

---

# DELAWARE

## FINAL GRADING ANALYSIS

---

OVERALL SCORE: **243.5/700 POINTS (34.8%)**  
LETTER GRADE: **F**

---

### I. OVERSIGHT BODY: **25/100 POINTS**

---

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY  
THAT IS PUBLICLY ACCOUNTABLE?  
**25/60 POINTS**

Element	Points	Type 1	Type 2	Total (averaged)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	0	0	0
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	5	0	2.5
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	0	0	0
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	2.5	0	1.25
6. Oversight body's meetings must allow public comment	5	2.5	0	1.25
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
<b>Total Points</b>	60	30	20	25

**Explanation:**

Delaware regulates private business and trade schools that do not grant degrees and private degree-granting institutions through separate and distinct statutes and regulations.

***Type 1: Private business and trade schools.*** Delaware's Advisory Committee on Private Business and Trade Schools advises the Secretary of Education with regard to the oversight of private business and trade schools, for which the ultimate responsibility and authority for oversight is placed in the Department of Education. The Advisory Committee was statutorily created specifically to advise the Secretary of Education regarding the oversight and regulation of private postsecondary schools in Delaware (14 Del. C. § 8502); however, Delaware receives only partial credit because the Committee is advisory only and has no authority to engage in oversight and regulation.

The Advisory Committee does not engage in rulemaking, initiate investigations, or impose penalties. However, the Department of Education does possess such authority. The Department of Education is not required to deliberate and take action in an open public forum. However, because the meetings of the Advisory Committee are likely public, pursuant to Delaware’s Freedom of Information Act (29 Del. C. § 10004), partial credit has been awarded for #5 and #6 above.

**Type 2: Private degree-granting schools.** The Delaware Department of Education is responsible for approval and oversight of private degree-granting institutions. (CDR 14-282 *et seq.*) There is no advisory committee in place to advise the Secretary of Education with regard to private, for-profit degree-granting institutions. Although the Department of Education has authority to engage in rulemaking and enforcement, it is not a public multi-member board or commission, and there is no requirement that the Department conduct its deliberations or make decisions in an open public forum.

## B. STATUTE-SPECIFIED MEMBERSHIP

---

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

**0/25 POINTS\***

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

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

**Explanation:**

**Type 1: Private business and trade schools.** Delaware has no explicit prohibition on for-profit membership on the Advisory Committee on Private Business and Trade Schools. The Advisory Committee is statutorily required to include five members, as follows: one member must be an executive or managerial person in a private business school in the state; one must be a person occupied in commerce or industry in an executive or managerial position; one must be an executive or managerial person in a private trade school; one must be the president of the Delaware Technical and Community College system; and one shall have, for at least 5 years, occupied managerial positions concerned primarily with the use of computers. Thus, two of the members are mandated to be affiliated in some way with the private institutions on which the committee is tasked with advising regarding oversight and regulation. There is not a mandated majority of members with for-profit interests, but there is no prohibition on a majority of the committee members having some affiliation with private for-profit postsecondary institutions. (14 Del. C. § 8502(b).)

**Type 2: Private degree-granting schools.** The Delaware Department of Education oversees private degree-granting schools, and there is no specification regarding the make-up of the Department.

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

**0/10 POINTS\***

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

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

**Explanation:**

**Type 1: Private business and trade schools.** Delaware does not explicitly require that the Advisory Committee membership include a consumer advocate.

**Type 2: Private degree-granting schools.** There is no requirement for the Department of Education’s staff or advisors to include a consumer advocate.

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

**0/5 POINTS\***

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

	All	Majority	Half	Minority	None
<b>Type 1</b>	5 Points	3 Points	2.5 Points	1 Point	<b>0 Points</b>
<b>Type 2</b>	5 Points	3 Points	2.5 Points	1 Point	<b>0 Points</b>

**Explanation:**

**Type 1: Private business and trade schools.** All five members of the advisory committee on private business and trade schools in Delaware are appointed by the Secretary of Education (14 Del. C. § 8502(a)). The Delaware Secretary of Education is not elected; rather, he/she is appointed by the Governor and approved by a majority of the Delaware Senate. Thus, the members are neither appointed by a publicly accountable official nor elected in a general election.

