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# NEW JERSEY

## FINAL GRADING ANALYSIS

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OVERALL SCORE: **303.75/700 POINTS (43.3%)**  
LETTER GRADE: **F**

### I. OVERSIGHT BODY: **39/100 POINTS**

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

**22.5/60 POINTS**

Element	Points Available	Type 1	Type 2	Points Awarded (Average)
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	0	0	0
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	0	5	2.5
6. Oversight body's meetings must allow public comment	5	0	0	0
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	20	25	22.5

**Explanation:**

New Jersey differentiates between institutions based on whether they grant degrees. Private postsecondary institutions that offer college credit-bearing courses and academic degree programs (Type 1) are under the authority of Secretary of Higher Education. Postsecondary career/vocational programs that do not grant degrees (Type 2) are regulated by both the Department of Education and the Department of Labor and Workforce Development.

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** New Jersey statutory and regulatory provisions specify that the Commission of Higher Education has responsibility for licensure. However, pursuant to Reorganization Plan No. 005-2011, issued by Governor Chris Christie on June 29, 2011, all functions, powers, duties, and personnel of the Commission were transferred to the Secretary of Higher Education, pursuant to the State Agency Transfer Act, P.L. 1971, c. 375 (N.J.S.A. 52:14D-1 et seq.). (N.J.A.C. 9A:1-1.1.) Therefore, there is no multi-member publicly accountable body is charged with oversight of these proprietary institutions in New Jersey.

**Type 2: Postsecondary career/vocational programs.** Neither the Department of Education (DOE) nor the Department of Labor (DOL) are multi-member publicly accountable bodies. Neither department was created expressly to oversee proprietary schools. The commissioner of the DOL and the DOE together have the power to establish rules and regulations. (N.J.S.A. 34:15C-10.1(j).) The DoE has the power to initiate investigations and impose penalties. Meetings of the DOE and the DOL are subject to New Jersey’s Open Meetings Act. (N.J.S.A. 10:4-12.)

**B. STATUTE-SPECIFIED MEMBERSHIP:**

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

**12.5/25 POINTS**

	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>	<b>25 Points</b>	20 Points	10 Points	0 Points	-5 Points

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** With all oversight vested in the Secretary of Higher Education, no public body has oversight over private postsecondary educational institutions.

**Type 2: Postsecondary career/vocational programs.** New Jersey law requires that public officials must “avoid conduct” that causes the appearance of impropriety. (N.J.S.A 52:13D-12.) Going further, the New Jersey Board of Education Code of Ethics states that special officers cannot engage in “business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.” The rules also state that special state officers from having any employment that could reasonably be expected to impair the objectivity of the officer.

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

**0/10 POINTS**

	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 postsecondary institutions that offer college credit-bearing courses and academic degree programs.** There is no publicly accountable oversight body in New Jersey for private postsecondary educational institutions. There is no indication that the state requires the input of a consumer advocate in oversight and regulation of private postsecondary educational institutions.

**Type 2: Postsecondary career/vocational programs.** New Jersey does not require members of DOE’s Board of Education to include a consumer advocate.

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

**4/5 POINTS**

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

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** Although oversight is vested in the Secretary of Higher Education and not a multi-member body, the state receives partial credit here because the governor of New Jersey appoints the Secretary of Higher Education, so there is some public accountability.

**Type 2: Postsecondary career/vocational programs.** Members of DOE’s Board of Education are appointed by the governor with the advice and consent of the Senate. The Commissioner of the Department of Labor is also appointed by governor with the advice and consent of the Senate.

**II. STATE OVERSIGHT—EFFICACY: 49.25/100 POINTS**

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

**6.5/10 POINTS**

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
<b>Type 1</b>	10 Points	8 Points	5 Points	<b>3 Points</b>	0 Points
<b>Type 2</b>	<b>10 Points</b>	8 Points	5 Points	3 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** The New Jersey Office of the Secretary of Higher Education (OSHE) staff reviews petitions submitted by in-state institutions. As part of the review of the petition, OSHE staff may also conduct a site visit at the campus of the institution. With respect to both initial and continuing licensure, OSHE staff shall provide the institution’s petition and the findings of a licensure evaluation to the Presidents’ Council for review and recommendation to the Secretary.

OSHE accepts the granting or reaffirmation of accreditation as sufficient for continued licensure, so in these cases, it is likely the OSHE will not conduct a site evaluation as a part of the institutional review process. OSHE grants unaccredited New Jersey institutions a license for no more than three years in the first instance and then not to exceed five years thereafter. (N.J.A.C. § 9A:1-1.3; N.J.A.C. § 9A:1-4.3.) New Jersey receives partial credit for discretionary onsite visits.

