
DELAWARE: FINAL ANALYSIS

OVERALL SCORE:
213.5 / 700 POINTS
30.5%
LETTER GRADE:
F

I. OVERSIGHT BODY: **7.5/100 POINTS**

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

7.5 / 60 POINTS

Element	Points	Type 1	Type 2	Total (averaged)
Multi-Member Panel / Board created by statute	10	10	0	5
Board statutorily created specifically to oversee private postsecondary institutions	10	5	0	2.5
Board is the decision-maker (<i>NOT</i> a single person - like the head of the department or director)	10	0	0	0
Board can engage in rule-making	10	0	0	0
Meetings must be open to the public	5	0	0	0
Must allow public comment	5	0	0	0
Board can initiate investigations	5	0	0	0
Board can impose penalties for violations	5	0	0	0
Total Points	60	15	0	7.5

Explanation:

Delaware regulates private business and trade schools that do not grant degrees (including associates, baccalaureate, masters, or postgraduate degrees) and those that govern private degree-granting institutions through separate and distinct statutes and regulations.

Type 1: Private business and trade schools: The Advisory committee on private business and trade schools **14 Del. C. § 8502**. Delaware has created a committee to advise 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 on private business and trade schools **14 Del. C. § 8502** 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** (Delaware receives only partial credit here because the body advises only and has no authority beyond that of its advisory capacity). The advisory committee does not engage in rulemaking, initiate investigations, or impose penalties.

The meetings held by the advisory committee are likely public, pursuant to Delaware’s Freedom of Information Act. **29 Del. C. § 10004**. However, the advisory committee has no authority to make decisions, only to advise, and the Department of Education, which has authority to make rules and to enforce them – may or may not do this in meetings, there is no requirement that the Department have discussions and make decisions in an open public forum.

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.**

The Delaware Department of Education governs private degree-granting schools, but there is no committee in place to advise the Secretary of Education with regard to these institutions, and no public board in place with authority to engage in rulemaking, initiate investigations, or impose penalties.

Delaware Department of Education is not a public board or commission, therefore, there is no requirement that all meetings in which the Department makes decisions are open to the public.

The point of this element is to ensure that there is a multi-member body that is publicly accountable in place to oversee private for-profit institutions, and that this body is accessible to the public and conducts its business in a way that is transparent and open to the public. There is no multi-member panel or body that has been designated specifically for the oversight and regulation of private for-profit degree granting institutions in Delaware.

B. STATUTE-SPECIFIED MEMBERSHIP:

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

0/ 25 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Explicit Prohibition on For-Profit majority + 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
Type 1:	25 Points	20 Points	10 Points	0 Points	-5 Points
Type 2:	25 Points	20 Points	10 Points	0 Points	-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 contain five members as follows: 1 member must be an executive or managerial person in a private business school in the State; 1 must be a person occupied in commerce or industry in this State in an executive or managerial position; 1 must be an executive or managerial person in a private trade school in the State; 1 must be the president of the Delaware Technical and Community College system; and 1 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, but there is no prohibition on a majority of the committee members having some affiliation with private 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 IS MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes	No
Type 1:	10 Points	0 Points
Type 2:	10 Points	0 Points

Explanation:

Delaware does not explicitly require that the advisory committee membership include a consumer advocate. There is no public board tasked with regulation and oversight of private for-profit degree-granting postsecondary institutions, thus there is no requirement for membership 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 for the final element score above.*

	All	Majority	Half	Minority	None
Type 1:	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2:	5 Points	3 Points	2.5 Points	1 Point	0 Points

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 or she is appointed by the Governor and approved by a majority of the state senate. = 0 points

Type 2: Private degree-granting schools: Not Applicable

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

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

5/10 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Mandatory On-Site Reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to Conduct Onsite Reviews	No Onsite Review Specified
Type 1:	10 Points	8 Points	5 Points	3 Points	0 Points
Type 2:	10 Points	8 Points <i>-1 point</i>	5 Points	3 Points	0 Points

Explanation

Type 1: Private business and trade schools: The department may conduct an on-site 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 on-site review on an annual basis. = 3 points

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) On-site 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 a site visit is mandatory at that point and every five years thereafter. Thus, Delaware receives 8 points for requiring on-site reviews every five years. The state loses 1 point, though, because on-site reviews are discretionary until after a school has received full approval for 5 years. As such, the initial on-site review of a program may not occur until the school has been in operation for well over 5 years. **14 CDR 292(4.0)** = 7 points

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

0/ 5 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Required Unannounced Visits	Discretion to do Unannounced Visits	No indication or
Type 1:	5 Points	3 Points	0 Points
Type 2:	5 Points	3 Points	0 Points

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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to Conduct Regular Reviews	No Review Specified
Type 1:	20 Points	15 Points	1 Point	10 Points	0 Points
Type 2:	20 Points	15 Points <i>+2 points</i>	1 Point	10 Points	0 Points

Explanation:

Type 1: Private business and trade schools: Delaware requires annual renewal of certificates of approval **14 CDR 282 (3.1)** Certificate of approval renewals 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) On-site 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 that are essential for consumer protection in their evaluation.