**Type 2: Private degree-granting schools.** The Department of Education does not have members.

**II. STATE OVERSIGHT—EFFICACY: 33.5/100 POINTS**

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

**5/10 POINTS\***

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

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No onsite review specified

<b>Type 1</b>	10 Points	8 Points	5 Points	<b>3 Points</b>	0 Points
<b>Type 2</b>	10 Points	<b>8 7 Points</b>	5 Points	3 Points	0 Points

**Explanation**

**Type 1: Private business and trade schools.** The Department may conduct an onsite evaluation of any applicant for a certificate of approval or for renewal of a certificate of approval. (14 CDR 282 (3.3).) Certificates of approval must be renewed annually. (14 CDR 282 (3.1).) Thus, there is discretion for onsite review on an annual basis.

**Type 2: Private degree-granting schools.** Delaware requires schools to go through three levels to achieve full approval (Recognized Applicant, Provisional Approval and Full Approval). Onsite reviews are discretionary for Recognized Applicants, Provisional Approval and for the initial Full Approval. However, Full Approval of a school is valid for no longer than five years. A review including an onsite visit is mandatory at that point and every five years thereafter. Thus, Delaware receives 8 points for requiring onsite reviews every five years. However, it loses 1 point because onsite reviews are discretionary until after a school has received full approval for 5 years. As such, the initial onsite review of a program may not occur until the school has been in operation for well over 5 years. (14 CDR 292(4.0).)

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

**0/5 POINTS\***

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

	<b>Requires unannounced visits</b>	<b>Discretion to do unannounced visits</b>	<b>No indication</b>
<b>Type 1</b>	5 Points	3 Points	<b>0 Points</b>
<b>Type 2</b>	5 Points	3 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private business and trade schools.** There is no specified requirement for announced inspections.

**Type 2: Private degree-granting schools.** There is no specified requirement for unannounced inspections

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

**18.5/20 POINTS\***

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


	<b>Mandatory</b>			<b>Discretionary</b>	<b>None</b>
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct regular reviews	No review specified
<b>Type 1:</b>	<b>20 Points</b>	15 Points	1 Point	10 Points	0 Points
<b>Type 2:</b>	20 Points	<b>15 17 Points</b>	1 Point	10 Points	0 Points

**Explanation:**

**Type 1: Private business and trade schools.** Delaware requires annual renewal of certificates of approval,

which must include the title or name of a school, together with ownership and controlling officers, the specific fields and courses of instruction which will be offered; the place or places where such instruction will be given and a description of the physical and sanitary facilities; a specific listing of the equipment available for instruction in each field and course; the educational and teaching qualifications of instructors and supervisors; the financial resources available to equip and maintain the school; the entrance requirements for admission to each program offered by the school and information on the required surety.

**Type 2: Private degree-granting schools.** Delaware requires schools to go through three levels to achieve full approval (Recognized Applicant, Provisional Approval and Full Approval). Onsite reviews are discretionary for Recognized Applicants, Provisional Approval and for the initial Full Approval. Delaware mandates reviews at each level of approval at intervals ranging from 1 to 5 years. Once a school has reached Full Approval status, reviews are mandatory every 5 years. Thus, Delaware receives 15 points for requiring reviews every 5 years for schools with Full Approval status and receives an additional 2 points because reviews of schools with Recognized Applicant or Provisional Approval status are mandatory at intervals of less than 5 years. (14 CDR 292(4.0).)

