

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from the May 3, 2017, meeting of the State Board of Education when the draft regulations were considered at First Discussion Level.

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|-----------------------|-----------------------------------|----------------------|----------------------------|
| Topic: | Private Career Schools | Meeting Date: | June 7, 2017 |
| Code Citation: | N.J.A.C. 6A:19-7 | Level: | Second Discussion |
| Division: | Division of Teaching and Learning | Completed by: | Office of Career Readiness |

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board of Education members and the Department's responses. Each commenter is identified at the end of the comment by a letter that corresponds to the following list:

- A. Mark Biedron, President
State Board of Education
 - B. Dr. Ronald Butcher, Member
State Board of Education
 - C. Andrew Mulvihill, Member
State Board of Education
- 1. COMMENT:** The commenter asked if there are any standards for private career schools.
(A)

RESPONSE: Yes. All schools must also meet the standards set by the Department of Labor and Workforce Development (DLWD) at N.J.A.C. 12:41. The regulations provide standards for facilities at N.J.A.C. 12:41-2.3, recordkeeping and reporting at N.J.A.C. 12:41-3, operations at N.J.A.C. 12:41-4, marketing and recruitment at N.J.A.C. 12:41-4.4, and business licenses, insurance and tuition bonds at N.J.A.C. 12:41-2.2.

The Department of Education's (Department) Administrative Code sets standards for curriculum and personnel and professional credentialing. N.J.A.C. 6A:19-7.5(c)5i requires school directors to 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. N.J.A.C. 6A:19-7.5(c)5ii sets instructor standards, which require instructors to have obtained a high school diploma or General Educational Development (GED); completed a curriculum and instruction course offered through an accredited college; and demonstrated competency in the subject to be taught.

N.J.A.C. 6A:19-7.3(b)1 requires that all instructional programs be based on specific occupational objectives and competencies, and be aligned to nationally recognized industry skill standards, certifications, or other nationally recognized

curriculum sources. Where no such skill standards or certifications exist, the private career school must establish an advisory board to evaluate each curriculum for reliability and validity. For instance, schools that offer programs such as medical billing and coding typically align their curriculum to the standards of either the American Academy of Professional Coders, the American Health Information Management Association or the National Healthcare Association. Sample standards in medical billing and coding include being able to:

- Identify appropriate documentation required for release of patient information;
- Audit billing against medical documentation to prevent fraud and abuse;
- Interpret remittance advice to determine financial responsibility of patient and insurance company; and
- Abstract the medical documentation by applying knowledge of medical terminology and anatomy and physiology.

Schools providing programs in industries without national standards, such as dog grooming or yoga teacher training, are required to put together an advisory board of industry professionals to review the curriculum to insure the curriculum is of sufficient breadth and depth to appropriately prepare students for the workplace. Furthermore, there are a small number of programs such as Certified Nurse Aide and Home Health that require additional State approval from the New Jersey Department of Health and the New Jersey Board of Nursing, respectively.

2. **COMMENT:** The commenter stated that the Department used to oversee all components of private career school approval and operations until workforce-training programs were reconsolidated under the DLWD. The commenter also said Department regulations were greatly reduced as a result. **(B)**

RESPONSE: The commenter is correct. Prior to 2004, the Department was solely responsible for approving and monitoring private career schools. In April 2004, workforce-training programs managed by the Department and the Department of Human Services were consolidated under DLWD. Part of the restructuring included transitioning the management of private career schools. A memorandum of understanding was developed between the Department and DLWD, whereby the Department agreed to continue to review and approve curricula and the qualifications of administrative and instructional staff. All other components of the application and approval process were transferred to DLWD. In January 2006, N.J.S.A. 34:15C-10.1 formalized the collaboration of Department DOE and DLWD in approving private career schools. N.J.S.A. 34:15C-10.1 defines the current roles of both departments as follows:

| Department of Education’s Role | Department of Labor and Workforce Development’s Role |
|--|--|
| <p>The Department is responsible for approving and monitoring the programmatic components of private career school applications, including:</p> <ul style="list-style-type: none"> • Reviewing and approving program and course curricula; • Conducting site visits, with DLWD as appropriate, to insure adequate instructional supplies, equipment and textbooks; and • Approving credentials of administrative and instructional staff. | <p>DLWD is responsible for approving and managing the administrative components of private career school applications and operations, including:</p> <ul style="list-style-type: none"> • Insuring maintenance of school records/student transcripts; • Collecting application fees; • Conducting joint site visits, with the Department as appropriate, to insure facilities comply with OSHA standards; • Insuring schools maintain appropriate insurance, business, and financial records; • Investigating student complaints; and • Collecting performance data. |