**Type 2: Postsecondary career/vocational programs.** New Jersey law requires that each approved private career school shall be “monitored” by DOE a minimum of once every two years, or according to a schedule established by the commissioner. Monitoring reports are reviewed when determining “continuation” or “suspension” of the institution’s certificate. (N.J.A.C. § 6A:19-7.6.)

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

**0/5 POINTS**

	Required unannounced visits	Discretion to do unannounced visits	No indication
<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 postsecondary institutions that offer college credit-bearing courses and academic degree programs.** New Jersey law does not require or expressly authorize unannounced inspections for onsite reviews of private postsecondary educational institutions.

**Type 2: Postsecondary career/vocational programs.** New Jersey law does not require or expressly authorize unannounced inspections for onsite reviews of postsecondary career/vocational programs.

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

**17.5/20 POINTS**

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

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** OSHE regulations require postsecondary educational institutions to renew their licenses after a specific period, not to exceed five years, unless a New Jersey institution is currently licensed and accredited as a discrete entity by an institutional accrediting body that is recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted to the institution. (N.J.A.C. § 9A:1-4.3(a).) Institutions are required to apply for relicensure and the OSHE must review the institution at that point. (N.J.A.C. § 9A:1-4.3(b); N.J.A.C. § 9A:1-1.3(d).) While an unaccredited institution that has received initial licensure is required to seek accreditation within the first three years of licensure, and an unaccredited institution could be relicensed

for up to five years, the progress that an institution has made in the initial three years in obtaining accreditation would be a factor in any relicensure determination.

**Type 2: Postsecondary career/vocational programs.** Non-degree granting institutions are required to renew their licenses annually with Department of Education. (N.J.A.C. § 6A:19-7.3.) They are also required to renew their license with the Department of Labor and Workforce Development biannually.

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

**10.25/20 POINTS**

	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	5 Points	<del>2.5</del> <b>5.5 Points</b>	0 Points
<b>Type 2</b>	20 Points	17.5 Points	<b>15 Points</b>	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

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

*M=Mandatory; D=Discretionary*

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** Private postsecondary institutions that offer college credit-bearing courses and academic degree programs must include information on accreditation as a condition of licensure. Further, the institutions are required to include a catalog with their petition for licensure. (N.J.A.C. § 9A:1-1.3(b)(7).) While they are not specifically require a review of admission and graduation requirements as a condition of licensure and/or license renewal, the catalog must contain the requirements for admission, transfer, and graduation and financial aid policies. (N.J.A.C. § 9A:1-1.12(c)(5), (8).) The information is, therefore, available to the OSHE for review. New Jersey receives full credit for required review of information about an institution’s accreditation and partial credit for discretionary review of three additional elements.

**Type 2: Postsecondary career/vocational programs.** Private postsecondary non-degree-granting institutions must include information on curriculum, including graduate rates and requirements. (N.J.A.C. 6A:19-7.3.) The state also requires information on accreditation status. (N.J.A.C. 6A:19-7.3.) In addition, the annual renewal application must include assurances of both the default rate, as well as the placement rate. (N.J.A.C. 6A:19-7.5.) Also, the application for the Department of Labor and Workforce Development must include a copy of the school’s advertising materials. (N.J.A.C § 12:41-2.4(e)(10).)

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL INSTITUTIONS?

**10/15 POINTS**

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

**Explanation:**

For both Type 1 and Type 2 institutions, New Jersey has a separate subchapter of rules that apply only to proprietary (for-profit) schools; thus, the state’s oversight scheme moderately distinguishes between some for-profit schools and nonprofit schools. (NJAC 9A:1-4.)

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

**5/10 POINTS**

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

**Explanation:**

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.* There is no requirement for increased oversight or scrutiny of private postsecondary educational institutions based on poor performance (such as repeatedly producing low graduation rates, low placement rates, low exam passage rates, and/or high cohort default rates).

*Type 2: Postsecondary career/vocational programs.* Postsecondary career/vocational programs are required to maintain graduation rates, job placement rates, and default rates that are within the requirements of federal law in order to maintain licensure. The Department of Education will revoke the license or deny renewal to a school that fails to meet the standards under federal law.