 *Note: If an institution is scheduled for a Regional Accreditation evaluation at the time of either the Full Approval or the five year period review and the Department has a representative on the evaluation team, the Department may accept the Regional Approval in lieu of a separate evaluation. This may be a problem because regional accreditors do not necessarily review criteria essential for consumer protection in their evaluation.*

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

**6.25/20 POINTS\***

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

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
<b>Type 1</b>	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	<b>5 Points</b>	2.5 Points	0 Points
<b>Type 2</b>	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	<b>7.5 Points</b>	5 Points	2.5 Points	0 Points

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

*M=Mandatory; D=Discretionary*

**E. DOES THE STATE'S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NON-PROFIT EDUCATIONAL INSTITUTIONS?**

**0/15 POINTS\***

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

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

**Type 1: Private business and trade schools:** Delaware does not distinguish, in its statutes or regulations, between for-profit and non-profit private business and trade schools.

**Type 2: Private degree-granting schools:** Delaware does not distinguish, in its statutes or regulations, between for-profit and non-profit private degree-granting schools.

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

**3.75/10 POINTS\***

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

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
<b>Type 1</b>	10 Points	7.5 Points	5 Points	2.5 Points	<b>0 Points</b>
<b>Type 2</b>	10 Points	<b>7.5 Points</b>	5 Points	2.5 Points	0 Points

**Explanation:**

**Type 1: Private business and trade schools.** There is no indication in Delaware statute or regulation that poor performance results in increased oversight.

**Type 2: Private degree-granting schools.** Delaware requires schools to go through three levels to achieve full approval (Recognized Applicant, Provisional Approval and Full Approval). In order to achieve and maintain full approval and to maintain approval to grant degrees, schools in Delaware must meet specified standards. However, this is limited because the standards do not include benchmarks which would reflect school performance with regard to student success. Delaware, therefore, receives partial credit for this element for degree-granting institutions.

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

**0/20 POINTS\***

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

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

**Explanation:**

**Type 1: Private business and trade schools.** There are no special protections in Delaware law for veterans who attend private for-profit postsecondary business and trade schools.

**Type 2: Private degree-granting schools.** There are no special protections in Delaware law for veterans who attend private for-profit postsecondary degree-granting schools.

### III. STATE OVERSIGHT—SCOPE AND INCLUSION: 75/100 POINTS

#### 1. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED? 75/100 POINTS\*

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

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
<b>Type 1</b>	100 Points	75 Points	50 Points	0 Points
<b>Type 2</b>	100 Points	75 Points	50 Points	0 Points

**Explanation:**

**Type 1: Private business and trade schools.** Limited exemptions provide that institutions whose main facilities are located in Delaware and which were approved by the Department of Education in compliance with § 125 of Title 8, prior to July 18, 1972 are exempt. Other exemptions include common exemptions such as apprenticeship and training programs offered or conducted by employers for employees or prospective employees or by labor organizations or associations of employees for their members or apprentices. (14 Del. C. § 8529.)

**Type 2: Private degree-granting schools.** The only exemption of note provides an exception to the requirement of review every five years for degree-granting institutions. If an institution is scheduled for a Regional Accreditation evaluation at the time of either the Full Approval or the five year period review and the Department has a representative on the evaluation team, the Department may accept the Regional Approval in lieu of a separate evaluation. (14 CDR 292 (4.1.4).)

### IV. DISCLOSURE REQUIREMENTS: 0/100 POINTS

#### A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS? 0/20 POINTS\*

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

Yes, mandatory	Yes, discretionary	None
Fact sheet or equivalent required to be given to students	Fact sheet or documents given to students upon request	No fact sheet required
20 Points	10 Points	0 Points
20 Points	10 Points	0 Points

**Explanation:**

**Type 1: Private business and trade schools.** Nothing in Delaware law requires a fact sheet-type disclosure to potential students for private business and trade schools.

**Type 2: Private degree-granting schools.** Nothing in Delaware law requires a fact sheet-type disclosure to potential students for private degree-granting schools.



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

**0/60 POINTS\***

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

**Type 1: Private business and trade schools**

Disclosures	Mandatory	Discretionary	Not specified
<b>Cohort default rate (CDR)</b>	10 Points	5 Points	<b>0 Points</b>
<b>Graduation / completion rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Placement rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Wage information</b>	10 Points	5 Points	<b>0 Points</b>
<b>License exam passage rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Methods &amp; sources used to calculate</b>	10 Points	5 Points	<b>0 Points</b>

Delaware law does not require private business and trade schools to disclose any of the above information to students prior to enrollment.

