

Council on Postsecondary Education
State of Rhode Island

Regulations Governing Proprietary Schools in Rhode Island

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Purpose:

These regulations pertain to all entities operated on a for-profit or on a non-profit basis (i.e., organizations, associations, corporations, partnerships, or sole proprietorships) for the purpose of providing training for business, trade, technical, industrial or other occupation, that grant awards only at the pre-associate certificate level in Rhode Island.

This document describes the policies and procedures that govern the establishment and operation of proprietary schools. The source of authority of the Council on Postsecondary Education (CPE) to regulate proprietary schools is found in Title 16, Chapter 40, of the General Laws of Rhode Island.

Included are the procedures for applying for initial approval (including the pre-application assessment of financial condition) and annual renewal of approval. Also included are the standards of operation that must be maintained.

Any proprietary school operating in R.I. must first obtain a certificate of approval from the CPE; renewal of this approval must be obtained annually. Schools operating without a certificate of approval shall be prosecuted, civilly and/or criminally, to the full extent of the law.

Throughout this document the Council on Postsecondary Education may be referred to as the Council or the CPE and the Office of the Postsecondary Commissioner as the Office or OPC. In addition, a proprietary school may be referred to as a school.

I: Types of Approval and Definitions

Types of approval

Pre-Application Assessment of Financial Condition is the first part of the initial application process whereby OPC will make an assessment of the financial condition of a proposed school.

Initial approval is the approval that must be obtained before a school may begin any advertising or operating in R.I. Initial approval by the CPE enables the school to operate for a period of not more than one year and is not renewable.

Conditional approval is a discretionary temporary approval of less than one year that may be granted by the commissioner (only if initial approval has been previously granted) in the event that there are reservations concerning the ability of a school to meet the criteria specified in these regulations. Under these conditions, approval for a time period of less than a year may be granted so that either current students may complete their programs (in the case of a school closing), or the school may remedy other difficulties it is having in complying with these regulations.

Annual approval is the approval that follows initial or conditional approval if the commissioner is satisfied that the school has met the criteria specified in these regulations. Annual approval is in effect from September 1 through August 31 each year and must be renewed annually, subject to the procedures outlined in these regulations.

Definitions

Accredited/accreditation: The status of public recognition that a nationally recognized accrediting agency grants to an institution or educational program that meets the agency's established requirements.

Advertising: All marketing or public relations materials including but not limited to all print, electronic or social media, letters, signs, stationery, etc. used to advertise or promote the availability of a service provided by a School in a manner reasonably calculated to attract the attention of the general public.

Avocational: Programs or courses in personal interest, personal development, leisure and recreational categories that do not: 1) lead to a formal academic award or degree, 2) produce credits that apply to a formal academic award or degree, or 3) result in the development of occupationally specific skills. Among the programs and courses commonly deemed to be avocational are: personal image enhancement; personal fitness and nutrition programs; music, dancing, public speaking or sports programs (except those offered for credit by an institution of higher education or specifically designed to develop occupational skills); relaxation therapy programs; martial arts programs; and training for the purpose of obtaining a personal driver's license or private pilot's license.

Chief administrator: The chief administrator of a school is the individual who is ultimately responsible for all activities of the school and activities conducted in the name of the school. The chief administrator's duties include responsibility for the instructional program, the organization of classes, the maintenance of the school facility, the maintenance of proper administrative records, compliance with all federal, state and local laws, and compliance with all applicable rules and regulations of the CPE and all other procedures related to the administration of the school. Each approved school must designate a chief administrator.

Correspondence school: A course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructors. Interaction between instructors and students in a correspondence course is limited, is not regular and substantive, and is primarily initiated by the student.

Course: A unit of learning which is offered as part of a Program.

Curriculum: The planned sequence of occupational lessons and assignments and the instructional methods and materials used to meet specified learning outcomes.

Distance Education: Distance education is education that uses one or more types of technology to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously.

Developmental courses and programs: Non-credit or excess credit courses or programs in the general competencies (typically in reading, writing, mathematics or study skills) necessary to perform in a regular postsecondary curriculum and educational setting.

Entity: Any organization of any type which has a legal identity apart from its members or which is recognized under the laws of either R.I. or the state in which the entity is organized.

Hybrid instruction: a mixture of online and face-to-face instruction activities.

Instructional Hour: A period of 50-60 minutes in length, during which instruction is being provided.

Instructor: A person who provides academic, vocational or occupational instruction to students. The term Instructor does not include guest speakers, tutors, or instructor assistants who only supplement instruction or training when the instructor is present.

Operate or operating: Operating a proprietary school includes three main activities: 1) establishing or maintaining within the borders of state of R.I. a facility or location where instruction, student services, or educational program administration are provided or postsecondary educational credentials are granted to persons in the state or to persons outside of the state; 2) contracting with any person, group, or entity to operate such an institution; or 3) the activities of persons owning an interest in, employed by, or representing for remuneration a postsecondary educational institution in or outside the state who, by solicitation made in the state: a) give counsel to, enroll or seek to enroll students for education offered by the institution; b) offer to award educational credentials for remuneration on behalf of the institution; or c) hold themselves out to persons in the state as representing a postsecondary educational institution for any purpose.

Owner of a school: In the case of a school owned by an individual, that individual; in the case of a school owned by a partnership, all general and limited partners; and in the case of an incorporated school or a school owned by a corporation or by any other entity or entities, the corporation itself, each shareholder owning shares aggregating at least 10 percent of the total of the issued and outstanding shares, and/or each person owning a 10 percent or greater interest in the entity or entities.

Person: Any person or entity including, but not limited, to any individual, corporation, partnership, limited liability company, joint venture, trust, trustee (in such capacity) or unincorporated organization, or a government or any agency or political subdivision thereof (other than the CPE).

Program: A group of courses organized to develop a set of specific knowledge and skills needed for a particular business, trade, technical or industrial occupation.

School or proprietary school: Any organization, association, corporation, partnership, limited liability corporation (L.L.C.), sole proprietorship, or any other entity operated on a for-profit or on a non-profit basis that operates or seeks to operate to provide instruction or training for a business, trade, technical, industrial or other occupation, and that is not specifically exempted under these regulations. Proprietary schools grant no awards above the pre-associate certificate level.

Student: Any person who contracts to pay for and/or undertakes any program or course in a school, regardless of the person or entity paying for the program or course.

Teach-out: A process during which a program, institution, or institutional location that provides 100 percent of at least one program engages in an orderly closure or when, following the closure of an institution or campus, another institution provides an opportunity for the students of the closed school to complete their program, regardless of their academic progress at the time of closure.

II: General Provisions for Proprietary Schools and Exemptions

General provisions

To operate as a proprietary school in R.I., the following general provisions must be observed:

- Initial approval from the CPE must be secured prior to advertising, soliciting for, or operating any school in R.I. (The single exception is that prospective teachers may be recruited and interviewed for an anticipated opening as long as they are informed they cannot be guaranteed employment prior to the CPE's approval of the school.)
- Annual approval for all schools will expire each year on August 31, and, therefore, an annual application for renewal must be made no later than August 1.

