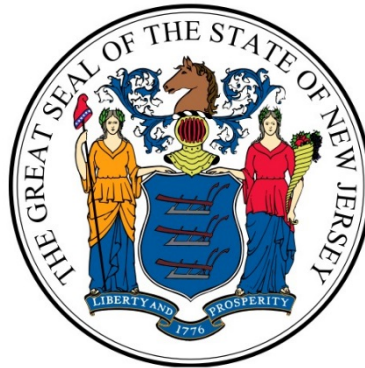


PRIVATE CAREER SCHOOL (PCS) RENEWAL APPLICATION

N.J.A.C. Title 12, Chapter 41



State of New Jersey
Department of Education
Department of Labor and Workforce Development

ALL FORMS MAY BE DUPLICATED AS NEEDED

New Departments of Education & Labor and Workforce Development
Private Career School Renewal Application (R-10-2020)

The Private Career School (PCS) Renewal Application contains procedural changes. Please read the instructions thoroughly before completing.

Included in the renewal application packet are forms and instructions for the renewal of the Certificate of Approval to operate a private career school in accordance with New Jersey Administrative Code Title 12, Chapter 41 (N.J.A.C. 12:41-1 et seq.). In accordance with N.J.A.C. 12:41-2.1(c) effective December 19, 2016, the new Certificate of Approval is valid for two (2) years.

Additional forms can be downloaded and printed from the Training Evaluation Unit's website at <http://lwd.dol.state.nj.us/labor/lwdhome/coei/teu.html>.

N.J.A.C. 12:41-2.4(b) requires private career schools to submit this renewal application. All completed applications must be submitted no later than 90 calendar days prior to the expiration of the school's current Certificate of Approval. Failure to submit this application within the prescribed 90 days, may result in a lapse in approval to provide training; requirement to pay an initial \$1,150 non-refundable application fee set forth by N.J.A.C 12:41-2.2(d), but submit renewal documentation; and, prohibition against enrollment of new students contained within N.J.A.C. 12:41-2.1(d) continues until the Certificate of Approval is renewed. A private career school that fails to submit a renewal application within 30 days after the expiration of its existing Certificate of Approval shall be considered closed.

For technical assistance with occupational skills curriculum development, skill standards alignment, CIP codes or staff credentials, please contact the New Jersey Department of Education (DOE) via email at privatecareerschools@doe.nj.gov.

For technical assistance with literacy curriculum development, contact the Training Evaluation Unit (TEU) of the New Jersey Department of Labor and Workforce Development (DOL) via email at trainingevaluationunit@dol.nj.gov.

For technical assistance with other renewal related items, please contact the following TEU staff:

David Bailey (609) 292-0006 david.bailey@dol.nj.gov	Shivon Harris (609) 633-9827 shivon.harris@dol.nj.gov	Jerrold Jacobson (609) 984-5941 jerrold.jacobson@dol.nj.gov
Jacqueline Hutchinson (609) 292-6242 jacqueline.hutchinson@dol.nj.gov	Adrian Lalla (609) 633-2022 adrian.lalla@dol.nj.gov	Linda Armstead (609) 292-2253 linda.armstead@dol.nj.gov

Please read the following instructions thoroughly before completing the renewal application. The attached Checklist of Required Documents for Renewal may serve as your guide to ensure that your application packet is complete. If additional forms are required, please visit the Training Evaluation Unit website at <http://lwd.dol.state.nj.us/labor/lwdhome/coei/teu.html> to download or print from the Private Career School Renewal Application packet.

1. **Application, Statement of Assurances:** This includes the *Application for Renewal of Certificate of Approval* and notarized *Statement of Assurances*. This document provides assurances that the school is complying with state regulations regarding the quality of instruction, local fire ordinances, health and safety regulations and the tuition performance bond.
2. **Fees:** The non-refundable renewal application fee is **\$900** for each school site for a two (2) year period. Please mail a *certified check* or *money order* payable to the **Treasurer, State of New Jersey**, along with a copy of the **Application for Renewal of Private Career School Certificate of Approval**, to **Erica Slaughter, Department of Labor and Workforce Development, Division of Accounting, John Fitch Way, 6th Floor, PO Box 955, Trenton, NJ 08625-0955**.
3. **Audited Financial Statement:** Refer to N.J.A.C. 12:41-2.4(d)3(i-vi). Include the most recent copy of the school's audited financial statement, review, compilation or Federal tax return for the past three (3) years (*if applicable*).
4. **Tuition Performance Bond:** Refer to N.J.A.C. 12:41-2.4(d)4. Include a copy of the tuition performance bond certificate or continuation notice that specifies the name and address of the school (not the corporation), bond policy number, total amount of the bond and effective dates of the insurance coverage period. Please provide proof of premium payment, along with the name and address of the insurance company. The school's current tuition performance bond must name the **Commissioner, Department of Labor and Workforce Development** as obligee, be in a format designated by the Commissioner and be in the amount of \$20,000 or five (5) percent of the average gross tuition income for the past three (3) years, whichever is greater. Within the bond agreement between the school and the bond issuer, a requirement that the bond issuer shall notify the Training Evaluation Unit in the event the bond changes for any reason.
5. **School Catalog:** Include a copy of the current school catalog. Highlight new or revised policy changes since the last renewal. Catalogs should have a volume number on the cover with the dates of the school year. Be sure to include the school's grievance procedure and refund policy. **If no changes have been made, please note on the catalog cover, "No changes made."**
 - The following statement must be included: **"In the event of an unannounced school closure, students enrolled at the time of the closure must contact the Department of Labor and Workforce Development's Training Evaluation Unit within ninety (90) calendar days of the closure. Failure to do so within the ninety (90) days may exclude the student from any available form of assistance. Please contact the Training Evaluation Unit via email at trainingevaluationunit@dol.nj.gov."**

- 6. Student Enrollment Agreement:** Include a copy of the current student enrollment agreement. Highlight policy changes and new language since the last renewal. If no changes have been made, please note on the top sheet, **“No changes made.”**
- The following statement must be included: **“In the event of an unannounced school closure, students enrolled at the time of the closure must contact the Department of Labor and Workforce Development’s Training Evaluation Unit within ninety (90) calendar days of the closure. Failure to do so within the ninety (90) days may exclude the student from any available form of assistance. Please contact the Training Evaluation Unit via email at trainingevaluationunit@dol.nj.gov.”**
- 7. Other Agency Approvals:** If applicable, submit copies of other agency approvals for the upcoming approval period. These agencies include:
- **New Jersey Board of Nursing** (Home Health Aide and Licensed Practical Nurse);
 - **New Jersey Department of Health** (Certified Nurse’s Aide and Certified Medication Aide); and,
 - **New Jersey Department of Environmental Protection** (programs containing radiology).
- 8. Sample Advertising Materials:** Please include copies of your web pages and current advertising materials. Highlight changes since the last renewal.
- 9. Section K – Program Renewal Application:** List all currently approved programs that you plan to offer during the upcoming renewal period. Programs not included on this list will be removed from the DOE and DOL’s shared database, and the Eligible Training Provider List (ETPL) will be notified to suspend these programs from the list (www.njtopps.com). **This form must be emailed to the DOE at privatecareerschools@doe.nj.gov.**
- Note:** Schools that offer literacy, English-as-a-Second Language (ESL) and remedial programs should submit a separate Section K – Program Renewal Application listing the literacy, ESL and remedial programs only to the DOL for approval via email at trainingevaluationunit@dol.nj.gov.
- 10. ETPL Listings:** Includes copies of the school’s approved programs listed on the ETPL (www.njtopps.com).
- 11. Enrollment Profile:** Ensure to include the enrollment year under review. If entering a group’s program completed after the end of the specified enrollment year, include the enrollment data for this group in next year’s profile.
- 12. Modifications:** In accordance with N.J.A.C. 12:41-2.4(d)9, submit any other documents that have been modified since your initial application or last renewal application.