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

6.25/ 20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	All 8 Required	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1:	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2:	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Element	Type 1	Type 2
Admission Requirements	M	M
Graduation Requirements		M
Placement Rate		
Completion Rate (or Graduation Rate)		
Advertising Practices	M	
Cohort Default Rate		
Accreditation Status		M
Financial Aid Policies		

M=Mandatory; D=Discretionary

E. DOES THE STATE'S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFITS AND NONPROFITS?

0/15 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	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

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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	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 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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes	No
Type 1:	10 Points	0 Points
Type 2:	10 Points	0 Points

Explanation:

Type 1: Private business and trade schools:

There are no special protections in place for veterans who attend private for-profit postsecondary institutions in Delaware law for private business and trade schools .

Type 2: Private degree-granting schools:

There are no special protections in place for veterans who attend private for-profit postsecondary institutions in Delaware law for private degree-granting schools.

III. STATE OVERSIGHT - SCOPE & INCLUSION:

75/100 POINTS

1. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

75/100 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	No Exemptions	Few Exemptions	Moderate Exemptions	Heavy Exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Private business and trade schools: Limited exemptions: Any institution whose main facilities are located in the State and which was 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: There is only one exemption of note here. There is 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)** This is the only exemption of note, it is only an exemption for the five year review, and the Department must have a representative on the review team.

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

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

0/20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above*

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 Performance 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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

Type 1: Private business and trade schools:

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

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
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

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 INCLUDE ELEMENTS ESSENTIAL FOR STUDENTS TO MAKE AN INFORMED DECISION IN THE ENROLLMENT CONTRACT?

0/ 20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

Type 1: Private business and trade 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

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: 25/100 POINTS

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

25/100 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	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 (re: military, public institution, business establishments...)		

Promise Employment	X	
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (Broad prohibition)	X	
Misrepresentation (Broad Prohibition)	X	
Misleading representations re: accreditation	/	

Explanation:

Type 1: Private business and trade schools:

Delaware’s list of prohibited acts is short, though the state does prohibit fraud, misrepresentation, misleading promises regarding employment and deception. Delaware also prohibits misrepresentations related to a student’s ability to transfer to other institutions and the state receives partial credit for the element “misleading representation re: accreditation” because, though 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. Delaware receives 50 points for their list of prohibited acts (for private business and trade schools).

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 & RELIEF FOR STUDENTS:

45/100 POINTS

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

15/20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes	No
Type 1:	20 Points	0 Points
Type 2:	20 Points <i>-10 points</i>	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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	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:

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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes, Full Refund	Yes, refund is limited in some way	Maybe. Provisions in place for a refund in very 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:

Type 1: Private business and trade schools:

Delaware law does not contain any provisions specifically addressing procedures to be followed in the event of insolvency, however, a surety 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 then 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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	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:

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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

Type 1: Private business and trade 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

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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes, w/ 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:

No. 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. This is true even with a search for “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*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes, Required	Yes, Required but limited	Yes, Discretionary	Yes, Discretionary but limited	No
Type 1:	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2:	30 Points	20 Points	15 Points	5 Points	0 Points

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 THE STATE EXPLICITLY ALLOW STUDENTS A PRIVATE RIGHT OF ACTION AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS / REGULATIONS IN PLACE TO GOVERN THEM?

7.5/30 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes	Limited Circumstances	No
Type 1:	30 Points	15 Points	0 Points
Type 2:	30 Points	15 Points	0 Points

Explanation:

Type 1: Private business and trade schools:

Limited Circumstances. 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:

There is nothing that specifies a private right of action against private degree-granting schools that have violated the laws or regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST SUCH INSTITUTIONS?

0/20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above.*

	Yes	Limited	No
Type 1:	20 Points	15 Points	0 Points
Type 2:	20 Points	15 Points	0 Points

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 THE STATE EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS*

**The points for Type 1 and Type 2 schools have been averaged for the final element score above*

	Yes	Limited Circumstances	No
Type 1:	20 Points	10 Points	0 Points
Type 2:	20 Points	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



PENDING LEGISLATION

There is no significant legislation pending in this area as of September 2015.

RECIPROCITY AGREEMENTS

Delaware is a member of SARA (National Council for State Authorization Reciprocity Agreements).
<http://nc-sara.org/states/de>

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>.