- The operation of a school must be separate and independent from any other business enterprise.
- No school may use the word “college” or “university” in its title.
- If a school is purchased or otherwise comes under different ownership, the approval is not necessarily transferable to the new owners.
- All schools must adhere to the standards outlined in Section V. In addition, all schools must comply with R.I. General Laws and the requirements of other state and federal agencies, as appropriate.

Exemptions

The following types of schools, programs, and/or courses are exempt from these regulations. Exemptions are not automatic, and providers are required to apply for either approved or exempt status. The commissioner will determine if a school, program, and/or course qualifies for an exemption. Exemptions must be renewed each year.

No exemptions granted by the Commissioner shall be deemed permanent or grandfathered. In addition, the Commissioner may rescind exemptions at any time if it is determined that approval is required.

The following are eligible for consideration as exemptions:

- Schools approved under other regulations established by the R.I. CPE or the R.I. Council on Elementary and Secondary Education.
- Schools recognized by the R.I. Department of Education as exempt under the provisions of RIGL §16-40-14 1956, as amended.
- Schools, programs, or courses operated by a governmental agency.
- Driver training schools licensed by the R.I. Division of Motor Vehicles.
- Flight schools holding an applicable current federal air agency certificate issued by the Federal Aviation Agency.
- Health-related programs or courses offered by non-profit hospitals in R.I. that are accredited by the appropriate professional medically related accrediting agency recognized by the U.S. Secretary of Education.
- Emergency medical technician (EMT) programs based on the U.S. Department of Transportation’s curriculum guidelines and approved by the R.I. Department of Health.

- Programs and/or training leading to occupations regulated by the R.I. Department of Health's Center for Professional Boards and Licensing for which there is no specific course or curriculum requirement for licensing but which require the demonstration of certain techniques and skills via inspection (e.g., tattooing).
- Schools, programs, or courses offering instruction exclusively in avocational, recreational, or developmental subjects.
- Employment-related training for which no tuition is charged to the student.
- Programs or courses offered for the sole purpose of preparing a person to take a professional licensure examination, such as a bar exam preparation course for a recent law school graduate. Programs or courses that prepare students for specialized certification (such as Microsoft certification) are not exempt.
- Programs or courses offered primarily to meet continuing education standards required for professional licensure as defined by law or regulation in this state and for which no college-level credit is awarded.
- Short courses of study that are no more than 100 hours or 20 days in duration and for which students are charged no more than \$1,000. An exempted short course of study is further identified as one that: 1) results in its own certificate or credential and is not part of a sequence of classes for which the enrolling organization awards any program credential or certificate, 2) does not include an opportunity or a requirement that students register for or make a financial commitment to a longer program in addition to the individual class, and 3) is not marketed as leading to any professional credential or certification unless the entity that awards the credential or certification [e.g., Microsoft] indicates that the time needed to earn the credential or certification is 100 hours or less.
- Computer training offered at no additional charge with the purchase of hardware or software to the purchaser or to the purchaser's employee, as long as the seller is not primarily engaged in the business of providing instruction.
- Testing centers that provide examination scheduling, registration, administration, grading and results reporting only, as long as no additional instructional, student or administrative services are provided by the testing center within the borders of R.I. Institutions located outside the borders of R.I. may use testing centers located in R.I. as long as the institution does not seek to undertake any other form of operation in the state (refer to definition of operate).
- Individual instructors located within the borders of R.I. who provide instruction by distance learning under the auspices of an institution located outside of the state, as long as no additional on-ground instructional services or any (i.e., on-ground or at-a-distance) student or administrative services are provided within R.I. by the instructor. Institutions located outside the borders of R.I. may use individual instructors located in R.I. to provide instruction by distance learning, as long as the institution does not seek to undertake any

other form of operation in the state. Representatives of institutions that are regionally (e.g., New England Commission of Higher Education) or nationally (e.g., Accrediting Commission of Career Schools and Colleges, Distance Education Accrediting Commission) accredited are allowed to disseminate information about their programs within R.I. as long as they collect no fees and enroll no students.

III: Approval Procedures for Proprietary Schools

The CPE has the authority to approve or deny the request for approval to operate a proprietary school in R.I. Securing and maintaining approval to operate a proprietary school involves a pre-application process, an initial approval application process, and annual renewal of approval. The commissioner must approve any waivers or deviations from the requirements for these processes, in advance and in writing. Informal consultation with OPC staff is encouraged throughout each of these processes.

Pre-Application assessment of financial condition

Before accepting a completed application for initial approval, OPC will make an assessment of the financial condition of all proposed schools. As much of the following information as possible should be submitted so that the evaluation can be made:

1. Organizational documents for the proposed school and for any entity which is an owner of the proposed school;
2. A current business plan for the proposed school;
3. Contact information for the proposed school's bank, lawyer and auditor/accountant as well as the necessary authorizations granting each of the above permission to discuss with OPC matters relating to the applicant;
4. The latest audited financial statements for the school and financial projections for the period of the school's initial business plan prepared by a certified public accountant or a licensed public accountant; the financial statements must be accompanied by a notarized statement signed by the owner (or in the case of a corporation or other entity its authorized fiscal representative) indicating that the financial information is true and correct;
5. Personal financial statements for the individual owners of the proposed school;
6. Current annual tax return for the proposed school and for each owner of the proposed school;
7. Opening projected balance sheet including how much money the owners will contribute as equity and the nature thereof;

8. Projected income statement for the first year of operation, which includes all the detailed assumptions regarding revenue and expenses;
9. Projected balance sheet at the end of the first fiscal year;
10. Projected statement of cash flow at the end of the first fiscal year.

OPC may request additional information, as needed, to assess adequately the financial stability of the proposed school before making a decision. After reviewing the materials, OPC will advise the proposed school if there appears to be sufficient financial capacity to warrant going forward with the initial approval process. Pre-application authorization is valid for one year, after which time updated information must be submitted.

Initial Approval

A school seeking a certificate of approval from the CPE to operate as a proprietary school in R.I. must observe the following procedures and must satisfactorily meet the standards for the operation of proprietary schools as set forth in Section V. The procedures are as follows:

1. Complete the pre-application process described above and receive authorization from OPC to apply for initial approval.
2. Submit a completed application along with the non-refundable application fee (payable to the Office of the Postsecondary Commissioner) and copies of the supporting documents listed below at least six months prior to the intended date on which operation will commence. Only complete applications will be reviewed.