13. Changes to School or Staff: Changes to a school's name, location, ownership or director may take place at any time during the approval period. If the school experiences any of these changes, please download the correct checklist and required forms from the Training Evaluation Unit's website at <http://lwd.dol.state.nj.us/labor/lwdhome/coei/teu.html>. Each checklist contains completion and mailing instructions.

- **Staff Data Forms:** Include completed *Private Career School Staff Data Forms* only for **new** instructors whose forms have not been previously submitted. **This form must be submitted to the DOE for approval.**

License/Certificate: If the trade taught has a national certificate, industry certification, or licensure, the instructor must hold this certification or license and must provide proof with the Staff Data Form.

Section J: Section Js will not be accepted with the Private Career School Renewal Application. Section Js for new or modified programs only, along with supporting documentation, must be submitted under separate cover, following the instructions included with the form. Do not submit Section Js for continuing or new programs with your renewal application.

To submit your renewal application:

Application documentation must be emailed trainingevaluationunit@dol.nj.gov. Please send the renewal application fee, along with a copy of the ***Application for Renewal of Private Career School Certificate of Approval***, to:

Erica Slaughter
Department of Labor and Workforce Development
Division of Accounting
John Fitch Way, 6th Floor, PO Box 955
Trenton, NJ 08625-0955

NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
ADMINISTRATIVE REQUIREMENTS FOR PRIVATE CAREER SCHOOL (PCS) RENEWAL

Name of School:		Location:	
Please email the following documents, except for item #5, to the trainingevaluationunit@dol.nj.gov .			
Items	Included (v)	For DOL Use Only	
1. Administrative Requirements for PCS Approval Checklist		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
2. Application for Renewal of Private Career School Certificate of Approval		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
3. Accreditation Data		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
4. Signed and notarized Statement of Assurances		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
5. Non-refundable application fee of \$900.00 in the form of a certified check or money order only, payable to Treasurer, State of New Jersey , along with a copy of item #2, to: Erica Slaughter New Jersey Department of Labor and Workforce Development Division of Accounting John Fitch Way, 6th Floor, PO Box 955 Trenton, New Jersey 08625-0955		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
6. Financial Reports (<i>past three (3) years, if applicable</i>): <ul style="list-style-type: none"> • Audited Financial Statement; • Review; • Compilation; or, • Federal Tax Return. 		Date LWD Approved:	
7. Tuition Performance Bond in the amount of \$20,000 or five (5) percent of the average gross tuition income for the past three (3) years, whichever is greater, with obligee as the Commissioner, Department of Labor and Workforce Development .		Bond Co: Policy #: Bond Amount: Expiration Date:	
8. Current Professional Liability Insurance and Workers' Compensation Certificate of Insurance		Policy #: Expiration Date:	
9. Current Certificate of Fire Inspection		Expiration Date:	
10. Current Certificate of Health Inspection (<i>if applicable</i>)		Expiration Date:	
11. Building lease signed by both school and building owner. If facility is owned, proof of ownership.		Owned: <input type="checkbox"/> Y <input type="checkbox"/> N Lease Expiration:	
12. School Catalog (<i>highlight revisions</i>)		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
13. Student Enrollment Agreement (<i>highlight revisions</i>)		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
14. Sample Advertising Materials		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
15. Copies of ETPL entries (www.njtopps.com)		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
16. Completed Enrollment Profile Form		Total Enrolled:	
17. Proof of Other Agency Approvals (<i>if applicable</i>)		Acceptable: <input type="checkbox"/> Y <input type="checkbox"/> N	
18. Section K – Program Renewal (<i>emailed to privatecareerschools@doe.nj.gov</i>)		Date DOE Approved:	
For DOL Use Only			
Date Received: _____		Renewal Period: _____	
X	_____	_____	
Specialist		Date Approved	



APPLICATION FOR RENEWAL OF CERTIFICATE OF APPROVAL

DATE: _____

I. SCHOOL DATA

Name of School: _____

Street Address: _____ County: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ FAX: _____

Email Address: _____ Federal Tax ID #: _____

Web Page Address: _____

II. OWNER DATA*

Name of Owner(s): _____

Home Address: _____ County: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Cell Phone: _____

Email Address: _____

** If there is more than one owner, please attach an additional sheet with information for each owner.*

III. CORPORATE DATA: Corporation LLC Partnership Sole Proprietorship

Name of Corporation: _____

Address of Corporation: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ FAX: _____

Email Address: _____ (Primary Contact)

IV. SCHOOL DIRECTOR/CO-DIRECTOR DATA:

Name of School Director: _____

Home Address: _____ County: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Cell Phone: _____

Email Address: _____

Name of Co-Director: _____

Co-Director's Telephone Number: _____

Co-Director's Email Address: _____

ALL FORMS MAY BE DUPLICATED AS NEEDED

New Departments of Education & Labor and Workforce Development
Private Career School Renewal Application (R-02-2020)

TUITION PERFORMANCE BOND:

The school presently holds a tuition performance bond/surety with the following agency:

- 1. Agency Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Bond #: _____ Telephone #: _____
Issue Date: _____ Expiration Date: _____

V. ACCREDITATION STATUS:

The school is presently accredited by the following agency (agencies):

- 2. Accreditation Agency Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Date of Accreditation: _____
- 3. Accreditation Agency Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Date of Accreditation: _____
- 4. Accreditation Agency Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Date of Accreditation: _____

Include proof of the school’s current accreditation status from the accrediting commission. The accrediting commission must be recognized by the United States Department of Education.

VI. New Jersey State Approval *(i.e. New Jersey Board of Nursing, New Jersey Department of Health, New Jersey Department of Environmental Protection, etc.):*

The school is presently approved by the following agency (agencies):

- 1. New Jersey State Agency Name: _____
Program Approved to Offer: _____
Date of Approval: _____
- 2. New Jersey State Agency Name: _____
Program Approved to Offer: _____
Date of Approval: _____

3. New Jersey State Agency Name: _____

Program Approved to Offer: _____

Date of Approval: _____

VII. ADDITIONAL PRIVATE CAREER SCHOOL INFORMATION

Do you offer customized training services? Yes No

Do you offer distance learning classes? Yes No

Wheelchair accessible: Yes No

Spanish spoken: Yes No

Other languages spoken: Yes* No

* Please check all that apply below:

Arabic Chinese French French Creole German

Hungarian Indic/Hindu Italian Japanese Korean

Portuguese Russian Tagalog Vietnamese Yiddish/
Hebrew

Greek Polish Other (Please specify)

Career assistance/counseling available: Yes No

Linkage to One-Stop Career Center System: Yes No

Personal on-site job placement assistance: Yes No

Access to <https://careerconnections.nj.gov/>: Yes No

Childcare at facility: Yes No

Assistance obtaining childcare: Yes No

Evening courses: Yes No

Bus Route(s), if available: _____

Train Route(s), if available: _____



**NEW JERSEY DEPARTMENT OF EDUCATION
NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

STATEMENT OF ASSURANCES

By his/her signature, which appears below, the director of the private career school making this renewal application certifies the following:

1. Staff data forms are signed by the school director for the following personnel: 1) instructors; 2) admissions officers; 3) job placement officers; 4) academic advisors; 5) substitute and/or assistant instructors; 6) financial aid officers; and, 7) supervisors of instruction. By signing each data form, the director certifies that the information contained in the data form is accurate. The data forms will be kept on file at the school and made available to a representative of the New Jersey Department of Education upon request.
2. Fire, professional liability, health inspection (*if applicable*) certificates and lease (*if applicable*) are current and on file at the school and copy provided to the New Jersey Department of Labor and Workforce Development upon renewal or at the request of a representative of the Department.
3. The current tuition performance bond for the school is in the amount of \$20,000 or 5 percent (%) of the average gross tuition income for the past three (3) years, whichever is greater; with obligee as the Commissioner, Department of Labor and Workforce Development.
4. Curriculum meets the standards as required by N.J.A.C. 12:41-2.2(a)1 and N.J.A.C. 6A:19-7.3.
5. Shall maintain a permanent student record for each student enrolled in accord with NJAC 12:41-3.1. As such, all private career schools must be listed on the Eligible Training Provider List (ETPL) website (www.njtopps.com) and must complete mandated quarterly and annual report in accord with Department policy.

The applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Workforce Innovation and Opportunity Act of 2016; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1973; and, the Americans with Disabilities Act, 42 USC 12101. In addition, the applicant also assures that it will comply with the US Department of Labor’s regulations at 29 CFR, Part 38 and all other regulations implementing the laws listed above.

I hereby give assurance that the statements above are true and correct in accordance with N.J.A.C. 12:41-1 et seq. and N.J.A.C. 6A:19-7 et seq.

School Name: _____

School Address: _____

School Director: _____

AFFIDAVIT

State of New Jersey, County of _____, _____ (Director’s Name), being duly sworn on his/her oath that he/she is **DIRECTOR** of the _____ (School Name), in the County of _____ and that the statements given in this application are true, to the best of his/her knowledge and belief.

School Director’s Signature

Date

Sworn and subscribed to before me this _____ day of _____ 20____.

Notary Public’s Signature and Seal

Private Career School Staff Data Form

Note: A resume is not a substitute for a completed form. For instructors, you must also include proof of successful completion of a curriculum and instruction course offered through an accredited college pursuant to N.J.A.C. 6A:19-7.5(c)5ii. Instructors will not be approved without it.

PERSONAL INFORMATION

Last Name:		First Name:		M.I.		Date:	
Home Address:							
Telephone Number:		E-mail Address:					
Name of Private Career School to Which You Are Applying:							
Private Career School Address:							
Position/Job Title (If you are an instructor, include all subject(s) to be taught):							
Check One <input checked="" type="checkbox"/> :		Full-Time <input type="checkbox"/>		Part-Time <input type="checkbox"/>			

EDUCATION AND TRAINING

High School (Name and Location)	Dates Attended: (From MONTH/YEAR To MONTH/YEAR)

Did you graduate? Please check one : Yes No

Graduate of College or University (Name and Location)	Major	Minor (if applicable)	Completion Dates (From MONTH/YEAR To MONTH/YEAR)

Complete If You Did Not Graduate From College/University:

Name of College/University	Credit Hours Completed	Dates Attended: (From MONTH/YEAR To MONTH/YEAR)

OTHER FORMAL TRAINING (Include Military)

Name and Location of School/Program	Description of Course	Completed Yes <input type="checkbox"/> No <input type="checkbox"/>	Dates Attended (From MONTH/YEAR To MONTH/YEAR)
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>	

Licenses, Certifications or Registrations (A copy of each license/certification/registration must be attached):

Title	Identifying Number	Issuing Agency/Authority	Date of Issue

PREVIOUS EMPLOYMENT (Begin with your most recent employer; include military service. All fields are required)

Name and address of your most recent employer:

Duties:

Check One : Full-Time Part-Time

Name and title of your immediate supervisor: Dates in this position: From MONTH/YEAR To MONTH/YEAR

Title of your position: Reason for leaving:

Name and address of your previous employer:

Duties:

Check One : Full-Time Part-Time

Name and title of your immediate supervisor: Dates in this position: From MONTH/YEAR To MONTH/YEAR

Title of your position: Reason for leaving:

Name and address of your previous employer:

Duties:

Check One : Full-Time Part-Time

Name and title of your immediate supervisor: Dates in this position: From MONTH/YEAR To MONTH/YEAR

Title of your position: Reason for leaving:

REFERENCES

List below the names, complete addresses and occupations of three persons to whom you are well known and from whom we may request information concerning your character and personal qualifications.

Name	Address	Telephone Number

Have you ever been convicted of any violation of the law other than minor traffic violations? If your answer is yes, please explain on a separate sheet of paper; include the date, place, offense and final disposition.

Please check one : Yes No

To the best of my knowledge all information in this data form is true and correct.

Signature of Applicant: Date:

I hereby certify that this office has verified the information contained herein and has on file appropriate certificates, references and verification of the stated education and experience of the applicant.

Signature of Owner/Director: Date:

New Jersey Department of Education

Submission Directions and Minimum Instructor Qualifications

Directions: Instructors must be approved by NJDOE prior to signing a contract with the school. To obtain approval for new instructors, submit proof of the qualifications listed below, along with a completed staff data form by email to:

privatecareerschools@doe.nj.gov or mail to:

Attn: Private Career Schools

New Jersey Department of Education

Office of Career Readiness

PO Box 500

Trenton, NJ 08625-0500:

Note: Staff data forms must be filled out completely and signed. A resume is not a substitute for a completed form.

Minimum Qualifications:

- Proof of a high school diploma or GED;
- Proof of successful completion of a curriculum and instruction course offered through an accredited college; and
- Competency in the subject(s) to be taught as demonstrated by possession of **one** of the following:
 - An appropriate instructional certificate issued by the State Board of Examiners, or a comparable teaching certificate issued by a recognized certifying authority in another state with which the State Board of Examiners has reciprocity;
 - An industry certification in the occupational area to be taught and at least two years of documented full-time employment experience in the occupational area within the past 10 years;
 - A baccalaureate degree from a recognized institution with a major or specialization in the subject to be taught;
 - Evidence of attainment of a journeyperson's status by possessing a certificate of completion of a registered apprenticeship training in the subject to be taught, with at least two years of documented full-time employment experience within the past 10 years;
 - A certificate of completion in the occupational area to be taught from an approved private career school or hold the appropriate State-issued occupational license in the occupational area to be taught, and a minimum of two years of documented full-time employment in the occupation, within the past 10 years;
 - An associate degree from an accredited college, with a major or specialization in the subject to be taught, and a minimum of two years of documented full-time employment in the occupational area to be taught within the past 10 years; or
 - A minimum of four years of documented full-time employment in the occupational area to be taught within the past 10 years.

NEW JERSEY DEPARTMENT OF EDUCATION RENEWAL DOCUMENT

SECTION K

CAREFULLY READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM

School	Date	Director	School Year Applying for Approval (e.g. 2018-19)
School Address (Including City, State Zip Code)		Fax Number:	County
Telephone Number		E-Mail Address	Federal ID. No

Directions: This form must be completed electronically and submitted no later than 90 calendar days prior to the expiration date of each school's current Certificate of Approval. List all currently approved programs that will be offered in the upcoming school year in **alphabetical order**. Please provide the clock and credit hours (if applicable) and the name of the instructor teaching the program. Send Staff Data Forms only for new instructors who have not yet submitted their credentials. * * For programs approved in credit hours, provide the accrediting agency. Programs currently approved that are not listed will be removed from the Eligible Training Provider List and your list of approved programs. ***For each program, indicate if you currently contract with a school district or charter school, pursuant to N.J.A.C. 6A:19-2.4, to provide instruction to public school students. Please email completed forms to: privatecareerschools@doe.nj.gov.

Note: For **literacy, ESL or remedial** programs, please complete a separate Section K form and submit it to the Training Evaluation Unit via email at trainingevaluationunit@dol.nj.gov.

Program Title	CIP Code	Clock Hours of Instruction	Credit Hours (If accredited**)	Instructor	**Name of Accrediting Agency	***Contracting with School District? Y or N

Approval:

Education Program Development Specialist

Signature

Date



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*** New Jersey Register, Vol. 49 No. 1, January 3, 2017 ***

TITLE 12. LABOR AND WORKFORCE DEVELOPMENT
CHAPTER 41. PRIVATE CAREER SCHOOLS

Go to the New Jersey Administrative Code Archive Directory

N.J.A.C. 12:41 (2017)

Title 12, Chapter 41 -- Chapter Notes

CHAPTER AUTHORITY:

N.J.S.A. 34:1-20, 34:1A-3(e), and 34:15C-10.1.

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2016 d.173, effective December 19, 2016.

