies and procedures related to the regulation and investigation of deceptive trade practice. **C.R.S. 23-2-104(2)**

#### **Prohibition on misrepresentation (Broad)**

It is deceptive trade practice for an institution or agent to provide prospective students with testimonials, endorsements, or other information that has the tendency to materially mislead or deceive prospective students or the public regarding current practices of the institution. **C.R.S. 23-2-104(4)(f)**

#### **Prohibition on deceptive or misleading representations re: accreditation**

There are two provisions that prohibit deceptive or misleading representations related to accreditation. (1) It is deceptive trade practice for an institution or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the institution; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association **C.R.S. 23-2-104(4)(e)** and it is deceptive trade practice for an agent

representing an out-of-state school to represent, directly or by implication, that the school is authorized by the state of Colorado or approved or accredited by an accrediting agency or body when the institution has not been authorized, approved, or accredited. **C.R.S. 23-2-104(4)(g)**

**VI. COMPLAINT PROCESS & RELIEF FOR STUDENTS:**

**59.5/100 POINTS**

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

**15/20 POINTS\***

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

	Yes	No
<b>Type 1:</b>	<b>20 Points</b>	<b>0 Points</b>
<b>Type 2:</b>	<b>20 Points (-10 POINTS)</b>	<b>0 Points</b>

**Explanation:**

**Type 1: Private Occupational Schools:**

Any school applying for a certificate of approval to operate in the state must show it possesses a surety bond. **C.R.S. §12-59-108**

**Type 2: Degree-granting Schools:**

Surety bond only if school cannot demonstrate financial integrity or an exemption, as defined in **C.R.S. § 23-2-103.8**. Therefore, the state receives partial credit for this element.

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

**5/20 POINTS\***

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

	Yes, Full Refund	Yes, Partial Refund	No Refund Required
<b>Type 1:</b>	20 Points	<b>10 Points</b>	0 Points
<b>Type 2:</b>	20 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private Occupational Schools:**

If board finds that complainant or class of complainants has suffered pecuniary loss as a result of any deceptive trade or sales practice, the board *may* award full restitution for such loss.

**C.R.S. § 12-59-118 Thus**, while a full refund is not mandatory, it is a possibility, and Colorado receives partial credit here. (10 points)

**Type 2: Degree-granting Schools:**

There are provisions in place for the department (the Colorado Department of Higher Education) to investigate complaints related to deceptive trade practices, but there are no provisions in Colorado

law which specify that any refund is required if a student enrolls as a result of misrepresentation. (0 points) In cases in which deceptive trade practice is found, the department will work with the institution and the Office of the Attorney General to resolve the matter.

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

**12.5/20 POINTS\***

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

	Yes, Full Refund	Yes, refund is limited in some way	Maybe. Provisions in place for a refund in very limited circumstances.	No Refund Required
<b>Type 1:</b>	20 Points	<b>15 Points</b>	10 Points	0 Points
<b>Type 2:</b>	20 Points	15 Points	<b>10 Points</b>	0 Points

**Explanation:**

***Type 1: Private Occupational Schools:***

Surety Bond provides indemnification to any student who has suffered loss of tuition/fees as a result of any act or practice that is a violation of any minimum standard as set forth in section **Colo. Rev. Stat. 12-59-106**; the Bond also provides train-out for students whose school ceases operations. **Colo. Rev. Stat. § 12-59-115.**

***Type 2: Degree-granting Schools***

Colorado has a provision which states that if a private college or university ceases operation, the commission (Colorado Commission on Higher Education) may make demand on the surety of the institution upon the demand for a refund by a student or the implementation of alternate enrollment for the students enrolled in the institution. However, there are several provisions which would likely lead to limited refunds. **C.R.S. 23-2-103.8(7)**

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

**5/10 POINTS\***

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

	2 years or more (or no deadline)	1-2 years	Under 1 year	Not Applicable
<b>Type 1:</b>	10 Points	<b>5 Points</b>	1 Point	0 Points
<b>Type 2:</b>	10 Points	<b>5 Points</b>	1 Point	0 Points

**Explanation:**

***Type 1: Private Occupational Schools:***

Complaint for deceptive trade or sales practice must be filed within 2 years of date student discontinues training at school or at any time prior to commencement of training.

**C.R.S. §12-59-118 and Colo. Code Regs. § 1504-1:IX**

**Type 2: Degree-granting Schools:**

Complaint must be filed within two years after discontinuing enrollment.