The following materials are to be supplied:

- a. Completed and notarized anti-discrimination compliance agreement;
- b. Names and titles of office holders and copies of organizational documents for the proposed school and for any entity which is an owner of the proposed school;
- c. Copies of written policies pertaining to conflicts of interest;
- d. At least three letters of reference attesting to the good character and other qualifications of the officers and chief administrator;
- e. Personnel information for the proposed school chief administrator and all instructors;
- f. Proposed catalogs, application forms and student enrollment agreement forms;
- g. Schedule of proposed tuitions and fees;

- h. Proposed calendar for a complete year, showing semesters or terms, normal enrollment dates, vacation periods and holidays;
 - i. Proposed curriculum for each program, showing content of courses to be taught, and types of knowledge and skills to be learned;
 - j. Proposed certificate or diploma formats to be used;
 - k. Proposed forms to be used for record maintenance purposes;
 - l. Proposed advertising and other marketing materials including websites and electronic communications;
 - m. Copies of any lease agreements pertaining to instructional or other physical facilities;
 - n. Certification from the deputy fire marshal, local building inspector, and Governor's Commission on Disabilities (ADA) that the school plant adheres to the regulations as established by these agencies. State health department inspections are required for cosmetology schools;
 - o. A statement concerning any accreditation or approval granted to the school by a recognized state or federal agency or association;
 - p. A plan related to catastrophic events, school closure and teach-out, including the disposition of student records and the manner by which copies of records can be acquired. Statement must be signed and dated by all participating parties;
 - q. First, submit the required bond calculation as outlined in standard 10.4c. Once determination of an appropriate bond amount is made by the commissioner, submit a bond with corporate surety payable to the R.I. Council on Postsecondary Education;
 - r. Any other materials that the commissioner deems appropriate to the approval process.
3. Submit payment to external consultants, if necessary. Note: If deemed appropriate, external consultants may be selected by the OPC in consultation with the school to review the proposal either in whole or in part. The amount of the stipends to the consultants will be mutually agreed upon in advance and will be paid by the school at the conclusion of the review.
 4. The applicant will be notified by OPC in writing of any deficiencies in the application.
 5. OPC staff will arrange a site visit to inspect all proposed physical facilities.

6. Upon completion of the review process, OPC staff will make its recommendation to the Commissioner of Postsecondary Education.
7. The commissioner, will submit a recommendation for action to the Council at a regular CPE meeting.
8. The CPE must approve all initial applications prior to commencement of operations.

Annual renewal of approval

A school seeking annual renewal of approval must be in operation and must make application to OPC by July 31. Only complete applications will be reviewed. Any school making an application for renewal of approval shall submit the following materials:

1. Completed renewal application form;
2. Completed and notarized anti-discrimination compliance agreement;
3. Submit nonrefundable renewal fee payable to the Rhode Island Council on Postsecondary Education;
4. Current audited financial statements (prepared by a certified public accountant or a licensed public accountant) accompanied by a notarized statement signed by the owner indicating that the information is true and correct. In addition, auditors must provide in the footnotes to the financial statements the procedure for calculating maximum unearned revenue net of accounts receivable at any point during the year;
5. Evidence of continued bonding through the upcoming year;
6. Certification from the deputy fire marshal and local building inspector that the school adheres to the regulations as established by these agencies. Cosmetology schools are also required to submit an inspection certificate from the state health department;
7. Updated school calendar;
8. Data on program enrollments and completions, pass rates of the school's graduates on any licensure or certification examinations required by RI for employment in the field for which the school provides training, and placement rates for the school's graduates in occupations related to their courses of study;
9. A statement concerning any accreditation or approval granted the school by a recognized state or federal agency or association;
10. One copy of the current student enrollment agreement;
11. One copy of the current school catalog;

12. Catastrophic events, school closure and teach-out plan signed and dated by participating parties;
13. Updated approval information form, including updated credentials of school instructors;
14. Updated list of equipment, textbooks, supplies and tools required for instructional programs;
15. Any other materials that the commissioner deems appropriate. For example, at the discretion of the commissioner, current tax returns for the school and for each owner of the school may be requested if it is determined that the school is financially unstable.

The commissioner has the authority to approve the request for annual renewal. In the event that the commissioner has reservations concerning the ability of a school to continue to meet the CPE's standards, the commissioner has the discretion to grant the school conditional approval for a period of less than one year. During the period of conditional approval, the school will be monitored to ascertain that the standards are being adequately met, may be required to submit audited financial statements and other materials, and may be restricted from admitting any new students.

Any school that fails to follow the procedures for renewal of annual approval will be subject to the procedures outlined in Section IV: administrative penalties and revocation of approval.

Prior approval for changes

Approval must be secured by the school from OPC, before the following types of changes in practice are made.

- Changes in catalogs, application forms, and student enrollment agreement forms must be approved prior to distribution. Advertising and other promotional materials, along with substantive website modifications must be submitted either in advance of or concurrently with their submission to the media or distribution to students or prospective students.
- Changes in chief administrators or instructional staff must be approved prior to implementation. If unanticipated circumstances require immediate staff procurement, approval must be sought as soon as practicable and no later than immediately after the change takes place.
- Changes in existing programs and implementation of a new program or course must have prior approval. If deemed appropriate, external consultants may be selected by OPC in consultation with the school to review the proposed program change. The amount of the stipends to the consultants will be mutually agreed upon in advance and will be paid by the school at the conclusion of the review. The application must be submitted for approval at least 30 days prior to the intended change; additional time may be required if the new program constitutes a substantive change. Further, additional time should be allowed if

evidence of OPC approval of a new program must be secured prior to gaining approval from the school's accrediting body.

- A change in the mode of delivery of a program must have prior approval. For example, the offering or receiving of any portion of a previously approved program by way of distance learning constitutes a change in mode of delivery and must have prior approval; the agreement with the provider or receiver of the distance learning courses or programs must also be submitted for approval.
- Changes in lease agreements and changes to physical location of the school plant, including the addition of new instructional or administrative space must have prior approval. All required certifications (fire, building, health and ADA, if necessary) must be secured, copies of any lease agreements must be submitted, and a site visit by OPC staff must be completed before approval will be granted.

If approval for any of these types of changes is denied, the school may appeal the staff decision to the commissioner.

Approval of substantive changes

Educational institutions are constantly changing. Most changes, such as those listed in the previous section, fall within the scope of institutional purpose and do not alter the nature of the institution. Other changes, however, can affect a school significantly by altering the control, mission, purpose, programs and/or allocation of resources. Changes that are of a substantive type require formal prior review by the OPC and may require prior approval of the CPE.

Substantive changes may include, but are not limited to, the following:

- Changes in ownership. When a school is purchased or otherwise experiences a change in ownership, the approval is not necessarily transferable to the new owners. The prospective owners must comply with the requirements for securing initial approval in the following cases: 1) when a school owned by an individual is sold, 2) when any of the general partners in a partnership change, or 3) in the case of an incorporated school or a school owned by a corporation or by any other entity or entities, when ownership of 50 percent or more of the school changes. Application and information pertinent to a change in ownership, along with the appropriate fee should be submitted 90 days before the change is effective. Potential owners should be aware that the CPE must approve a change in ownership at one of its regularly scheduled CPE meetings. Purchase and sales agreements should state that the sale of the school is contingent upon the approval of the CPE.
 - In the case of an incorporated school or a school owned by a corporation or by any other entity or entities, when any person or other entity acquires 10 percent or more ownership in the school, OPC must be notified and letters of reference and audited financial statements supplied within 30 days of the change.