See: *48 N.J.R. 1579(a), 48 N.J.R. 2816(a).*

CHAPTER EXPIRATION DATE:

Chapter 41, Private Career Schools, expires on December 19, 2023.

CHAPTER HISTORICAL NOTE:

Chapter 41, formerly Division of Employment and Training, was adopted as R.1989 d.38, effective January 17, 1989. See: *20 N.J.R. 2626(a), 21 N.J.R. 168(a).*

Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1994 d.78. See: *25 N.J.R. 5456(a), 26 N.J.R. 810(a).*

Chapter 41, Office of Employment and Training, was redesignated Chapter 41, Workforce New Jersey by R.1998 d.34, effective January 5, 1998. See: *29 N.J.R. 4439(a), 30 N.J.R. 72(b).*

Pursuant to Executive Order No. 66(1978), Chapter 41, Workforce New Jersey, was readopted as R.1999 d.31, effective December 23, 1998. See: *30 N.J.R. 3924(a), 31 N.J.R. 136(a).* Chapter 41, Workforce New Jersey, expired on December 23, 2003.

Chapter 18, Private Training Providers, was adopted as R.1998 d.528, effective November 2, 1998. See: *30 N.J.R. 2855(a), 30 N.J.R. 3945(a).*

Subchapter 4, Customized Training Providers, and Subchapter 5, Chapter 531 Providers, were adopted as R.2000 d.360, effective September 5, 2000. See: *32 N.J.R. 2009(a)*, *32 N.J.R. 3338(a)*.

Chapter 18, Private Training Providers, was readopted as R.2004 d.57, effective January 9, 2004. See: *35 N.J.R. 4403(a)*, *36 N.J.R. 664(a)*.

Chapter 18, Private Training Providers, was repealed by R.2007 d.10, effective January 2, 2007. See: *38 N.J.R. 3205(a)*, *39 N.J.R. 29(a)*.

Pursuant to Reorganization Plan 001-2004 and P.L. 2004, c. 39, Chapter 18 of Title 6A, Private Training Providers, was restored and recodified as Chapter 41 of Title 12 by administrative change, effective February 27, 2007. See: *39 N.J.R. 935(b)*.

Chapter 41, Private Training Providers, was readopted as R.2009 d.244, effective July 8, 2009. See: *41 N.J.R. 850(a)*, *41 N.J.R. 2969(a)*.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 41, Private Training Providers, was scheduled to expire on July 8, 2016. See: *43 N.J.R. 1203(a)*.

Chapter 41, Private Training Providers, was repealed and Chapter 41, Private Career Schools, was adopted as new rules by R.2016 d.173, effective December 19, 2016. See: Source and Effective Date.

NOTES:

Chapter Notes



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*** New Jersey Register, Vol. 49 No. 1, January 3, 2017 ***

TITLE 12. LABOR AND WORKFORCE DEVELOPMENT
CHAPTER 41. PRIVATE CAREER SCHOOLS
SUBCHAPTER 1. GENERAL PROVISIONS

Go to the New Jersey Administrative Code Archive Directory

N.J.A.C. 12:41-1.1 (2017)

§ 12:41-1.1 Purpose and scope

(a) The purpose of this chapter is to establish rules to effectuate *N.J.S.A. 34:15C-10.1*, which empowers the Commissioner of the Department of Labor and Workforce Development and the Commissioner of the Department of Education to issue certificates of approval to "qualifying schools" (referred to throughout this chapter as and defined therein as synonymous with the term, "private career schools"); to "maintain rules governing curricula, qualifications of instructors and supervisors, facilities, recordkeeping (and reporting) requirements, and any other matter essential to the maintenance of quality instruction and the business integrity" of private career schools; to oversee the proper conduct of private career schools, including the monitoring and inspection of approved private career schools and the conducting of examinations of all facilities and methods of operation of private career schools; and, to revoke, suspend, or place reasonable conditions upon the continued approval of a private career school where reasonable cause exists to believe that the private career school is guilty of violating *N.J.S.A. 34:15C-10.1*, *N.J.A.C. 6A:19-7*, or this chapter or is found to be "financially unsound."

(b) The chapter is applicable to all private career schools.

(c) The chapter does not apply to private career schools for which a cognizant New Jersey or Federal government agency other than the Department of Labor and Workforce Development or the Department of Education is responsible for evaluating and approving both facilities, business, administrative, and financial aspects of the training provider and curricula and staff qualifications of the training provider.

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N.J.A.C. 12:41-1.2 (2017)

§ 12:41-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Business Name" means the name of the private career school listed on the "Business Registration Application" or "NJ REG" form, which was submitted by the private career school to the New Jersey Division of Revenue, in the Department of the Treasury, in order to obtain a Business Registration Certificate.

"Business Registration Certificate" means the certificate, issued by the New Jersey Division of Revenue, which constitutes proof of a valid business registration in the State of New Jersey.

"Center for Occupational Employment Information" or "COEI" means the Center for Occupational Employment Information established by N.J.S.A. 34:1A-86.

"Chapter 531 provider" means a private business, nonprofit agency, private organization, or community-based organization that serves solely the needs of eligible recipients of Federal- or State-supported training programs based on economic need and which had been approved by the Department of Labor and Workforce Development pursuant to P.L. 1981, c. 531 (*N.J.S.A. 44:12-2*, repealed in pertinent part by P.L. 2005, c. 354).

"Commissioner of the Department of Education" means the Commissioner of the New Jersey Department of Education or his or her designee.

"Commissioner of the Department of Labor and Workforce Development" means the Commissioner of the New Jersey Department of Labor and Workforce Development or his or her designee.

"Course of instruction" means an organization of subject matter and related learning experiences designed to meet an occupational objective offered for the instruction of students on a systematic basis. It does not mean workshops, seminars, or conferences that last no longer than three days and, although designed to teach specific skills that may be applicable in a work setting and may incidentally lead to or enhance employment opportunities, are not sufficient in themselves to be considered a component of an instructional program.

"Department of Education" means the New Jersey Department of Education.

"Department of Labor and Workforce Development" means the New Jersey Department of Labor and Workforce Development.

"Instructional program" means the planned sequence of courses, services, or activities designed to meet educational and employment objectives.

"Private career school" means "qualifying school" as that term is defined at N.J.S.A. 34:15C-1f. The term private career school shall include Chapter 531 providers.

"Record retention plan" means a written document that describes, at a minimum, the method by which a student or other legitimate requestor may obtain a copy of the permanent record verifying attendance and academic achievement of a student at the school. The plan shall identify the organization or individual responsible for maintaining and responding to requests for and distributing records in the event that the school ceases operation or closes.

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N.J.A.C. 12:41-2.1 (2017)

§ 12:41-2.1 Certificate of Approval required

(a) No private career school shall be permitted to operate in New Jersey, unless it has been issued a Certificate of Approval jointly by the Commissioner of the Department of Labor and Workforce Development and the Commissioner of the Department of Education pursuant to *N.J.S.A. 34:15C-10.1*, *N.J.A.C. 6A:19-7*, and this chapter.

(b) The Certificate of Approval shall be issued to the applicant owner of the private career school and is non-transferrable.

(c) The Certificate of Approval shall be prominently displayed, so that it is visible to the general public and shall be valid for two years from the date of issuance.

(d) In the event that the holder of a Certificate of Approval fails to submit a completed Application for Renewal of a Private Career School Certificate of Approval, including all information and documents required thereunder, not less than 90 calendar days prior to expiration of the existing Certificate of Approval in accordance with *N.J.A.C. 12:41-2.4(b)*, the private career school shall be prohibited from accepting any new students for the period beginning 90 days prior to the expiration of the existing Certificate of Approval and ending upon submission of a completed Application for Renewal of a Private Career School Certificate of Approval, including all information and documents required thereunder.

1. The acceptance of a Certificate of Approval by a private career school owner under this chapter shall be with the understanding that the Department of Labor and Workforce Development and the Department of Education have issued the Certificate of Approval with the express condition set forth within this subsection.

