

SENATE, No. 3709

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 26, 2021

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Requires online program manager providing marketing services for institution of higher education or proprietary institution licensed to offer academic degrees to self-identify as third party to prospective students.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning higher education marketing practices and
2 supplementing Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. An institution of higher education or proprietary
8 institution licensed to offer academic degrees that retains an online
9 program manager to provide marketing services for its academic
10 degree programs shall require that:

11 (1) the online program manager self-identifies as a third party
12 entity that is separate from the institution at the beginning of any
13 communication with a prospective student; and

14 (2) any digital or print advertising provided by the online
15 program manager for an academic program of the institution
16 includes a clear disclosure of the relationship between the online
17 program manager and the institution.

18 b. A violation of the requirements of subsection a. of this
19 section shall constitute an unlawful practice in violation of
20 P.L.1960, c.39 (C.56:8-1 et seq.), and shall be subject to all
21 remedies and penalties available pursuant to the provisions of that
22 act.

23 c. As used in this section: “online program manager” means an
24 entity that enters into a contract or agreement with an institution of
25 higher education or proprietary institution licensed to offer
26 academic degrees to provide one or more of the following services
27 on behalf of the institution in exchange for financial compensation:
28 advertising and marketing services; recruiting, admissions, and
29 financial services; instruction services; student support services;
30 technology resources and support services; and curriculum
31 development services.

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33 2. This act shall take effect on the 30th day after enactment.
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36 STATEMENT
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38 Institutions of higher education and proprietary schools are
39 increasingly utilizing the marketing services of online program
40 managers to promote their programs to prospective students. Under
41 this bill, an institution of higher education or proprietary institution
42 licensed to offer academic degrees that retains an online program
43 manager to provide marketing services for its academic degree
44 programs must require:

45 (1) the online program manager to self-identify as a third party
46 entity that is separate from the institution at the beginning of any
47 communication with a prospective student; and

1 (2) any digital or print advertising provided by the online
2 program manager for an academic program of the institution to
3 include a clear disclosure of the relationship between the online
4 program manager and the institution.

5 The bill further provides that an online program manager's
6 failure to self-identify pursuant to the bill's provisions constitutes
7 an unlawful practice under the New Jersey consumer fraud act,
8 P.L.1960, c.39 (C.56:8-1 et seq.), and remedies and penalties may
9 be assessed according to the provisions of that act.