- Significant departures from the stated purpose and/or programs that were in effect at the time the school was approved by the CPE.
- Changes in legal status or in the form of control of the school, including merging with another school.
- Dividing a school into two or more separate schools.
- Loss of recognition or approval by a state, federal or regulatory agency:
 - Loss of accreditation and loss of eligibility for federal student financial aid. Loss of accreditation causes loss of eligibility to participate in the federal student financial aid programs. Loss of accreditation could lead the CPE to revoke a school's approval to operate in R.I. (e.g., if state or federal regulations require that students graduate from an accredited program in order to be eligible for licensing in a particular occupation). Along with all current students, OPC must be informed within five days if a school loses its accreditation. At that time, the school must supply OPC with a copy of the documents the school used to inform current students of the loss. Further, within 30 days of the loss of accreditation, the school must provide OPC with copies of revised catalogs, enrollment agreements, advertisements, websites and other marketing materials the school distributes to prospective students.
 - Loss of recognition from any other regulatory agency (such as the health department), should also be reported to OPC within five days.

The decisions as to whether a change is substantive is a judgment specific to an individual school, since the change must be considered within the entire school context. The commissioner has the authority to decide whether a change is substantive. Schools should consult with OPC staff to determine precisely what materials must be submitted in each particular case.

IV. Administrative penalties and revocation of approval

The commissioner may assess administrative penalties and the CPE may revoke the approval of a school for proper cause in accordance with the following regulations and procedures.

Administrative penalties and suspension of certain operations

If a school fails to meet the standards set forth in these regulations, the commissioner may impose an administrative penalty of up to \$100 per day for each violation, in accordance with a published schedule of administrative penalties.

The school will be notified by certified mail, of the imposition of an administrative penalty, the reasons therefor, and the rules or regulations involved. Within seven days of the receipt of this notice, the school may file a request for hearing directed to the commissioner. The school

should include in its request a statement of facts and/or a citation to regulations in support of its position that a penalty should not be imposed.

The commissioner, or his/her designee, will hear the evidence in accordance with the regulations governing hearings and make a finding as to the appropriateness of the administrative penalty. The school may request reconsideration of the commissioner's finding by the CPE, or its designee, whose decision shall be final. The CPE, or its designee, shall consider all of the documentation submitted by the commissioner and by the school in arriving at a final decision but shall not hear arguments or receive new evidence.

The maximum amount of the administrative penalty to be assessed to a school will be the amount of the daily penalty (up to \$100 per day) times the number of days that the school is in violation of the regulations. The number of days in violation is the difference between the day the school is notified that it is in violation of the regulations and the day the school is notified by the commissioner that the violation no longer exists. The penalty is calculated on the number of days in violation notwithstanding the time necessary to settle appeals initiated by the school.

Administrative penalties are due immediately upon assessment, except in cases under appeal where payment is due seven days after a finding is made that is negative to the school. Schools with outstanding violations and penalties on September 1 in any year will be given conditional approval; annual approval will not be granted until all violations and administrative penalties are settled.

In addition to the imposition of an administrative penalty, schools found to be in violation of certain standards (i.e., inadequate or lapsed bonds or lapsed certifications for fire, building and health if applicable) may be ordered by certified letter to cease some operations immediately. Until the violation is corrected, schools ordered to cease some operations will be instructed, at a minimum, to admit no new students, to start no new classes, and to return registration fees and/or deposits collected from students scheduled to start future courses. Those operations which are necessary to allow currently enrolled students to complete programs of study will be allowed to continue.

Revocation and emergency action

The commissioner may seek revocation of a school's approval if the school:

- Has committed a material or substantial violation of these regulations;
- Has a record of chronically or repeatedly violating any of these regulations;
- Has made a false statement about a material fact on any of the documents submitted to OPC;
- Has failed to pay administrative penalties imposed under these regulations; or

- Has acted or failed to act in a manner which gives cause for revocation pursuant to RIGL §16-40-5 (Revocation of Approvals).

Prior to revocation of approval, the school will be given an opportunity to be heard to show cause why approval should not be revoked. Notice of the time and place of the hearing and the reasons for the proposed revocation, citing either specific portions of statute or these regulations, will be served by first-class mail, return receipt requested, on an officer of the school at least 20 days prior to the hearing.

The hearing will be conducted by the commissioner or his/her designee. The regulations governing hearings will apply. The school shall have the burden of proof to show cause why approval should not be revoked. The commissioner's recommendation shall be forwarded to the CPE, which shall have final authority to accept, reject, or modify the commissioner's recommendation. A representative of the school, or the school's attorney, may address the CPE prior to its consideration of the commissioner's recommendations; however, no additional evidence may be presented to the CPE.

If the commissioner finds that the public health, safety or welfare of the students imperatively requires emergency action and incorporates a finding to that effect in his/her order, including the grounds upon which the finding is based, summary suspension of approval may be ordered, pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

The commissioner, as agent of the CPE, may also seek to prevent or remedy any violation of these regulations or may seek revocation or suspension of a school's approval, through appropriate court action in accordance with the general laws of the State of Rhode Island.

Regulations governing hearings

All hearings will be held in accordance with the following:

Notices: Whenever the commissioner seeks to impose administrative penalties or to revoke a school's approval, the school will be afforded an opportunity for hearing after reasonable notice.

The notice will include:

1. A statement of the time, place, and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and rules involved; and
4. A short and plain statement of the matter

Presentation of Evidence

- All parties shall have an opportunity to present evidence, cross examine witnesses and be represented by counsel.
- The formal rules of evidence shall not apply; however, the hearing officer may exclude irrelevant, cumulative or hearsay evidence as he or she deems appropriate.
- Oral proceedings will be transcribed if requested in advance by any party. The party requesting transcription will be required to pay the cost thereof.

Recommendations/Decisions

- Findings of fact shall be based upon the evidence submitted to the hearing officer and any stipulations agreed to by the parties.
- The burden of proof shall be by a preponderance of the evidence.
- The hearing officer shall prepare a written decision including findings of fact in support of the decision.