2. The express condition set forth within this subsection shall apply uniformly to all holders of a Certificate of Approval and shall not be subject to appeal.

3. When a completed Application for Renewal of a Private Career School Certificate of Approval has been submitted after expiration of the existing Certificate of Approval, *N.J.A.C. 12:41-2.5* shall govern.

(e) Each Chapter 531 provider that had, prior to December 19, 2016, been approved by the Department of Labor and Workforce Development under repealed *N.J.A.C. 12:41-5.1* shall by March 19, 2017, be required to submit an Application for Initial Approval of a Private Career School under *N.J.A.C. 12:41-2.2* and submit to a pre-approval facilities inspection by the Training Evaluation Unit under *N.J.A.C. 12:41-2.3*.

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N.J.A.C. 12:41-2.2 (2017)

§ 12:41-2.2 Application for initial approval of a private career school

(a) Any private career school that seeks to apply for a Certificate of Approval under *N.J.S.A. 34:15C-10.1* shall make a written Application for Initial Approval of a Private Career School to the Department of Labor and Workforce Development.

1. The Application for Initial Approval of a Private Career School shall have two components: one component pertaining to facilities, business operations, and financial aspects of the applicant private career school, which shall be reviewed and evaluated by the Training Evaluation Unit, and the other component pertaining to program and course curricula and administrator and instructor credentials, which shall be reviewed and evaluated by the Department of Education.

(b) The information and documents to be submitted for review and evaluation by the Training Evaluation Unit shall include the following:

1. A completed application form provided by the Department of Labor and Workforce Development;
2. A signed and notarized Statement of Assurances, which attests to the accuracy and truthfulness of the representations made in the Application for Initial Approval of a Private Career School;
3. An organizational chart outlining the school's ownership hierarchy;
4. Proof of a designated business account separate from the owner's or owners' personal financial account(s) or the account(s) of any other business(es);
5. An initial tuition performance bond in the amount of \$ 20,000 payable to the Commissioner of the Department of Labor and Workforce Development. The tuition performance bond shall include the following information:
 - i. School name;
 - ii. Physical address of the school;
 - iii. Bond number;
 - iv. Amount of bond;
 - v. Issue and expiration dates;
 - vi. Bond company address and phone number; and

vii. Within the bond agreement between the school and the bond issuer, a requirement that the bond issuer shall notify the Training Evaluation Unit in the event that the bond terminates for any reason.

6. Proof of authority to conduct business in New Jersey, which shall consist of the following:

i. For a corporation formed within New Jersey, a Certificate of Incorporation or Good Standing Certificate and a Business Registration Certificate, both issued by the New Jersey Division of Revenue;

ii. For a corporation formed outside of New Jersey, a Certificate of Authority and a Business Registration Certificate, both issued by the New Jersey Division of Revenue;

iii. For a sole proprietorship or partnership, proof of registration with the local county clerk and a Business Registration Certificate issued by the New Jersey Division of Revenue;

7. Proof of liability insurance;

8. Proof of workers' compensation insurance;

9. Proof of compliance with the Uniform Construction Code for fire, health, and occupancy, as appropriate;

10. If the facility is leased or rented, a copy of a signed lease or rental agreement for a period of no less than one year;

11. If the facility is owned, proof of ownership;

12. A copy of the facility floor plan, indicating, at a minimum, the location of the following:

i. Fire exits;

ii. Classrooms/labs;

iii. Restrooms; and

iv. File cabinets containing student records;

13. School catalog including, at a minimum, the following:

i. Names of school administrators with contact information;

ii. School calendar and class schedules;

iii. Requirements for admission;

iv. Attendance requirements;

v. Requirements for leave of absence;

vi. Policy for make-up work;

vii. Students' code of conduct;

viii. Conditions for dismissal and re-entry policy;

ix. Complaint resolution procedure;

x. Withdrawal from school policy;

xi. Refund policy;

xii. Policy for maintenance of student records, including transcripts;

xiii. Tuition and fees charged;

xiv. Grants, loans, and scholarships;

xv. Accreditation information, if applicable;

xvi. Facility information;

xvii. Explanation of grading system;

- xviii. List of programs and program descriptions;
 - xix. Student and instructor evaluation policy;
 - xx. Policy on credit for previous training;
 - xxi. Policy on probation for below average grades; and
 - xxii. Credit disclaimer statement;
14. Student contract, which includes, at a minimum, the following information:
- i. Student's name and contact information;
 - ii. Program title exactly as it appears on State-approval documents;
 - iii. Program starting and ending dates;
 - iv. Charges for administration fee, tuition, books, materials, tools, supplies, certification/licensure examinations, and total program costs;
 - v. Payments made by the student or on behalf of the student, including balance due and payment plan, if applicable;
 - vi. Refund policy;
 - vii. Right to cancel policy;
 - viii. Complaint resolution policy; and
 - ix. Signature and date lines for school representative and student;
15. Student transcript, which includes, at a minimum, the following information:
- i. Student's name and Social Security number or other student identifier;
 - ii. Program title exactly as it appears on State-approval documents;
 - iii. Program starting and ending dates;
 - iv. Course titles within the program;
 - v. Grades and hours for each course; and
 - vi. Total completed hours and final grade for the program;
16. Record retention plan;
17. A copy of the school advertising materials; and
18. Proof of appropriate school entry standards.

(c) Requirements for the component reviewed and evaluated by the Department of Education shall be governed by N.J.A.C. 6A:19-7.

(d) Each applicant private career school shall pay an initial, non-refundable, application fee of \$ 1,150, payable to the State Treasurer.

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N.J.A.C. 12:41-2.3 (2017)

§ 12:41-2.3 Pre-approval facilities inspection

(a) For each private career school, with the exception of those private career schools that offer instruction solely through correspondence, Internet, or other distance learning, the Training Evaluation Unit and the Department of Education shall, prior to the issuance of a Certificate of Approval, conduct a site visit(s) to the school's facility to verify the following:

1. That the facility is clean, well-maintained, and provides good lighting and ventilation;
2. That the school has arranged classrooms, equipment, and demonstration areas within the facility to enhance instruction, provide sufficient storage, use prescribed containers for hazardous materials, and provide for safe and orderly classroom management for the type of educational programs offered;
3. That the school maintains appropriate signage at the facility using the school name, which is listed on the Application for Initial Approval of a Private Career School and on all business registration documents filed with the New Jersey Division of Revenue;
4. That the facility complies with all State and municipal health, fire, and construction codes; and
5. That the facility meets the criteria set forth at *N.J.A.C. 6A:19-7.4*.

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N.J.A.C. 12:41-2.4 (2017)

§ 12:41-2.4 Application for Renewal of Certificate of Approval for private career schools

(a) Any private career school that seeks to apply for renewal of a Certificate of Approval shall make a written Application for Renewal of a Private Career School Certificate of Approval.

1. The Application for Renewal of a Private Career School Certificate of Approval shall have two components as described in *N.J.A.C. 12:41-2.2(a)1*.

(b) A completed Application for Renewal of a Private Career School Certificate of Approval, including all information and documents required thereunder, shall be submitted by the approved private career school to the Training Evaluation Unit not less than 90 calendar days prior to expiration of the existing Certificate of Approval.

(c) The approved private career school applying to renew its Certificate of Approval shall pay a non-refundable renewal application fee of \$ 900.00, payable to the State Treasurer.

