Report 2013-045 Recommendations

When an audit is completed and a report is issued, auditees must provide the State Auditor with information regarding their progress in implementing recommendations from our reports at three intervals from the release of the report: 60 days, six months, and one year. Additionally, Senate Bill 1452 (Chapter 452, Statutes of 2006), requires auditees who have not implemented recommendations after one year, to report to us and to the Legislature why they have not implemented them or to state when they intend to implement them. Below, is a listing of each recommendation the State Auditor made in the report referenced and a link to the most recent response from the auditee addressing their progress in implementing the recommendation and the State Auditor's assessment of auditee's response based on our review of the supporting documentation.

Recommendations in Report 2013-045: Bureau for Private Postsecondary Education: It Has Consistently Failed to Meet Its Responsibility to Protect the Public's Interests (Release Date: March 2014)

Filter Recommendations to Status: All Filter Recommendations

Recommendations to Legislature		
Number	**Recommendation**	**Status**
34	Although we did not make specific recommendations to the Legislature, we provided a variety of options for the Legislature to consider in Chapter 3 of our report. In this section, we will provide periodic updates of what, if any, action the Legislature takes to address the State's continuous struggle with regulating private postsecondary education.	
Recommendations to Private Postsecondary Education, Bureau for		
Number	**Recommendation**	**Status**
1	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should reduce its backlog of licensing applications by reviewing and streamlining the applications process.	Fully Implemented
2	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should develop a process for tracking the status of the applications it receives.	Fully Implemented
3	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should specify a time frame within which staff must process applications.	Fully Implemented
4	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should update its procedures to include the time frames for processing applications.	Fully Implemented

Recommendations to Legislature		
Number	Recommendation	Status
5	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should track the time its staff take to perform each step of the licensing process.	Fully Implemented
6	To ensure that it does not create unnecessary delays for institutions that desire to operate within the State, the bureau should use available resources—such as visiting committees—to assist in processing the applications.	Fully Implemented
7	To comply with state law, the bureau needs to establish a proactive program to identify unlicensed institutions.	Fully Implemented
8	To ensure that the unlicensed institutions it identifies cease to operate, the bureau needs to use the enforcement mechanisms that state law provides for sanctioning unlicensed institutions and track all relevant information related to its enforcement actions against these institutions.	Fully Implemented
9	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should establish a schedule that maps out its anticipated announced and unannounced inspection dates for each of the institutions it regulates, and ensure that the schedule is consistent with state law.	Fully Implemented
10	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should prioritize its announced and unannounced inspections to focus on those institutions that have a higher risk of noncompliance.	Not Fully Implemented
11	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should seek official clarification from its legal counsel and the federal government regarding whether it must conduct compliance inspections for educational institutions approved through accreditation by July 1, 2014.	Fully Implemented
12	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should establish a mechanism for tracking the amount of time its staff take to complete each step of its announced inspection process.	Fully Implemented
13	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should continue its efforts to streamline its announced inspection process in order to reduce redundancies and increase efficiency.	Fully Implemented

Recommendations to Legislature		
Number	Recommendation	Status
14	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should evaluate periodically the reasonableness of the time frame it established for completing announced inspections.	Fully Implemented
15	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should establish procedures and time frames for its unannounced inspection process.	Fully Implemented
16	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should establish a mechanism for tracking the amount of time it takes to complete each step of its unannounced inspection process.	Fully Implemented
17	To comply with state law and to ensure that it effectively manages its inspections of institutions, the bureau should evaluate periodically the reasonableness of the time frame it establishes for completing unannounced inspections.	Fully Implemented
18	To improve the quality of its inspections and related enforcement actions, the bureau should establish policies, procedures, and training for managers that include guidance on how to review inspection files and how to document evidence of their reviews.	Fully Implemented
19	To improve the quality of its inspections and related enforcement actions, the bureau should assign the task of resolving notices to comply to the inspection managers, as originally designed.	Fully Implemented
20	To improve the quality of its inspections and related enforcement actions, the bureau should monitor the status of its enforcement actions such as notices to comply weekly so that it can prevent delays in meeting mandated deadlines.	Fully Implemented
21	To improve the quality of its inspections and related enforcement actions, the bureau should provide additional guidance to the inspectors on the distinction between minor and material violations and the related actions inspectors should take in response to identifying these violations.	Fully Implemented
22	To reduce its backlog of unresolved complaints involving institutions, the bureau needs to establish benchmarks and monitor them to ensure that the additional staff it requested and Consumer Affairs' complaint program staff resolve the backlog as expeditiously as possible.	Resolved
23		Fully Implemented

Recommendations to Legislature		
Number	**Recommendation**	**Status**
	To ensure that it closes complaints in a timely manner, the bureau should analyze its process and establish a reasonable time frame for resolving them.	
24	To ensure that it closes complaints in a timely manner, the bureau should modify its policies and procedures to include the established time frame.	Fully Implemented
25	To ensure that it closes complaints in a timely manner, the bureau should ensure that its staff adhere to the established time frame.	Fully Implemented
26	To address issues that pose the most serious potential risk to, students, the bureau should ensure that staff follow its policies and, procedures for prioritizing complaints and identify the urgent, and high priority cases on the complaint log. In addition, the bureau, needs to establish a process for reviewing its staffs determination, of the priority of complaints and for tracking the priority levels.	Fully Implemented
27	To ensure that staff identify and obtain sufficient evidence before closing complaints, the bureau should continue to work with Consumer Affairs to establish an investigative training program.	Fully Implemented
28	To ensure that institutions provide prospective students with accurate data in their fact sheets and annual reports, the bureau should immediately direct its staff to review and retain documentation supporting the fact sheets during on-site inspections.	Fully Implemented
29	To ensure that institutions provide prospective students with accurate data in their fact sheets and annual reports, the bureau should immediately train its staff how to calculate correctly the uniform data the institutions are to report in their annual reports and fact sheets in accordance with state law and regulations.	Fully Implemented
30	To ensure that institutions provide prospective students with accurate data in their fact sheets and annual reports, the bureau should immediately improve its outreach and education efforts to institutions to ensure that the institutions comply with all applicable disclosure requirements.	Fully Implemented
31	To process recovery fund claims within its 90-day goal, the bureau needs to track the information that will allow it to identify which steps in the process result in delays. When it identifies the delays in the process, the bureau should take steps to address them.	Fully Implemented
32		Fully Implemented

Recommendations to Legislature		
Number	**Recommendation**	**Status**
	To reduce the available balance in the recovery fund below the statutory limit of $25 million, the bureau should continue its plans to address the collection of the recovery fund assessment.	
33	The bureau should implement and enforce policies, procedures, and sanctions to ensure that institutions submit to the bureau the recovery fund assessments that they collect from students so that the institutions are not unjustly enriched.	Fully Implemented

Print all recommendations and responses.