Informal Disposition: Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

V: Standards for the operations of proprietary schools

The CPE shall initially approve a school, and, thereafter, the commissioner shall annually renew the approval of a school, provided all of the following standards are met:

Standard 1: Owner, officers and personnel

- 1.1. All owners and officers of the school must be of good character and ensure that the school operates in an ethical manner, in compliance with all federal, state and local laws, and in compliance with all applicable rules and regulations of the CPE. No fewer than three letters of reference for each owner and officer attesting to his/her good character must be submitted upon initial application and whenever there is a change in owners or officers. Of the three reference letters, two from professional sources are preferable. References should describe the nature and length of their relationship with the subject of the letter.
- 1.2. The owners must have sufficient financial resources, as determined by OPC, to ensure the fiscal stability of the school.

- 1.3. The school must have in place written policies and procedures applicable to chief administrators and owners that address conflicts of interest and provide protection against fraud and self-dealing by persons exercising control over the school.
- 1.4. With regard to the chief administrator of the school, the following requirements must be met:
 - a. The chief administrator of the school is ultimately responsible for all activities of the school or done in the name of the school. The chief administrator's duties include responsibility for the instructional program, the organization of classes, the maintenance of the school facility, the maintenance of proper administrative records, ensuring that the school operates in an ethical manner and in compliance with all federal, state and local laws, ensuring that the school operates in compliance with all applicable rules and regulations of the CPE and for all other procedures related to the administration of the school.
 - b. One person must be designated as the chief administrator of the school.
 - c. The chief administrator must hold a high school diploma or a GED. He or she must have background and training that are deemed sufficient to administer the school (e.g., a degree in an appropriate field from an accredited college or university; five years' experience in school administration or in the instructional field).
 - d. The chief administrator must be of good character and be professionally competent. At least three letters of reference attesting to his/her character and professional competence must be submitted; preferably at least two of these references should be from former employers in an education-related field. References should be asked to describe the nature and length of their relationship with the subject of the letter.
- 1.5. The qualifications for instructors will depend on the kind of instruction offered and will be considered on an individual basis. However, all instructors must meet the following requirements:
 - a. Each instructor must hold all licenses, certificates and ratings that are required by industry standards, the federal government or the State of Rhode Island, or any of its agencies, **to practice** in the field of employment.
 - b. Each instructor must be fully qualified **to teach** in the instructional field by holding all licenses, certificates and ratings that are required by the State of Rhode Island, or any of its agencies, to teach in the instructional field.
 - c. In the absence of state requirements, each instructor must be fully qualified to teach in the instructional field by having a combination of at least five years of education, training, and/or occupational experience in the specific area of teaching to provide instruction that will assist students toward successful achievement of the objectives of the program.

- d. Upon initial employment at the school, each instructor must provide evidence of sufficiently recent educational or occupational experience to assure up-to-date knowledge of content, practice and technique in the teaching fields along with knowledge of current teaching methods. All instructors are expected to maintain all required professional licenses and certifications.
 - e. Students enrolled in instructor-training programs (i.e., student teachers) are allowed to obtain instructional experience by teaching a particular subject/course only when a licensed and approved instructor is present in the classroom at the time instruction is delivered.
- 1.6. When the employment of a chief administrator or instructor is discontinued for any reason, the commissioner must be notified within five days. The chief administrator or instructor will then be removed from the list of approved personnel.

Standard 2: Admission requirements and procedures

- 2.1. For each of its programs, the school must establish, publish, and consistently apply uniform requirements for admission of students and must maintain adequate records thereof. The school must maintain and apply assessment methods or admission criteria for determining a student's ability to complete successfully the specific program for which the student has applied and evaluate the appropriateness of the methods used.
- 2.2. The previous education and training of each applicant must be reviewed and credit awarded for those experiences, as the school deems appropriate; applicants must be given the option of having their training period shortened accordingly.
- 2.3. The school must conform to current federal Title IV student financial aid regulations regarding the providing of commissions, bonuses or other incentive payments to persons or entities engaged in student recruitment or admission activities.

Standard 3: Policies and procedures relating to student rights and responsibilities

Schools must establish, widely publish and consistently enforce the following policies and procedures relating to students' rights and responsibilities in the school.

- 3.1. Rules and procedures pertaining to attendance must be consistent with the objectives of the program and with the student enrollment agreement. The rules and procedures must describe how attendance, tardiness and absences are calculated, explain if and how missed time can be made up, and define satisfactory and unsatisfactory attendance. The rules and procedures must specify conditions for suspension and dismissal and conditions for re-entrance of those students dismissed for violating the attendance policy.

- 3.2. Rules and procedures pertaining to the satisfactory progress of enrolled students must include:
- a. A clearly defined grading or other evaluation system;
 - b. Progress evaluation records which reflect whether the student is making satisfactory progress toward completing all courses within the allotted time for the program;
 - c. Progress evaluation standards that stipulate what is considered failing or unsatisfactory progress and the condition for dismissal and re-entrance;
 - d. Evidence that student is provided timely information on the status of his/her progress;
 - e. Documentation of conditions for suspension and dismissal and conditions for re-entrance of students dismissed for failing to maintain satisfactory progress.
- 3.3. Procedures pertaining to students with disabilities must comply with the requirements of Section 504 of the federal Rehabilitation Act of 1973 and describe:
- a. The steps a student must take to report a documented disability to the school;
 - b. The office to which the documentation should be reported;
 - c. The steps, schedule and written documentation procedures the school will follow in making reasonable accommodations; and
 - d. Due process, appeals procedures, and assurances available to a student who is dissatisfied with the accommodation(s) offered,
- 3.4. Rules and procedures pertaining to student conduct must describe unsatisfactory conduct. The rules must specify conditions for dismissal and conditions for re-entrance of those students dismissed for violating the conduct policy.
- 3.5. Rules and procedures pertaining to complaints must describe how student and/or third-party complaints, both academic and nonacademic, are filed and investigated and how the school will attempt to resolve complaints. These procedures should address at least the following:
- a. Steps students and/or third-party individuals may take to file a complaint, including alternative individuals to whom the complaint may be made (if the complaint pertains to the person who would normally hear complaints);
 - b. Steps and schedule the school will follow in investigating and resolving the complaint;

- c. Due process, appeals procedures, and assurances available to students and/or third-party individuals who file complaints.

The school shall provide an explicit response to all complaints and maintain comprehensive records of all complaints and their resolutions. These records must be made available to OPC upon request. All students and/or third-party individuals who file complaints with OPC will be initially directed to follow the school's complaint procedure. The complaint should be addressed in a timely manner and the result should be conveyed to the complainant in writing with a copy to OPC. If following that procedure fails to resolve the issue, OPC will then refer students and/or third-party individuals with complaints related to federal laws and regulations to the appropriate federal or state agency; individuals with complaints relevant to accrediting agency standards will be referred to the accrediting agency.

- 3.6. Students must be provided with copies of all documents they sign (e.g., enrollment agreements, adjustments to enrollment agreements, and financial aid applications).