(d) The information and documents to be submitted by the private career school for review and evaluation by the Training Evaluation Unit for renewal of a Certificate of Approval shall include the following:

1. A completed application form provided by the Department of Labor and Workforce Development;
2. A signed and notarized Statement of Assurances, which attests to the accuracy and truthfulness of the representations made in the Application for Renewal of a Private Career School Certificate of Approval;
3. The following financial documents to support tuition income and financial soundness of the school, which shall be no more than 12 months old:
 - i. Financial statement audited by an independent certified public accountant (if the New Jersey school is part of a larger organization, then the audited financial statement shall include a statement detailing tuition income for the New Jersey school location(s));
 - ii. Financial statement compiled or reviewed by an independent certified public accountant (if the New Jersey school is part of a larger organization, then the compiled or reviewed financial statement shall include a statement detailing tuition income for the New Jersey school location(s));
 - iii. For sole proprietors, a signed copy of Form 1040, U.S. individual income tax return and Schedule C(s);
 - iv. For partnerships, a signed copy of the complete Form 1065, U.S. Return of Partnership Income, including all schedules;

v. For S Corporations, a signed copy of the complete Form 1120S, U.S. income tax return for an S Corporation, including all schedules; or

vi. For corporations, a signed copy of the complete Form 1120, U.S. corporation income tax return, including all schedules;

4. Current tuition performance bond, which includes the information set forth at *N.J.A.C. 12:41-2.2(a)5i* through *vii*, payable to the Commissioner of the Department of Labor and Workforce Development in the amount of \$ 20,000 or five percent of the average gross tuition income for the past three years, whichever is greater;

5. Proof of continued liability insurance and workers' compensation insurance;

6. Current fire inspection certificate;

7. Current health inspection certificate, if appropriate;

8. Verification that the school complied with the annual reporting requirement, contained within *N.J.A.C. 12:41-3.2*, for the immediately preceding fiscal year; and

9. Modifications to any documentation provided as part of the Application for Initial Approval of a Private Career School.

(e) Requirements for the component reviewed and evaluated by the Department of Education shall be governed by *N.J.A.C. 6A:19-7*.

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N.J.A.C. 12:41-2.5 (2017)

§ 12:41-2.5 Application for renewal of Certificate of Approval for private career school submitted after expiration of the existing Certificate of Approval

(a) A private career school that submits its application for renewal of its existing Certificate of Approval after the expiration of its existing Certificate of Approval shall be required to pay the \$ 1,150 non-refundable application fee for initial application set forth at *N.J.A.C. 12:41-2.2(d)*, but shall be required to submit the information and documentation for renewal of a Certificate of Approval, which is set forth at *N.J.A.C. 12:41-2.4(d)* and (e).

(b) In the event that the private career school applying for a Certificate of Approval under (a) above ultimately receives a Certificate of Approval, it shall reissue credentials following its receipt of the Certificate of Approval to each student who completed a program and was issued a credential during the period between expiration of the private career school's prior Certificate of Approval and the renewal of its Certificate of Approval.

(c) The prohibition against enrollment of new students contained within *N.J.A.C. 12:41-2.1(d)* continues for the private career school that is applying for a Certificate of Approval under (a) above, until its Certificate of Approval is renewed.

(d) A private career school that fails to submit an application for renewal within 30 days after the expiration of its existing Certificate of Approval shall be considered closed, shall immediately adhere to the school closure procedures set forth at *N.J.A.C. 12:41-4.7*, and shall be prohibited from operating until it has been issued a Certificate of Approval under (a) above.

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N.J.A.C. 12:41-2.6 (2017)

§ 12:41-2.6 Application for approval of changes for private career schools

(a) Each private career school shall submit to either the Training Evaluation Unit or the Department of Education, as appropriate, those documents required for changes not less than 60 calendar days prior to the effective date of any of the following changes:

1. Change in ownership;
2. Change in school name;
3. Change in corporate location;
4. Change in training location;
5. Change in facility;
6. Change in staff;
7. Change in program(s), program(s) titles, program description, and/or CIP code;
8. Change in tuition;
9. Change in fee; or
10. Addition of a new school location or a satellite classroom.

(b) All approved changes in tuition or fees for already approved programs shall not be applied by the private career school until the next program cycle; students under contract are not subject to fee or tuition changes.

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N.J.A.C. 12:41-3.1 (2017)

§ 12:41-3.1 Recordkeeping

(a) Each private career school shall maintain a permanent student record for each student enrolled, which shall include the following information with regard to each student:

1. Name and complete contact information;
2. Social Security number or, if the student does not have a Social Security number, an alternative identification code;
3. Gender;
4. Date of birth;
5. Date of enrollment;
6. Program information, including, but not limited to, program title exactly as it appears on State-approval documents, program starting and ending dates, and course titles within the program;
7. Payment information;
8. Date of completion/termination/withdrawal;
9. Grades and hours for each course;
10. Total completed hours and final grade for the program;
11. Date of start in a job, if applicable;
12. Date of application for a license/certification, if applicable;
13. Date of license/certification examination, if applicable;
14. Result of license/certification examination, if applicable;
15. Date of issuance of license/certification, if applicable;
16. Credential issued; and
17. School and Program Information Form (See *N.J.A.C. 12:41-4.3*) signed by school representative and student.

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N.J.A.C. 12:41-3.2 (2017)

§ 12:41-3.2 Reporting requirements

(a) Each private career school shall submit an annual report to the Training Evaluation Unit, which shall include the following:

1. Each permanent student record maintained pursuant to *N.J.A.C. 12:41-3.1(a)*;
2. An electronic copy of each graduate's transcript; and
3. Any additional information requested by the Department of Labor and Workforce Development.

(b) The annual report referred to in (a) above shall be for the period of July 1 through June 30 of the preceding year.

(c) The annual report referred to in (a) above shall be submitted by each private career school no later than 30 calendar days after the close of the reporting period, using the annual reporting form made available by the Department of Labor and Workforce Development.

(d) Each private career school may be required by the Training Evaluation Unit to submit additional reports on a more frequent basis.

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N.J.A.C. 12:41-4.1 (2017)

§ 12:41-4.1 Refund policy

(a) Regarding each student who withdraws from or is terminated by a private career school, the private training school shall adhere to the following refund policy:

1. The school may retain all or part of the registration fee;
2. The school may require that the student retain all books, equipment, and tools purchased from the school and issued to the student. The school may refund a portion of the monies paid if the books, equipment, and tools are in proper condition for resale;
3. For courses of 300 hours or less, the school may retain the registration fee plus a pro-rata portion of the tuition calculated on a weekly basis;
4. For full-time attendance in courses exceeding 300 hours in length, but not exceeding 1,200 hours, the school may retain the registration fee plus:
 - i. Ten percent of the total tuition, if withdrawal occurs in the first week;
 - ii. Twenty percent of the total tuition, if withdrawal occurs in the second or third week;
 - iii. Forty-five percent of the total tuition, if withdrawal occurs after the third week, but prior to the completion of 25 percent of the course; and
 - iv. Seventy percent of the total tuition, if withdrawal occurs after 25 percent, but not more than 50 percent of the course;
5. For part-time attendance in courses over 300 hours in length, calculation of the amount the school may retain in addition to the registration fee shall be:
 - i. Ten percent of the total tuition, if withdrawal occurs in the first 25 hours of scheduled attendance;
 - ii. Twenty percent of the total tuition, if withdrawal occurs between 26 and 75 hours of scheduled attendance; or
 - iii. Calculated on the same basis as for full-time attendance pursuant to (a)4iii through iv above after 75 hours of scheduled attendance;
6. In cases where other fees have been charged, the refund shall be based upon the extent to which the student has benefited. For example, the graduation fee shall be refunded; the activity fee shall be pro-rated;

7. Refunds shall be made payable to the student or any local, state, or Federal agency that paid tuition or paid for fees, books, materials, or supplies on behalf of the student;

8. Refunds shall be issued by check within 10 business days of the date of withdrawal or termination of the student;

9. Each refund shall be accompanied by a "Refund Calculation Form," which form shall be signed by a school representative (the form will be made available by the Department of Labor and Workforce Development); and

10. The refund policy shall be published in the school catalog, student contract, and School and Program Information Form (See *N.J.A.C. 12:41-4.3*).

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N.J.A.C. 12:41-4.2 (2017)

§ 12:41-4.2 Complaint resolution procedure

(a) Each private career school shall have a student complaint resolution procedure, which shall include, at a minimum:

1. A method for students to file a complaint;
2. A staff person designated as responsible for overseeing complaints;
3. A set length of time permitted for the school to respond to complaint; and
4. A method for students to file an appeal.