C.R.S. § 23-2-104.

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

**15/20 POINTS\***

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

**Type 1: Private Occupational Schools:**

Medium	Yes	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:**

**Type 1: Private Occupational Schools:**

Colorado requires schools to include information about the complaint process, web address and phone number for the Division of Private Occupational Schools in their catalog. **8 CCR 1504-1(H)(1)(u)** While Colorado does not require schools to provide information on filing a complaint in the enrollment contract, enrollments agreements must include a statement acknowledging receipt of a current/approved copy of the school catalog. **8 CCR 1504-1(I)(3)(e)**. Therefore, Colorado receives partial credit for this element. Finally, Colorado does not explicitly require private occupational schools to include complaint information on their websites, but does require the information to be provided in school catalogs, which are often on school websites, and as such receives partial credit for this element as well.

**Type 2: Private Degree-Granting Schools:**

Medium	Yes	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:**

The Colorado Commission on Higher Education policies related to student complaints specifies that schools must publish complaint and appeal procedures, where to file a complaint with the Colorado Department of Higher Education, and contact information for the institution's accrediting agency in prominent student publications, including, but not limited to the course catalog, student handbook, and on its website. There is no requirement for information about the complaint process to be included in the enrollment agreement. **Colorado Commission on Higher Education, Policies and Procedures, Section I, Part T, Student Complaint Policy 4.05.04** (Available online at: [http://higher.ed.colorado.gov/Publications/Policies/Current/i-partt\\_042014.pdf](http://higher.ed.colorado.gov/Publications/Policies/Current/i-partt_042014.pdf))

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

**7/10 POINTS**

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

**Explanation:**

There is a website from which complaints for both private occupational schools and degree-granting schools can be filed. There is an electronic complaint form on the website and there is a “contact us” link that provides an address and phone number. There is also an email link provided on the occupational schools website, but the link does not work.

**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\***

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

	Yes, Required	Yes, Required but limited	Yes, Discretionary	Yes, Discretionary but limited	No
<b>Type 1:</b>	30 Points	20 Points	15 Points	5 Points	0 Points
<b>Type 2:</b>	30 Points	20 Points	15 Points	5 Points	0 Points

**Explanation:**

There is no mention of any loss of state aid for schools that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates for either private occupational schools or degree-granting schools.

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

**0/30 POINTS\***

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

	Yes	Limited Circumstances	No
<b>Type 1:</b>	30 Points	15 Points	0 Points
<b>Type 2:</b>	30 Points	15 Points	0 Points



**Explanation:**

There is no mention of a private right of action against institutions who have violated the laws or regulations in place to govern them either private occupational schools or degree-granting schools.

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

**0/20 POINTS\***

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

	<b>Yes</b>	<b>Limited</b>	<b>No</b>
<b>Type 1:</b>	20 Points	15 Points	<b>0 Points</b>
<b>Type 2:</b>	20 Points	15 Points	<b>0 Points</b>

**Explanation:**

There is no mention of attorney fee awards for students who prevail in litigation against such institutions either private occupational schools or degree-granting schools.

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

**20/20 POINTS\***

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

	<b>Yes</b>	<b>Limited Circumstances</b>	<b>No</b>
<b>Type 1:</b>	<b>20 Points</b>	10 Points	0 Points
<b>Type 2:</b>	<b>20 Points</b>	10 Points	0 Points

**Explanation:**

There is authorization for Attorney General Involvement for both private occupational schools and degree-granting schools.

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**BONUS POINTS:**

Colorado receives no bonus points.



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**ILLUMINATING INFORMATION**



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**PENDING LEGISLATION:**

- ***ENACTED*** on May 31, 2016: 2016 Colo. HB. 1082, 2016 Colo. HB. 1082: is an act concerning area vocational schools, and, in connection therewith, changing the name of area vocational schools to area technical colleges and adding representation for area technical colleges to certain boards (the Concurrent enrollment advisory board)
- Note that C.R.S. 12-59-128 states: “This article is repealed, effective September 1, 2024. Prior to such repeal, the department of regulatory agencies shall review the regulation of private occupational schools and their agents under this article, including the functions of the division and the board, in accordance with [section 24-34-104, C.R.S.](#)”

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## RECIPROCITY AGREEMENTS

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Colorado is a member of NC-SARA (National Council for State Authorization Reciprocity Agreements a.k.a. SARA).

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

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**For more 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>.