Standard 4: Tuition and fees, payment arrangements and scholarships

- 4.1. All tuition, fees, and other charges must be stated in the school catalog, brochures, and student enrollment agreement.
- 4.2. In the catalog, the methods of payment that are available to enrolling students must be described. If student financing is available through any arrangement or agreement between the school and a lending institution, the complete terms of such arrangement or agreement must be submitted to OPC. In addition, if any form of financing is available at the school, all charges and the true annual percentage interest rate and the names and addresses of the lending institutions must be submitted to OPC.
- 4.3. School-based scholarship programs may be offered provided the terms of the programs are published and submitted to OPC for prior approval.

Standard 5: Refund policy

Each school must maintain and publish in the catalog and student enrollment agreements a clear and concise policy for the refund of the unused portion of tuition, fees, and other charges in the event the student fails to enter the course, withdraws, or is discontinued at any time prior to completion of the program. The policy must contain the following:

- 5.1 In the case of a potential student who requests cancellation and/or refund within three business days from signing the student enrollment agreement and before classes have begun, the school must cancel the application and refund in full all monies paid to the school.

- 5.2 In the case of a potential student whose enrollment application is rejected by the school, the school must cancel the application and refund in full all monies paid to the school.
- 5.3 Refunds must be based on the period of enrollment computed on the basis of course time expressed in clock hours and/or credit hours.
- 5.4 The effective date for refund purposes must be:
- a. if the student is terminated by the school, the last day of attendance; or
 - b. if the student withdraws, the earliest of the following:
 1. postmarked date of written notice from the student, or
 2. ten school days following the last day of attendance
- 5.5 If tuition is collected in advance of entrance and if the student does not enter the school, not more than \$100.00 may be retained by the school.
- 5.6 For courses of one year (12 calendar months) in duration or less, in cases of termination or withdrawal after classes commence, the minimum refund policy must provide a student with at least the following:
- a. During the first quarter of the program, 75 percent of the tuition, less a registration fee not to exceed \$100.00;
 - b. During the second quarter of the program, 50 percent of the tuition, less a registration fee not to exceed \$100.00;
 - c. During the third quarter of the program, 25 percent of the tuition, less a registration fee not to exceed \$100.00;
 - d. During the fourth quarter of the program, the student may be considered obligated for full tuition and fees.
- 5.7 For programs longer than one year (12 calendar months), 100 percent of the program price attributable to the period beyond the first year must be refunded when the student withdraws from school during the first year. Thereafter, the same refund policy described in Standard 5.6 must be used for each subsequent year or part thereof.
- 5.8 Refunds of extra expense to the student (such as instructional supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges where items are separately stated and shown in the data furnished to the student before enrollment) must be made in a manner equivalent to that

described above for tuition. Costs of supplies and materials actually used by the student need not be refunded.

- 5.9. Refunds must be made within 30 days after the effective date of termination or cancellation.
- 5.10. In all cases, the student must receive the most generous refund possible. If a school is accredited by an accrediting agency recognized by the U.S. Department of Education, the accrediting agency's refund policy will prevail if that refund is more generous to the student than the refund required by R.I. law and these regulations. Otherwise, the R.I. refund will prevail.

Standard 6: Instructional programs

- 6.1. In terms of content, length of instruction, and mode of delivery, all programs must be of such nature and quality as to assure reasonably that the students will adequately develop the knowledge and skills necessary for obtaining employment in the occupation for which training is offered. Evidence that programs are of appropriate content, length and mode of delivery may be illustrated by:
 - a. Conformity with appropriate accrediting agency standards, applicable industry standards, applicable state or federal licensing standards or other credible measures;
 - b. Comparability with similar programs in the state or region;
 - c. Conformity with the Council's Policy on Distance Learning.
- 6.2. The needs the program addresses, such as societal needs, labor market needs and student demand, must be explained. Data concerning prospects for employment and job market analyses, plus the source of these data and analyses, must be provided.
- 6.3. All programs must be approved prior to being offered or described in the catalog or advertising and other marketing materials.
- 6.4. Sufficient qualified instructors must be maintained to teach all subjects needed for completing the offered programs during the length of time stipulated in the catalog.
- 6.5. If an approved program is discontinued for any reason, the commissioner must be notified within seven days. The program will then be removed from the list of approved programs.
- 6.6. After successful completion of training and meeting all contractual obligations to the school, the student must be given evidence by the school indicating that the program was completed satisfactorily.

- 6.7. A school must provide each student enrolled in a program that requires state licensure or other certification with specific information about the following:
- a. Licenses, credentials, or additional course work beyond that provided by the school required to practice the profession or vocation in the state;
 - b. The degree to which completion of the required coursework meets state license or credential requirements;
 - c. Whether the program has received the necessary approval or accreditation for students completing the program to apply for all required licenses or credentials.

Standard 7: Advertising, website development, marketing promotion and recruitment

Every school must maintain high ethical standards in its advertising, website development, marketing, promotion and recruitment activities. The school is responsible for ensuring that all recruiting practices and advertising and marketing materials provide clear and accurate descriptions of the school's programs and policies. Marketing, advertising and recruiting conducted by or on the behalf of the school (whether oral, written, electronic or visual) shall be free of false, exaggerated or misleading claims and conform to the following standards:

- 7.1. All advertising and other marketing materials for the recruitment of students and/or relating in any way to the educational function of a school must be submitted to the OPC either in advance of or concurrently with their submission to the media or distribution to students or prospective students. Advertisements will be reviewed to ensure that they are factually accurate and are not misleading in any regard (e.g., students should not be led to believe that they will be guaranteed employment unless such statements are true).
- 7.2. All advertising, websites, marketing and other promotional materials seeking prospective students must be clear, accurate, supportable and include no misleading information. No deceptive statements may be made concerning other proprietary schools.
- 7.3. The fact of approval may not be used in advertising, marketing, or other promotional materials or letterheads except in the following manner: "meets the legal requirements to operate as a school in the State of Rhode Island" or "approved by the Rhode Island Council on Postsecondary Education."
- 7.4. The name and location of the school must appear in all advertising, websites, and other promotional materials. No photograph, cut, engraving, electronic image or illustration may be used in the catalog or other materials in such a manner as to convey a false impression of a school's size, importance, location, equipment, or facilities.
- 7.5. Letters of endorsement, commendation, or recommendation may be used in the catalogs, advertising, marketing, and other promotional materials provided prior consent

is obtained from the author and no fee is paid for either the consent or use of the endorsement. Such letters must be kept on file, subject to inspection. Testimonial letters may be used only when they are strictly factual and portray current conditions.