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

**0/20 POINTS**

Yes	No
20 Points	0 Points

**Explanation:**

New Jersey does not have any special protections in place specifically for veterans who attend private postsecondary educational institutions, for either Type 1 or Type 2 institutions. The state has enacted the “Troops to College Act,” but it is not specific to consumer protections at private postsecondary institutions. Information about the Act and services to veterans is available to the public online at <http://www.state.nj.us/highereducation/TroopsToCollege/index.shtml>.

### III. STATE OVERSIGHT—SCOPE AND INCLUSION:

**75/100 POINTS**

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

**75/100 POINTS**

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

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** Educational institutions accredited by an institutional accrediting body recognized by the U.S. Secretary of Education are not required to periodically seek relicensure so long as their accreditation is current. Otherwise, the institutions are expected to remain in compliance with the licensure rules. (N.J.A.C. § 9A:1-1.3.)

**Type 2: Postsecondary career/vocational programs.** There are no significant exemptions to the registration for private non-degree-granting institutions.

### IV. DISCLOSURE REQUIREMENTS: **21.25/100 POINTS**

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

**10/20 POINTS**

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	<b>0 Points</b>
Type 2	<b>20 Points</b>	10 Points	0 Points

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** While there is some information on the OSHE website related to institutional performance (<http://www.state.nj.us/highereducation/>), New Jersey does not require institutions to disclose institutional performance measures, such as graduation rates and cohort default rates, to potential students.

**Type 2: Postsecondary career/vocational programs.** Non-degree-granting institutions are required to include institutional performance measure in both their catalogue and enrollment contract, which must be read by potential students prior to signing.

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

**0/60 POINTS**

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs*

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

**Explanation:**

While there is some information on the OSHE website related to institutional performance; There is no indication that New Jersey requires institutions to disclose institutional performance measures, such as graduation rates and cohort default rates, to potential students.

*Type 2: Postsecondary career/vocational programs:*

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

**Explanation:**

New Jersey law does not require postsecondary career/vocational programs to disclose institutional performance measures, such as graduation rates and cohort default rates, to potential students.

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

**11.25/20 POINTS\***

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs*

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:**

New Jersey law contains no explicit requirement that private postsecondary institutions that offer college credit-bearing courses and academic degree programs include the above information. However, these institutions are required to either include the specified information in their official catalogs or provide a current web address in its official catalogs for where the information is located. Thus, information about the total cost of the program, refund information, and time required to complete the program (which can be ascertained from the provided complete curricular information and graduation requirements) is available to students who seek it out. (N.J.A.C. § 9A:1-1.12(c).)

*Type 2: Postsecondary career/vocational programs*

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:**

According to the Private Career School Application, New Jersey requires the enrollment contract for non-degree-granting institutions to include the school’s refund policy, the start and end times for the program, the cost of the program, and the right to cancel. (N.J.A.C. § 12:1-1.41.)

**V. REGULATION OF RECRUITING PRACTICES:**

**50/100 POINTS**

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

**50/100**

	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”	X	X
Misleading institution affiliations (e.g., military, public institutions, businesses)		
Promise of employment		
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	/	/
Misrepresentation (broad prohibition)	/	/
Misleading representations re: accreditation		X

*1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong*

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** New Jersey law provides that no institution which proposes to offer courses of study above high school grade, which courses satisfy in whole or in part the requirements for a college or university degree, shall adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions without the approval of the Commission on Higher Education made under rules relating to names and titles of institutions adopted by the commission. (N.J. Stat. § 18A:67-2.)

Although New Jersey law does not explicitly prohibit deception or misrepresentation, it does provide that all information released by an institution be true and accurate; thus, partial credit is awarded for some of the elements above.

**Type 2: Postsecondary career/vocational programs.** New Jersey law provides that no institution which proposes to offer courses of study above high school grade, which courses satisfy in whole or in part the requirements for a college or university degree, shall adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions without the approval of the Commission on Higher Education made under rules relating to names and titles of institutions adopted by the Commission. (N.J. Stat. § 18A:67-2.) In addition, New Jersey law requires that the school catalogue and the school enrollment contract both clearly state the institution’s accreditation status, rendering an effective ban on misleading representations of accreditation.

Although New Jersey law does not explicitly prohibit deception or misrepresentation, it does provide that all information released by an institution be true and accurate; thus, partial credit is awarded for some of the elements above.