(b) Each complaint filed by a student shall be documented in writing by the school and retained in the student's file.

(c) Each private career school shall publish its complaint resolution procedure in the school catalog and in the School and Program Information Form (See *N.J.A.C. 12:41-4.3*).

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N.J.A.C. 12:41-4.3 (2017)

§ 12:41-4.3 School and Program Information Form

(a) Each private career school shall provide to each prospective student, prior to his or her enrollment, a School and Program Information Form, which shall include, at a minimum:

1. Name of the private career school and titles of approved program(s);
 2. Starting and ending dates of each program;
 3. School's complaint resolution procedure;
 4. School's tuition, fees, and refund policy;
 5. Listing of certificates, licenses, and other professional credentials available upon completion of each program;
- and
6. A statement informing prospective students that the school's post-training placement information is available at www.njtopps.com.

(b) The School and Program Information Form shall be signed and dated by a representative of the private career school.

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N.J.A.C. 12:41-4.4 (2017)

§ 12:41-4.4 Deceptive marketing and recruiting practices prohibited

(a) A private career school shall not make any false or untrue statement in an effort to enroll students, whether that statement is made verbally, in a written advertisement, in an internet advertisement, or in any other media.

(b) All statements made by private career school staff to students regarding licensure, certifications, job placement, salaries to be earned upon completion of training, or any other promise from the school to a student, shall be made in writing.

(c) Each private career school is expressly prohibited from making any false or untrue statement regarding the school's State approval status.

(d) Each private career school is prohibited from including the following words within its business name: "college," "university," "State," or "New Jersey."

(e) Each private career school is prohibited from issuing "diplomas" pursuant to *N.J.S.A. 18A:68-3(a)*.

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CHAPTER 41. PRIVATE CAREER SCHOOLS
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N.J.A.C. 12:41-4.5 (2017)

§ 12:41-4.5 Continuing compliance obligation

Each private career school shall be under a continuing obligation between certificate renewal cycles to ensure compliance with the requirements of *N.J.S.A. 34:15C-10.1*, this chapter, and *N.J.A.C. 6A:19-7*.

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N.J.A.C. 12:41-4.6 (2017)

§ 12:41-4.6 Monitoring and inspection

Each private career school shall be open for monitoring and inspection by any officer, representative, or agent of the Department of Labor and Workforce Development or the Department of Education, for the purpose of ensuring compliance with *N.J.S.A. 34:15C-10.1*, *N.J.A.C. 6A:19-7*, and this chapter.

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N.J.A.C. 12:41-4.7 (2017)

§ 12:41-4.7 School closure

(a) At least 60 calendar days prior to closure of the school or the cessation of instructional activity at the school, the school owner shall submit to the Training Evaluation Unit a completed Close-Out Form made available by the Department of Labor and Workforce Development.

(b) The Close-Out Form referred to in (a) above, shall include the closing school owner's plan to protect the educational and financial interests of students enrolled at the school.

1. For example, regarding protection of the educational interest of students, the closing school owner may submit a teach-out plan, which details how the closing school owner will ensure the completion of the educational programs of enrollees, whether by completion of the program(s) by the closing school following official closure of the school or by finding another private career school(s) to accept the enrollees as students for the purpose of completing the program(s) for which they were enrolled at the closing school.

(c) The closing school owner shall submit to the Training Evaluation Unit with the Close-Out Form, an electronic version of each enrolled student's transcript.

(d) The closing school owner shall complete a Refund Calculation Form for each enrolled student affected by the school closure.

(e) The closing school owner shall provide a completed Refund Calculation Form, signed and dated by a school representative, to the Training Evaluation Unit and to each student affected by the school closure.

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N.J.A.C. 12:41-5.1 (2017)

§ 12:41-5.1 Penalties

(a) A Certificate of Approval may be suspended, revoked, or made conditional, if it is determined that the approved private career school has violated any of the provisions of *N.J.S.A. 34:15C-10.1*, this chapter, or N.J.A.C. 6A:19-7, or is found to be financially unsound.

(b) In assessing a suspension, revocation, or placement of conditions upon the continued possession of a Certificate of Approval under this chapter, the Commissioners of the Department of Labor and Workforce Development and the Department of Education, shall consider the following factors, where applicable:

1. The seriousness of the violation;
2. The past history of previous violations by the private career school or by the owner of the private career school;
3. The good faith of the private career school; and
4. Any other factors which the Commissioners of the Department of Labor and Workforce Development and the Department of Education deem to be appropriate under the circumstances.

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N.J.A.C. 12:41-5.2 (2017)

§ 12:41-5.2 Commissioners' order to show cause

(a) Where the Commissioners of the Departments of Labor and Workforce Development and Education become aware of any violation(s) of any of the provisions of *N.J.S.A. 34:15C-10.1*, this chapter, or *N.J.A.C. 6A:19-7*, or that the private career school is financially unsound, which, if true, would entitle the Commissioners to revoke, suspend, or place condition(s) on the continued possession of a Certificate of Approval, the Commissioners may accord the private career school an opportunity to present its views preliminary to imposing such sanction by issuing an order directing the private career school to show cause why such sanction should not be imposed. A statement of the factual details and investigative findings supporting the charge shall accompany the order. This procedure shall not be in lieu of a contested case hearing under *N.J.A.C. 12:41-5.3*, and the right to a contested case hearing is independent of, and in addition to, this step.

(b) Where it is determined by the Commissioners that the private career school and its owner(s) have failed to show cause why the sanction sought by the Commissioners should not be imposed, such sanction shall immediately be imposed.

(c) Where a sanction is imposed immediately under (b) above based upon the private career school's failure to show cause why the sanction should not be imposed, the Commissioners shall, within five business days, issue to the private career school the written notice required under *N.J.A.C. 12:41-5.3(a)*, which shall notify the private career school of the reasons for the suspension, revocation, or placement of conditions on continued approval and which shall provide the opportunity for a hearing, in accordance with the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and *52:14F-1* et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

(d) Where the Certificate of Approval of a private career school is revoked or suspended immediately under (b) above based upon the private career school's failure to show cause why such sanction should not be imposed, the private career school shall, within 10 business days, surrender its Certificate of Approval by way of certified mail to the address listed at *N.J.A.C. 12:41-5.3(b)1*.

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N.J.A.C. 12:41-5.3 (2017)

§ 12:41-5.3 Contested case hearings

(a) Whenever the Department of Labor and Workforce Development and the Department of Education shall jointly find cause to suspend or revoke a Certificate of Approval or to place condition(s) upon continued approval of a private career school, they shall notify the private career school of the reasons for the suspension, revocation, or placement of conditions on continued approval, in writing, and provide the opportunity for a hearing in accordance with the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and *52:14F-1* et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

(b) All requests for hearings shall be filed with the Training Evaluation Unit within 10 business days from the date of receipt of the notice.

1. All requests for hearings shall be in writing and shall be directed to the following address:

NJ Department of Labor and Workforce Development
Center for Occupational Employment Information
Training Evaluation Unit
PO Box 057
Trenton, NJ 08625-0057

OR

NJ Department of Labor and Workforce Development
Center for Occupational Employment Information
Training Evaluation Unit
John Fitch Way, 5th Floor
Trenton, NJ 08625

(c) In the absence of a timely request for a hearing, pursuant to (b) above, the joint determination of the Commissioners of the Department of Labor and Workforce Development and the Department of Education under *N.J.A.C. 12:41-5.2(b)* shall be deemed the final administrative action in the given matter.

(d) Where the Commissioners of the Department of Labor and Workforce Development and the Department of Education have notified a private career school that it has found cause to suspend or revoke its Certificate of Approval and where, further, the private career school has failed to request a hearing within the 10-business day time limit pre-

scribed in (b) above, the private career school shall, within 20 business days of having received notice of the suspension or revocation, surrender its Certificate of Approval by way of certified mail to the address listed in (b)1 above.