- 7.6. Advertising, marketing and other promotional materials, including but not limited to direct mail, radio, television, digital and social media content, e-mail solicitation or directories seeking prospective students, must clearly indicate that training is being offered.
- 7.7. No dollar amount may be quoted in any advertising, marketing or other promotional materials as representative or indicative of the earning potential of graduates.
- 7.8. If placement statistics are used in any advertising, marketing or other promotional materials, the school must be able to substantiate the statistics with school records. These records must be made available on request to students and to OPC staff.
- 7.9. If a placement service is advertised, adequate records must be maintained by schools advertising such placement services that will reflect employment data. These records must be made available on request to students and to OPC staff.
- 7.10. A school may not advertise as an employment agency or other type of agency under the same name or a confusingly similar name or use the same telephone number. No representative may solicit students for a school through an employment agency.
- 7.11. No statement may be made that the school or its programs have been “accredited” unless the accreditation is that of the appropriate nationally recognized accrediting agency recognized by U.S. Department of Education; further, clear distinction must be made between candidate status and full accreditation.
- 7.12. Financial aid shall not be used as a primary incentive in advertisement, marketing, promotion or recruitment; however, the availability of financial aid may be presented, including a listing of the financial aid programs in which the school participates.
- 7.13. The commissioner, at any time, may require that a school furnish proof of any of its promotional claims. If acceptable proof cannot be furnished, a retraction of the claim promulgated in the same manner as the original claim must be published by the school. Continuation of misleading advertising will constitute cause for revocation of approval.

Standard 8: Equipment and materials requirements

- 8.1. Equipment required for training as determined by the objectives of the program must be provided. The equipment must be comparable to that found in up-to-date establishments offering employment in the occupations for which training is being offered.

- 8.2. Equipment must be provided in sufficient quantity to meet the maximum authorized enrollment of any class.
- 8.3. All equipment must be of good quality, be maintained in good working order and be equipped with proper safety devices.
- 8.4. Prospective students must be informed about the equipment and materials they must supply for the program and the approximate cost of these items.

Standard 9: School facility

- 9.1. The school facility must meet all applicable governmental health, safety, and building standards (including the Americans with Disabilities Act [ADA] and under all applicable federal and state laws). A letter from the state building commission must be on file at the OPC, attesting that the facility is accessible under the requirements of the ADA and comparable state laws. In addition, the school facility must be inspected annually by the deputy fire marshal, state health inspector,¹ and the local building inspector, and current certificates of inspection must be filed with OPC as part of the renewal of annual approval.
- 9.2. Adequate space must be provided for classroom instruction and laboratory experience. The instructional areas must be appropriate for the number of students enrolled, the objectives of the program, and up-to-date industry standards.
- 9.3. Adequate space must be provided for offices and for housing equipment and materials.
- 9.4. The commissioner or his designee may at any time during regular business or school hours, with or without notice, visit a school. During such visitation, the commissioner or his designee may request of an officer or director of the school (and shall be provided with immediate access to) such records or information as are required to verify that the school continues to meet the conditions of approval.

Standard 10: Financial stability

- 10.1. A school's financial capacity must be appropriate to its scale of operations. The school must demonstrate, principally from its annual comprehensive financial statements, and from the other financial information specified in Section III, that it has adequate capability to satisfy its contractual obligation to students, including the capability to provide the programs and services described in its official publications and to meet its financial obligations.
- 10.2. The financial information specified in Section III must be furnished to the OPC prior to filing the completed initial application, when applying for annual renewal or when OPC determines that there is cause to believe that the school is not financially stable. As noted in Section III, the financial statements must be accompanied by a notarized

statement signed by the owner, or, in the case of a corporation or other entity, its authorized fiscal representative, indicating that the financial information is true and correct. The financial information must include the following:

- a. Initial applicants must submit an audited balance sheet, prepared within 90 days of the application date and a statement projecting revenues and expenditures for the 12-month period for which approval is sought. In deriving the revenue figures, the anticipated number of students times the tuition rate will be used. The statement must be prepared by a certified public accountant or licensed public accountant. In addition, if the school is owned by an individual, a detailed statement of personal worth prepared within 90 days of the application date must be submitted. The statement must be prepared by a certified public accountant or a licensed public accountant.
- b. An applicant seeking renewal of annual approval to operate must submit financial statements, including a balance sheet, statement of revenues and expenditures, and a statement of cash flows. The statements must be prepared by a certified public accountant or a licensed public accountant. The type of financial statement required (i.e., compiled, reviewed or audited) will be determined by OPC based on the assessed financial stability of the school. As part of the annual financial statement review process, OPC will verify that the school has maintained its annual report with the R.I. Office of the Secretary of State.

Schools participating in the federal Title IV student financial aid programs should submit audited financial statements annually, since annual audited statements are required by the U.S. Department of Education.

Schools that participate in the federal Title IV student financial aid programs may submit annual audited financial statements consistent with the federal reporting deadline (currently six months following the close of the fiscal year). Annual financial statements for schools that do not participate in the Title IV programs should be submitted within ninety days following the close of the applicant's fiscal year; if requested in writing with the reason(s) given, a single extension may be granted by OPC for financial statements.

Upon review, if there is a question about the financial stability of the school, other financial data necessary to evaluate the school properly, such as quarterly statements or fully audited statements, must be submitted at the request of the commissioner. Additional periodic financial reporting and/or the development of a teach-out plan may be required if a school is deemed not to be financially stable. In cases where quarterly statements are required, these statements must be received by OPC no later than 45 days following the close of the quarter.

Any deviations or exceptions from these requirements must be approved, in writing and in advance, by the commissioner.

10.3. A school is not financially stable if:

- a. In the case of an initial applicant, working capital is less than the amount needed to support the school's operation for the length of the course.
 - b. In the case of an existing school, there is a history of operating losses or, if for the current fiscal year, the school had a deficit net worth (liabilities exceeding assets), or it has a ratio of current assets to current liabilities of less than one to one.
 - c. It participates in the federal student financial aid programs (HEA, Title IV) and does not meet the standards of financial responsibility outlined by U.S. Secretary of Education in federal regulations.
- 10.4. Before an initial approval or renewal of annual approval is issued to a school, the school must show evidence that it is covered by a bond, as prescribed, signed by a surety company authorized to do business in R.I. The surety company must have a rating of at least A in the AM Best Key Rating Guide.
- a. The bond must be submitted in the format specified by OPC.
 - b. The bond must be conditioned on the principal's carrying out and complying with each and every contract made and entered into by said school with any student and paying back to such student at least all amounts collected in tuition and fees in case of:
 - 1. failure of the school to comply with the laws, standards or regulations required for initial or continued approval by the CPE;
 - 2. failure to comply with its contracts to furnish training to its students;
 - 3. inability to continue operations.
 - c. The required dollar amount of the bond must not be less than the total maximum amount of unearned revenue reduced by net accounts receivable at any point throughout the period of bond coverage, but in no case less than \$10,000.00. The commissioner must approve in advance and in writing any waivers to this calculation. In the case of a school deemed not financially stable, the amount of the bond may be increased.
- In the footnotes to the financial statements, the school will describe its procedure for calculating maximum unearned revenue and obtain a statement from its auditors that this calculation adequately reflects the maximum amount of unearned revenue net of accounts receivable at any point during the year.
- d. In the event that the school has made a good faith effort, but has been unable to obtain surety on its bond, the OPC, in order to protect the interests of enrolled students, may accept an irrevocable letter of credit exclusively in the name of the

CPE. The letter of credit must be obtained by the school from a financial institution with at least \$35.0 million in excess capital and of at least investment grade quality, as rated by a nationally recognized rating agency or from a financial institution with a confirmation or guarantee from an institution with the required capital and rating. The required value of the letter of credit would be determined under the same guidelines used to establish the value of the bond.