**Type 2: Private degree-granting schools**

Disclosures	Mandatory	Discretionary	Not specified
<b>Cohort default rate (CDR)</b>	10 Points	5 Points	<b>0 Points</b>
<b>Graduation / completion rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Placement rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Wage information</b>	10 Points	5 Points	<b>0 Points</b>
<b>License exam passage rates</b>	10 Points	5 Points	<b>0 Points</b>
<b>Methods &amp; sources used to calculate</b>	10 Points	5 Points	<b>0 Points</b>

Delaware law does not require private degree-granting schools to disclose any of the above information to students prior to enrollment.

**C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?**

**0/20 POINTS\***

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

**Type 1: Private business and trade schools**

Element description	Mandatory	Discretionary	Not specified
<b>Total cost of program</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Refund information</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Transferability of credits</b>	5 Points	2.5 Points	<b>0 Points</b>
<b>Length of program</b>	5 Points	2.5 Points	<b>0 Points</b>



**Explanation:**

Delaware statutes and regulations related to private business and trade schools do not contain any provisions requiring the inclusions of the above listed elements in enrollment contracts.

*Type 2: Private degree-granting schools*

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

**Explanation:**

Delaware statutes and regulations related to private degree-granting schools do not contain any provisions requiring the inclusions of the above listed elements in enrollment contracts.

**V. REGULATION OF RECRUITING PRACTICES:**

**37.5/100 POINTS**

**A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?**

**37.5/100 POINTS\***

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

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

**PROHIBITED ACTS**

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”		
Misleading institution affiliation (e.g., military, public institution, business)		
Promise of employment	X	
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception	X	
Misrepresentation	X	
Misleading representations re: accreditation	/	

*1-3=weak; 3.5-6=moderate; 6.5-8=strong*

**Explanation:**

*Type 1: Private business and trade schools.* Delaware prohibits fraud, misrepresentation, misleading

promises regarding employment, and deception. Because Delaware also prohibits misrepresentations related to a student’s ability to transfer to other institutions, the state receives partial credit for the element “misleading representation re: accreditation.” Although the state does not explicitly prohibit deceptive or misleading representations regarding accreditation, one of the purposes of this element is to prevent schools from misleading students regarding the ability to transfer their credits to another institution.

**Type 2: Private degree-granting institutions.** There is no list of prohibited acts in place specifically directed at the advertising practices of private degree-granting universities.

## VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS: 45/100 POINTS

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

**15/20 POINTS\***

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

	Yes	No
<b>Type 1</b>	<b>20 Points</b>	0 Points
<b>Type 2</b>	<del>20</del> <b>10 Points</b>	0 Points

**Explanation:**

**Type 1: Private business and trade schools.** Delaware requires private business and trade schools to provide evidence of a valid surety bond prior to issuing a certificate of approval to operate. (14 CDR 282 (7.0).)

**Type 2: Private degree-granting institutions.** The institution shall indicate agreement or provide surety bond for the protection of the contractual rights of students as a condition of approval. (14 CDR 292 (3.3.1.3).) Delaware receives partial credit here. The intent is to protect the contractual rights of students – but the surety is not required if the institution indicates “agreement.” Delaware receives 10 points for this element with regard to private degree-granting institutions.

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

**10/20 POINTS\***

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

	Yes, full refund	Yes, partial refund	No refund required
<b>Type 1</b>	<b>20 Points</b>	10 Points	0 Points
<b>Type 2</b>	20 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private business and trade schools.** Delaware requires private business and trade schools to fully refund all moneys paid in cases in which enrollment was procured as the result of any misrepresentation. (14 Del. C. § 8505(a)(3).)

**Type 2: Private degree-granting schools.** There is no indication of any requirement of a refund if a student enrolls as the result of misrepresentation.