(e) Where a hearing with regard to a suspension or revocation of a Certificate of Approval is requested and where, further, the Commissioners of the Department of Labor and Workforce Development and the Department of Education ultimately determine, following a hearing, that cause has been established to suspend or revoke the Certificate of Approval, the private career school shall, within 10 business days of receipt of the joint final order of the Commissioners of the Department of Labor and Workforce Development and the Department of Education, surrender the Certificate of Approval by way of certified mail to the address listed at (b)1 above.

(f) All requests for hearings shall be reviewed by the Training Evaluation Unit and the Department of Education in order to determine whether the dispute can be resolved at an informal settlement conference. If the review indicates that an informal settlement conference is warranted, such conference shall be scheduled. If a settlement cannot be reached, the case shall be forwarded to the Office of Administrative Law for a formal hearing.

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SUBCHAPTER 7. CAREER AND TECHNICAL TRAINING PROVIDERS

6A:19-7.1 Purpose and authority

These rules define the programmatic requirements for career and technical training providers to participate in the workforce development system, in accordance with N.J.S.A. 6A:69-1 et seq., P.L. 1981, c. 531 (N.J.S.A. 44:12-2), P.L. 1992, c. 43 (N.J.S.A. 34:15D-1 et seq.), and P.L. 101-392, section 113(b)14.

6A:19-7.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Advisory board” means a group consisting of three or more experts, selected by the school, proficient in the subject area of the curriculum to be taught, whose responsibility is to evaluate the curriculum for reliability and validity and make recommendations for revisions if necessary.

"Career and technical training provider" means a qualifying school as defined by P.L. 2005, c. 354.

“Certificate of approval” means the document that provides evidence of the school’s registration and permit to operate issued by the Commissioners of the Departments of Education and Labor

and Workforce Development, as prescribed in N.J.S.A. 18A:69-2 and more fully delineated in this subchapter.

“Commissioner” means the Commissioner of the Department of Education.

“Course” means an organization of subject matter and related learning experiences designed to meet an occupational objective offered for the instruction of students on a systematic basis.

“Director” means the director of the career and technical training provider who is on site during the hours of operation and who is responsible for the total administration of only one school site.

“Externship” means a period of supervised practical training which is part of an approved program but offered at a site other than the approved private vocational school.

“Instructional hour” means 60 minutes of class lecture, recitation, faculty supervised laboratory, shop training, internship, or externship. It also means 60 minutes of preparation in a correspondence course as defined by Section 600.2, Higher Education Act of 1965 as amended; 20 U.S.C. §§124-129; and 26 U.S.C. §501C.

“Instructional program” means the planned sequence of courses, services, or activities designed to meet educational and employment objectives.

“Internship” means a period of supervised practical training which is part of an approved program but offered within the career and technical training school.

6A:19-7.3 Application for instructional program approval

(a) Pursuant to P.L. 2004, c. 39, the Department of Education is responsible for approving the following components of a career and technical training provider:

1. Curriculum; and
2. Personnel credentialing:
 - i. Professional credentialing; and
 - ii. Criminal history review.

(b) To be approved, a career and technical training provider must, at a minimum, provide evidence of the following in the application submitted for instructional program approval in a format approved by the Department of Education:

1. A program of instruction that is based on specific occupational objectives and competencies, aligned with the professional skill standards industry certifications, or other nationally recognized curriculum sources. Absent a professional skill standard

or industry certification, the career and technical training provider must establish an advisory board to evaluate each curriculum for reliability and validity.

2. A course of study comprising:
 - i. The major elements of instruction;
 - ii. The number of instructional hours;
 - iii. A description of the method of instruction;
 - iv. A delineation of the educational space;
 - v. A list of equipment, tools, and text materials which shall be aligned to the competencies and skills that will be taught; and
 - vi. Assessment instruments to measure student and instructor performance in accordance with State, national, or industry standards including, where applicable, the National or State license or certification examination.
3. Owner'(s) and director'(s) resumes and letters of reference.

4. Criminal history reports for the career and technical training school owner(s) and directors and other staff as required by the Commissioner in accordance with N.J.S.A. 18A:6-7.2a. The Commissioner of Education shall deny approval if the required criminal history reports are not provided and/or if it has been determined that school personnel have disqualifying offenses pursuant to N.J.S.A. 18A:6-7.1.

5. A school district bulletin that includes:

i. A list of school administrators names and titles;

ii. A conflict resolution policy;

iii. An explanation of grading system;

iv. A policy on handling and availability of student records;

v. A program descriptions; and

vi. A student and instructor evaluation policies.

(c) The annual application for renewal of a certificate of approval to operate a private career and technical school or correspondence school shall include documentation current as of

the time of application of any modifications to the documentation provided in the original application for institutional approval, in accordance with (b) above.

6A:19-7.4 Application for facilities approval

Career and technical training providers shall, prior to the issuance of a certificate of approval, obtain verification by the New Jersey Departments of Education and Labor and Workforce Development that the facilities and instructional equipment identified in the application for instructional program approval are available and appropriate for each instructional program seeking approval.

6A:19-7.5 Operations

- (a) A career and technical training provider shall ensure that education and training programs are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified in the approved program application according to N.J.A.C. 6A:19-7.3.

- (b) A career and technical training provider shall ensure the quality of education and training facilities through the use of nationally recognized standards of operation approved by one of the national accrediting agencies recognized by the U.S. Secretary of Education.

(c) A career and technical training provider shall assure the Department of Education of the quality of education in the following areas:

1. Curricula;
2. Grading policies;
3. Program length in clock hours or credit hours (if accredited), the subject matters taught, and the objectives of the certificates or credentials offered;
4. Success with respect to student achievement in relation to mission, including, as appropriate, consideration of course completion, state licensing examination and job placement rates; and
5. Personnel:
 - i. The career and technical training school director shall have completed six years of academic, military, and/or job-related experience beyond high school graduation that includes a minimum of two years of practical experience in a supervisory, administrative, or teaching position;
 - ii. Faculty of the private career and technical training school must meet the following qualifications:

- (1) Possession of a certificate of proof of successful completion of a Content and Methods course offered through an accredited college; and
- (2) Competency in the subject(s) to be taught as demonstrated by possession of one of the following:
 - (A) An appropriate instructional certificate issued by the State Board of Examiners, or a comparable teaching certificate issued by a recognized certifying authority in another state with which the State Board of Examiners has reciprocity or an industry certification in the subject to be taught;
 - (B) An industry certification in the subject to be taught;
 - (C) A baccalaureate degree from a recognized institution with a major or specialization in the subject area to be taught;
 - (D) Evidence of attainment of a journeyperson's status by possessing a certificate of completion of apprenticeship training in the subject to be taught, with at least two years of job experience;
 - (E) Evidence of attainment of a passing score on the written portion of the appropriate National Occupational Competency Testing Institute's

(NOCTI) Examination and two years of documented full-time employment in the trade area;

(F) Evidence of attainment of a passing score on the National Teacher Examination in the appropriate subject area and two years of documented full-time employment in the trade area. A passing score shall be the minimum passing score required by the Department of Education for the issuance of instructional certification in the appropriate subject teaching field;

(G) A certificate of completion from an approved school, or hold the appropriate license in the occupational area to be taught, and a minimum of two years full-time employment in the occupation following the training time;

(H) An associate's degree from an accredited college, with a major or specialization in the subject area to be taught, and a minimum of two years of documented full-time employment in the trade area following training time; or

(I) A high school diploma or its equivalent and a minimum of four years of documented full-time employment in the skilled trade, technical, business or service occupation to be taught.

6A:19-7.6 Monitoring and site visits

Each approved private vocational school shall be monitored by the Department of Education a minimum of once every two years, or according to a schedule established by the Commissioner. Monitoring outcomes shall be to recommend to the Commissioners of the Departments of Education and Labor and Workforce Development regarding the continuation or suspension of the Certificate of Approval held by the private training provider for the institution or its program.