This method of securing the bond may only be requested after a school has demonstrated its inability to obtain conventional surety, may only be used as a temporary measure and may only be initiated if authorized by the commissioner. This alternative to the surety requirement does not constitute satisfaction or a waiver of the requirement, is subject to review and revocation by the commissioner, and should not extend beyond the next annual renewal (August 31).

- e. If refunds to students are to be made from the bond, the OPC will determine an equitable distribution of the funds available to eligible students. Tuition and fees collected in advance will be given first priority for repayment.

Standard 11: Records

- 11.1. Schools must maintain student records according to all state and federal requirements pertaining to confidentiality and accessibility. Students must be informed of their right to access their files.
- 11.2. In a format and form approved by OPC, appropriate student records must be established and maintained, including:
 - a. An accurate and current academic transcript that contains:
 - 1. the student's name;
 - 2. dates of attendance and completion or termination;
 - 3. the total number of credit/clock hours earned at the school and of credit/clock hours granted for course work completed at other institutions;
 - 4. program of study and dates of enrollment for each course or unit of instruction;
 - 5. grades for each course or unit of instruction and an explanation of the grading system; and
 - 6. credential granted
 - b. Accurate and current financial aid records that contain:

1. the student's name and permanent address;
 2. dates of attendance and completion or termination;
 3. all financial aid the student receives at the school;
 4. notes on financial aid counseling received by the student;
 5. all records relating to federal student financial aid, as required by the U.S. Department of Education.
- c. Copy of the student enrollment agreement and other documents relating to payment for educational services.
 - d. Records of payments received from and refunds made to the student.
 - e. Transcripts must be maintained in perpetuity, and financial aid records must be maintained according to regulations established by the funding source. Other student records, including student enrollment agreements, and records of payments and refunds, must be maintained for at least five years.
- 11.3. Student records and other pertinent data must be available as requested by OPC.
- 11.4. Transcripts must be made available on request to students who have fulfilled their contractual obligations to the school.
- 11.5. Records must be securely maintained and protected against flood, fire, theft, vandalism and other perils. OPC must be informed of where student and other records are housed and of any changes in the location of said records.

Standard 12: Reports

- 12.1. An annual report containing the information requested and on forms prescribed must be filed with the OPC.
- 12.2. If the school is required by the U.S. Department of Education to file Integrated Postsecondary Education Data System (IPEDS) surveys, it must do so.
- 12.3. If the reapproval of a school is in question, if the school has been granted conditional approval, or if there is cause to believe that the school is not financially stable, the OPC may require additional information and reports.

Standard 13: Catastrophic events, school closures and teach-out plan

- 13.1 Pursuant to RIGL §16-40-16, in the event that a private postsecondary school shall close, provision must be made for continued access to student academic and

attendance records. In addition, within thirty (30) days of the closing, the person having care, custody and control of the records shall obtain the approval of the commissioner of postsecondary education as to the disposition of student records.

- 13.2 No private postsecondary school shall be permitted to close without first notifying the current students, any persons who have pre-paid tuition and deposits with the school, and the board of education of the impending closure of the school.
- a. Such notice shall be provided in writing at least thirty (30) calendar days prior to the closing of the school, and shall include instructions on the procedures to be implemented:
 - 1. 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; and
 - 2. To furnish students and the office of higher education with transcripts of courses, grades and credits and any other pertinent academic records regarding said students.
 - b. In the event a private academy, college, university, or other institution of higher education closes and does not provide the thirty (30) day notice as set forth in the preceding subsection, the private entity may be subject to a fine and/or other penalties as determined by the board of education.

Standard 14: School catalog and related materials

- 14.1. Schools must provide to students, and to prospective students, information that is complete, accurate and not misleading. The information provided must be sufficient to enable prospective students to make rational decisions about enrolling in the school and to enable enrolled students to understand their rights and responsibilities as students in the school. In order to provide this information and to comply with the disclosure requirements outlined in standards 1-13 of these regulations, each school must establish, publish, and disseminate to students and to prospective students upon request materials including, but not limited to, official catalogs and other materials which contain:
- a. Full legal name, address and telephone number of the school;
 - b. Date of publication;
 - c. Statement of accreditation, if appropriate;
 - d. Description of physical facilities;
 - e. Description of room and board accommodations, if any;

- f. Admission and graduation requirements;
- g. Attendance policies;
- h. Grading system;
- i. Student conduct policies;
- j. Conditions for withdrawal and dismissal;
- k. Grounds for termination by the school (e.g., lack of satisfactory academic progress, nonpayment) and procedures for termination by the student;
- l. Course and program descriptions;
- m. Descriptions of instructors and their credentials;
- n. Schedules of tuition and fees;
- o. Course cancellation policies;
- p. Academic calendar showing semesters or terms, normal enrollment dates, vacation periods and holidays;
- q. Refund policies;
- r. Sources of and rules and procedures relating to financial aid;
- s. Descriptions of complaint policies and procedures;
- t. Procedures for access to student records;
- u. Procedures for students with disabilities;
- v. Descriptions of placement and other student services;
- w. All other student policies and procedures promulgated by the school, including those required by these regulations, or required by other state or federal regulations.

14.2. Each school will have a student enrollment agreement that all students will sign. All students will receive a copy of the signed agreement and a copy will be maintained in the student's file. At a minimum, this document must include:

- a. Course or program title, certificate to be awarded, and length of time normally required to complete the program as identified in the school catalog;

- b. Costs (tuition, fees, books, supplies and all other costs) and method and terms of payment;
 - c. Starting and ending dates and class schedule (e.g., full-time, part-time, day, evening);
 - d. Refund policy;
 - e. Acknowledgement that the student has read, understands and has received a completed, signed copy of the agreement;
 - f. Signature and date line for student and representative of the school.
- 14.3. Any changes made to a student's enrollment agreement during the course of attendance will be documented in writing. This document will be signed by both the student and a representative of the school; a copy will be supplied to the student and a copy will be maintained in the student's file.
- 14.4. The school will notify OPC and affected students of substantial changes in any of the items in standards 14.1 or 14.2 and must indicate in writing whether any of the items is subject to change.

Materials that support and clarify these regulations

Certain statutes, forms, guidelines and procedures are referred to throughout these regulations. Since these supporting and clarifying documents change more frequently than do the regulations, they have been made available electronically rather than being included as a formal part of the regulations. Visit <https://riopc.edu/services/workforce/> for supporting documentation.