

# SHEEO State Authorization Inventory

## Colorado

**Please note:** For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

### 1. Agency and Contact Information

- a. Agency Name: **Division of Private Occupational Schools**
  - o Description:  
The Division of Private Occupational School’s legislative declaration is, “It is the purpose of this article to provide standards for and to foster and improve private occupational schools and their educational services and to protect the citizens of this state against fraudulent or substandard private occupational schools.” C.R.S. 12-59-102.
  - o Contact:  
Jim Parker  
Director  
Division of Private Occupational Schools  
303-866-2723  
[jim.parker@dhe.state.co.us](mailto:jim.parker@dhe.state.co.us)
  - o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?  
Division of Private Occupational Schools  
303-866-2723
- b. Links:  
<http://highered.colorado.gov/dpos>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.  
Colorado Department of Higher Education
- d. If the division of responsibility among these agencies is not clear, please explain.  
<http://highered.colorado.gov>

## 2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Public, in-state degree granting institutions
- Public, out-of-state degree granting institutions
- Private, in-state, not-for-profit degree granting institutions
- Private, out-of-state, not-for-profit degree granting institutions
- Private, in-state, for-profit degree granting institutions
- Private, out-of-state, for-profit degree granting institutions
- Public, in-state, non-degree granting institutions
- Public, out-of-state, non-degree granting institutions
- Non degree, not-for profit institutions
- Non degree, for-profit institutions
- Religious institutions
- Tribally-controlled institutions

Clarifying comments:

Oversees all associate degree granting and lower private, for profit institutions including such school located outside of Colorado but actively recruiting Colorado residents to attend those for profit schools located outside of Colorado.

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

Yes, if a schools is for profit and offers both associates and lower as well as Bachelors and higher they are required to have approvals by the Colorado Commission of Higher Education and the Division of Private Occupational Schools.

- c. Is accreditation required for an institution to be authorized in your state?

No.

- If yes, please explain:
- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- Regional
- National
- Programmatic/specialized

Clarifying comments:

Accreditation is voluntary and is above and beyond the minimum requirements as set out by both the statute and rules and regulations Governing private occupational schools within Colorado.

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Both the institution and all curricula are approved by the Private Occupational School Board.

- e. Programs in certain subject areas that may require separate approval.

Appraisal training via Department of Regulatory Agencies (DORA)

### 3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

See statute, exemptions 12-59-104, C.R.S. at <http://highered.colorado.gov/dpos>.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

Situational in nature.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

If they are exempt there are no requirements to be met via the Division of Private Occupational Schools.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes, religious schools meet exemption status (12-59-104, C.R.S.)

- Are all religious institutions exempt (please describe)?
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?

- Are certain religious institutions exempt that meet other criteria (please describe)?

#### 4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

Yes, if a for profit out of state school solicits specific to Colorado and/or is offering training specific to a Colorado license/registration, e.g. real estate then yes, that school must be approved to solicit such training. Approval of the out of state sales agents is required by statute, 12-59-111, C.R.S.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

#### 5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

See proposed new rule making defining “physical presence” at:  
<http://higher.ed.colorado.gov/dpos>.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?

No, is not physical presence.

- Does this apply only to distance education students or more generally?

Applies to all schools that do not have facilities, administration, etc. within the borders of Colorado.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?

No, is not physical presence.

- Does this apply only to distance education students or more generally?  
Applies to all schools that do not have facilities, administration, etc. within the borders of Colorado.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?  
No, is not physical presence.
  - What about adjunct faculty?  
No, is not physical presence.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?  
No, is not physical presence.
  - What about adjunct faculty?  
No, is not physical presence.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?  
No, is not physical presence.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?  
This would require an out-of-state school approval.
  - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?  
This would require an out-of-state school approval.
- Advertising in local media sources that are largely viewed by residents of the state?  
This would require an out-of-state school approval.
- Advertising in national media sources that can be accessed by residents of the state?  
No, is not physical presence.
- Having computer servers or other equipment located in the state?  
No, is not physical presence.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?  
Yes, this is physical presence. State approval is required.

- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?  
**No, is not physical presence.**
  - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?  
**No, is not physical presence.**
  - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?  
**No, is not physical presence.**
  - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?  
**No.**

## 6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.  
**See <http://higher.ed.colorado.gov/dpos> for all required forms and fees for proper application(s) for approval.**
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.  
**Approval meetings are held 11 times per year. Process is wholly dependent upon the school and how quickly they can complete and submit all of the required paperwork and fees.**
- c. What is the authorization duration?  
**For provisional approval not less than one year not more than two years and for standard approvals every three years.**
- d. What does an institution need to do to maintain authorization?  
**Remain compliant with all minimum standards and submit renewal application and fees by the statutory due date, Feb. 15.**

- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?  
**Quarterly student assessment, Annual Bond Proposal, Annual Instructional Staff Roster, and Annual Graduate Data**
- f. Can an institution lose its authorized status? If so, how?  
**Yes, violation of minimum standards. Situational, depends on the infraction(s) and whether or not the school remedied the deficiency(ies).**
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.  
**Each school location regardless of multiple locations must be approved on their own prior to operating within the state.**
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?  
**Not applicable.**
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?  
**Reading and understanding the statute and rules and regulations.**
- j. Is your agency currently planning to amend its application process by the end of 2011?  
**No.**
  - If yes, please provide a brief description of the anticipated change.
  - If yes, when does the agency expect the change to be fully implemented?

## **7. Fees Associated with Authorization**

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.  
**Yes, see fee schedule:**  
<http://higher.ed.colorado.gov/DPOS/Schools/feeschedule.html>
- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?  
**All fees are listed on fee schedule.**

- c. What are the costs, if any, to renew authorization?  
**See fee schedule at web-site listed above.**
- d. What costs are associated with receiving a waiver or exemption to authorization?  
**None.**

## **8. Interstate Reciprocity**

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.  
**There is no interstate reciprocity with Colorado Division of Private Occupational Schools and similar agencies in other states.**
- b. What is the process, if any, to obtain a reciprocal agreement with your state?  
**Not applicable.**
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.  
**Not applicable.**
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.  
**Subject has never been entertained.**

## **9. Consumer Protection and Student Complaints**

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?  
**Yes.**
  - o If yes, please describe the process or provide a web link to the material that describes the complaint process.  
<http://higherred.colorado.gov/DPOS/Students/complaint.html>  
**Student (no anonymous complaints accepted or third party complaints accepted) can submit written complaint via Division web-site. Upon receipt the Division sends out a letter to the school in question for a response to all allegations within the student complaint within 20 days. At that time Division staff begins its investigation into all matters. Once all issues have been investigated and both school and complainant have their opportunity to rebut a decision is made by the Division's Deputy Director and the case is closed or disciplinary action could be taken if necessary.**

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?  
**No, we only have jurisdiction over schools that are approved.**
  - If available, please provide a web link to the complaint form.  
<http://highered.colorado.gov/Academics/Complaints/FileComplaint.asp>
  - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.  
**Georgia Roberts, Deputy Director, (303) 866-2723.**
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

## 10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?  
**Formal letter is sent to the institution with a questionnaire to determine whether or not the institution is exempt from approval or in fact does need be approved to operate.**
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.  
**No formal appeals process.**

## 11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?  
**Yes, proposed rule change is currently being filed to include a formal definition of "physical presence." See proposed new rules at <http://highered.colorado.gov/dpos>.**
- If yes, please provide a brief description of the anticipated change.
  - If yes, when does the agency expect the change to be fully implemented?  
**November 2011.**

- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

**12. Is there anything else about the authorization process in your state that we and others ought to know about?**