

[First Reprint]

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 reported by the Senate Higher Education Committee on June 15, 2021, with amendments.



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

3
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 ¹degree-
8 granting¹ institution ¹**[licensed to offer academic degrees]**¹ that
9 retains an online program manager to provide marketing services
10 for its academic 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 ¹related exclusively to
25 online degree and certificate program delivery, including online
26 programs with required in-person clinical and other instruction¹ with
27 an institution of higher education or proprietary ¹degree-granting¹
28 institution ¹**[licensed to offer academic degrees]**¹ to provide one or
29 more of the following services on behalf of the institution in
30 exchange for financial compensation: advertising and marketing
31 services; recruiting, admissions, and financial services; instruction
32 services; student support services; technology resources and support
33 services; and curriculum development services.

34
35 2. This act shall take effect on the 30th day after enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHI committee amendments adopted June 15, 2021.