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

**34.25/100 POINTS**

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

**10/20 POINTS**

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

**Explanation:**

**Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.** New Jersey law does not require that private postsecondary Institutions that offer College Credit-Bearing Courses and Academic Degree Programs post a bond as a condition of licensure. New Jersey requires institutions to carry insurance or provide for self-insurance to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability, and to ensure the continuity of the institution. (N.J.A.C. § 9A:1-1.7(d).)

**Type 2: Postsecondary career/vocational programs.** In order to receive a license, non-degree-granting institutions are required to post a tuition performance bond in the amount of \$10,000. (N.J.A.C. § 12:41-2.4(f)(2).)

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

**0/20 POINTS**

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

**Explanation:**

New Jersey law provides no explicit requirement that private postsecondary institutions refund tuition if a student enrolls as the result of misrepresentation, for either Type 1 or Type 2 institutions.

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

**0/20 POINTS**

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

**Explanation:**

New Jersey law provides no requirement that private postsecondary educational institutions refund tuition in the event of closure, for either Type 1 or Type 2 institutions.

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

**10/10 POINTS**

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

**Explanation:**

New Jersey law sets no deadline by which students must file a complaint against a private postsecondary educational institution, for either Type 1 or Type 2 institutions.

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

**8.75/20 POINTS**

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs*

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

**Explanation:**

New Jersey law provides no requirement that private postsecondary institutions that offer college credit-bearing courses and academic degree programs degree-granting proprietary postsecondary institutions to disclose information about filing a complaint with the state oversight body.

*Type 2: Postsecondary career/vocational programs*

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

**Explanation:**

New Jersey law requires postsecondary career/vocational programs to put state grievance procedures on both the school’s catalog and the school’s enrollment agreement. As catalogs are often found on school’s websites, New Jersey receives partial credit for having the complaint information on the website.

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

**5.5/10 POINTS**

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 1.5 Points	0 Points
Type 2	2 points	2 Points	3 Points	3 1.5 Points	0 Points

**Explanation:**

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.* The New Jersey Secretary of Higher Education, who is charged with licensure and oversight of private postsecondary educational institutions, maintains a webpage on which students can find information on how and where to file complaints. The website contains phone numbers, addresses, and a web form for students to use should they wish to file a complaint with OSHE. The complaints webpage does not contain a phone number for the OSHE, however, it does contain a “contact us” link, which leads to a phone number to OSHE. The state receives partial credit for including an electronic form because the form cannot be submitted online; it must be printed out and mailed in.

*Type 2: Postsecondary career/vocational programs.* The New Jersey Department of Labor and Workforce Development and the Department of Education oversee private postsecondary career/vocational programs. There is a form accessible through the Department of Education website. (<http://www.state.nj.us/education/cte/ppcs/resources/>) The website with a link to the complaint form has a phone number, fax number, and address for the Assistant Division Director at the Office for Career Readiness, but there is no phone number designated for complaints or on the complaint form itself. Students are required to complete the complaint form provided online at [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/coei/SAU/Conflict%20Resolution%20Questionnaire.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/coei/SAU/Conflict%20Resolution%20Questionnaire.pdf) and mail it to the address on the form. Because the form cannot be submitted online, the state receives only partial credit for having an electronic form.

**VII. ENFORCEMENT: 35/100 POINTS**

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

**15/30 POINTS**

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

**Explanation:**

*Type 1: Private postsecondary institutions that offer college credit-bearing courses and academic degree programs.* There is no loss of state aid in New Jersey for private postsecondary educational institutions that repeatedly produce substandard graduation rates, job placement rates and / or cohort default rates.

*Type 2: Postsecondary career/vocational programs.* New Jersey requires schools to maintain graduation rates, job placement rates, and default rates that are within the requirements of federal law in order to maintain licensure.

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?

**0/30 POINTS**

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

**Explanation:**

New Jersey law does not explicitly authorize a private right of action for students against private postsecondary educational institutions (either Type 1 or Type 2) that have violated the laws and regulations in place to govern 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**

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

**Explanation:**

New Jersey law does not allow attorney fee awards for students who prevail in litigation against institutions who have violated the laws and regulations in place to govern them.

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D. DOES STATE LAW EXPLICITLY AUTHORIZE  
ATTORNEY GENERAL INVOLVEMENT?

**20/20 POINTS**

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	<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:**

New Jersey authorizes attorney general involvement for both Type 1 institutions and Type 2 institutions. (N.J. Stat. § 18A:68-5.)

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**BONUS POINTS:**

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New Jersey does not receive any bonus points.



**ILLUMINATING INFORMATION**



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**RECIPROCITY AGREEMENTS**

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

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

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For 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>.