

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

**A PLAN FOR THE ABOLITION OF THE NEW JERSEY COMMISSION ON HIGHER
EDUCATION AND PROVIDING FOR THE TRANSFER OF THE FUNCTIONS,
POWERS, AND DUTIES OF THE COMMISSION TO THE SECRETARY OF HIGHER
EDUCATION**

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 005-2011 (the "Plan"), to abolish the New Jersey Commission on Higher Education (hereinafter referred to as the "Commission") and to transfer the powers, functions, and duties of the Commission to the Secretary of Higher Education (the "Secretary"). This Plan furthers the ongoing efforts of the Executive Branch to implement the recommendations of the New Jersey Higher Education Task Force (the "Task Force") created by Executive Order No. 26 (2010) and chaired by Governor Thomas H. Kean. In its December 2010 report, the Task Force specifically noted the immediate need for reform of the State's higher education governance structure to improve coordination, effectiveness, and accountability in service of New Jersey's students and residents. In this regard, the Task Force made various recommendations, including the elimination of the Commission on Higher Education, empowering the Secretary of Higher Education, and improving the strength and independence of boards of trustees. The Task Force also recommended the creation of a new advisory Governor's Higher Education Council, which would assist and provide advice and support to the Secretary of Higher Education, while also advising the Governor on higher education issues.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to improve the effectiveness of the State's oversight of higher education, reduce the unnecessary complexity of higher education administration in New Jersey, lower administrative costs, and streamline decision-making. When the legislature recently created the position of

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the Secretary of Higher Education, it recognized the importance of continuously looking to improve the quality of higher education while simultaneously strengthening our statewide coordinating structure. Under current law, the Commission on Higher Education, comprised of 17 members, is allocated in but not of the Department of State and is responsible for a diverse array of important planning, advocacy, and regulatory matters, including final agency decision-making over institutional licensure, new academic programs, and other important matters. The Secretary of Higher Education serves as the Executive Director of the Commission and is granted authority to, among other things, visit public institutions of higher education to examine how they conduct their affairs and to enforce observance of the laws of the State. Current law specifies that the Secretary shall hold cabinet-level rank.

The performance of these obligations and responsibilities can be significantly improved by consolidating the statutory powers and duties of the Commission with those of the Secretary. The Secretary should be the primary advisor to the Governor on higher education matters and, commensurate with holding cabinet-level rank, the Secretary should be empowered in the same manner as the other cabinet-level commissioners and secretaries of most of the principal departments of State government, with authority to make final agency determinations. Accordingly, this Plan transfers all functions, powers, duties, and personnel of the Commission, in but not of the Department of State, to the Secretary of Higher Education. The terms of offices of all existing members of the Commission will be abolished.

Placing the administration of higher education under the direction of the Secretary will produce greater efficiency and

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accountability in a structure that has proved effective for other principal departments of State government, with a single chief administrative officer overseeing State functions relating to higher education. As noted by the Task Force, higher education is indispensable to a thriving economy and a well-functioning society. By consolidating these functions, the Secretary will be empowered to lead the statewide planning effort for higher education, and ensure transparency and accountability by institutions. Similarly, as a cabinet-level official, the Secretary should be charged with advising and making recommendations to the Governor and the Legislature on significant matters involving higher education.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes;
5. Eliminate overlapping and duplication of efforts.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

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1. The New Jersey Commission on Higher Education created pursuant to P.L. 1994, c. 48 (C.18A:3B-13 et seq.) is abolished.

2. The terms of offices of all existing members of the Commission are hereby abolished. All of the powers, functions, and duties exercised by the Commission, including, but not limited to, those powers, functions, and duties granted pursuant to P.L. 1994, c. 48 (C. 18A:3B-1 et seq.) as amended and supplemented, are continued, transferred to, and vested in the Secretary of Higher Education and shall henceforth be exercised by the Secretary.

3. All files, books, papers, records, equipment, other property held by the Commission, including, without limitation, funds and other resources and any such property or funds received after the effective date of this Plan, and personnel are transferred to the Secretary, pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.), to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Commission of Higher Education or the Chair thereof is made, the same shall mean the Secretary of Higher Education, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions

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in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end

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of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."