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

**7.5/20 POINTS\***

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

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
<b>Type 1</b>	20 Points	<b>15 Points</b>	10 Points	0 Points
<b>Type 2</b>	20 Points	15 Points	10 Points	<b>0 Points</b>

**Explanation:**

**Type 1: Private business and trade schools.** Delaware law does not specifically address procedures to be followed in the event of insolvency; however, if a course of instruction is discontinued by the school and this prevents the student from completing the course (which is clearly the case in instances of insolvency), all tuition and fees paid are due and refundable. (14 Del. C. § 8505(a)(3).)

**Type 2: Private degree-granting schools.** There is no indication of any requirement of a refund in the event of insolvency.

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

**10/10 POINTS\***

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

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

**Explanation:**

Delaware does not specify a timeframe during which complaints must be submitted for either private business and trade schools or for private degree-granting schools.

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

**2.5/20 POINTS\***

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

**Type 1: Private business and trade schools:**

<b>Medium</b>	<b>Yes</b>	<b>Discretionary</b>	<b>No</b>
---------------	------------	----------------------	-----------

Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

*Type 2: Private degree-granting schools:*

Medium	Yes	Discretionary	No
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

**Explanation:**

*Type 1: Private business and trade schools.* Delaware requires private business and trade schools to include the school’s complaint policy and procedure, or a reference to where the policy and procedure can be found, in the school catalog. There is no requirement that the school disclose information about how to file a complaint with the state. Delaware receives partial credit for requiring disclosure of the school complaint policy and procedure in the catalog because the school may include information about procedures for filing a complaint with the state in the school complaint policy, of which information is required in the catalog. (14 CDR 282 (5.0).)

*Type 2: Private degree-granting schools.* Delaware law does not specify any requirements with regard to where a private degree-granting university must disclose information about how to file a complaint with the Delaware Department of Education.

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

**0/10 POINTS\***

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

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 Points	0 Points

**Explanation:**

The complaint process cannot be found on the Delaware Department of Education website, for either private business and trade schools or private degree granting schools, nor can it be found by doing a search for the word “complaints” on the Delaware Department of Education website.

**VII. ENFORCEMENT: 27.5/100 POINTS**

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

**0/30 POINTS\***

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

	<b>Yes, required</b>	<b>Yes, required but limited</b>	<b>Yes, discretionary</b>	<b>Yes, discretionary but limited</b>	<b>No</b>
<b>Type 1</b>	30 Points	20 Points	15 Points	5 Points	<b>0 Points</b>
<b>Type 2</b>	30 Points	20 Points	15 Points	5 Points	<b>0 Points</b>

**Explanation:**

There is no indication that schools will lose state aid as the result of repeatedly producing substandard graduation, job placement, and/or cohort default rates. This is true for both private business and trade schools and private degree granting schools.

**B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?**

**7.5/30 POINTS\***

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

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

**Explanation:**

**Type 1: Private business and trade schools.** Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the Superior Court of the county wherein such person resides. (14 Del. C. § 8524.)

**Type 2: Private degree-granting schools.** Nothing in Delaware law explicitly allows a private right of action against private degree-granting schools that have violated the laws/regulations governing them.

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

**0/20 POINTS\***

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

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

**Type 1: Private business and trade schools.** Delaware does not explicitly allow attorney fee awards for students who prevail in litigation against private business and trade schools that have violated the laws/regulations in place to govern them.

**Type 2: Private degree-granting schools.** Delaware does not explicitly allow attorney fee awards for students who prevail in litigation against private degree-granting schools that have violated the laws/regulations in place to govern them.

---

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

**20/20 POINTS\***

---

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

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

**Explanation:**

**Type 1: Private business and trade schools.** Delaware authorizes state Attorney General involvement in enforcing laws in place to govern private business and trade schools.

**Type 2: Private degree-granting schools.** Delaware authorizes state Attorney General involvement in enforcing laws in place to govern private degree-granting schools.

---

**BONUS POINTS**

---

Delaware receives no bonus points.



**ILLUMINATING INFORMATION**



**RECIPROCITY AGREEMENTS**

---

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

**LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-  
PROFIT EDUCATIONAL INSTITUTIONS IN DELAWARE**

---

For more information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin’s compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.