3. **COMMENT:** The commenter asked why private companies are being regulated by the State under the private career school rules. (C)

RESPONSE: The licensing of private career schools in New Jersey is governed entirely by N.J.S.A. 34:15C-10.1. Currently there are more than 300 private career schools in New Jersey, with new schools opening and current schools closing on a monthly basis. The majority of the schools is unaccredited. It is to the benefit of the students, schools, and potential employers that private career schools are regulated and held accountable to sound educational and business standards. The Department receives calls on a daily basis from students looking for transcripts and refunds because their private career school has abruptly closed. The Department’s evaluation of private career schools from the perspective of curricula, staff qualifications, adequacy of facilities, and ongoing oversight is essential. In addition, DLWD’s amended regulations are designed to prevent the misuse of both private and public funds on educationally and operationally unsound programs.

Furthermore, to be eligible for student financial assistance programs authorized under Title IV of the Higher Education Act of 1965 (HEA), 20 U.S.C. §§ 1001 et seq., a private career school must meet HEA standards, which require a private career school to provide at least a one-year program of training to prepare students for gainful employment in a recognized occupation and to be legally authorized within any state to provide a program of education beyond secondary education. Eligible private career schools must meet United States Department of Education standards regarding debt-to-earnings ratios and loan default rates to continue to be eligible for Title IV student financial assistance programs.

The HEA also requires a private career school to be accredited by a nationally recognized accrediting agency or association or, if not accredited, be granted pre-accreditation status by an agency or association that has been recognized by the United States Department of Education for the granting of pre-accreditation status. Accrediting agencies require private career schools to have state approval to operate.

4. **COMMENT:** The commenter asked what the current fees are for private career schools. (C)

RESPONSE: Fees are set by DLWD's Administrative Code at N.J.A.C. 12:41-2.2(d) and 2.4(c). The initial application fee for a two-year approval is \$1,150. The renewal fee for a two-year approval is \$900. The fees have not increased since 1998. A 2011 survey of states across the United States revealed an average initial application fee of \$4,000.

5. **COMMENT:** The commenter asked why private career schools must apply for renewal every two years as opposed to every three years. (C)

RESPONSE: The renewal cycle previously was on an annual basis because N.J.S.A. 34:15C-10.1 contains annual reporting requirements. During DLWD's rulemaking process in 2016, DLWD agreed to switch to a biennial renewal period to lessen the administrative burden on the DOE and schools. For the Department's purposes, renewal serves as a vehicle for private career schools to update their program offerings. Changing the renewal cycle to every three years would need to be initiated through an amendment to DLWD's Administrative Code in Title 12. The proposed amendments to the Department's Administrative Code at N.J.A.C. 6A:19-7.7 are based on amendments that have already been adopted by DLWD at N.J.A.C. 12:41.

6. **COMMENT:** The commenters asked what has been done to reduce regulations for private career schools. (A, C)

RESPONSE: The Department's regulations were last amended based upon recommendations from the Education Transformation Task Force and the Department's comprehensive examination of the existing rules. The amendments, which were adopted in September 2013, reduced the regulatory burden on private career schools. Current Department regulations are minimal and outline the criteria for the Department's responsibilities under N.J.S.A. 34:15C-10.1. The current rulemaking will align the Department's private career schools with DLWD's rules to prevent conflicting regulations.

Most regulations governing private career schools are located within DLWD's Administrative Code. In December 2016, DLWD in consultation with the DOE, adopted new rules that effected the Department's rules at N.J.A.C. 6A:19-7, including the transition from an annual renewal process to a biannual renewal process and clarification that businesses offering workshops, seminars, and conferences that last no longer than three days do not have to become an approved private career school.

7. **COMMENT:** The commenter asked if all of the Department's regulations pertaining to private career schools are tied to DLWD regulations. (A)

RESPONSE: The Department's regulations are closely tied to DLWD's regulations and the authorizing statute at N.J.S.A. 34:15C-10.1. The regulations pertaining specifically to curriculum and personnel and professional credentialing are unique to the Department and fall solely under the Department's purview.

8. **COMMENT:** The commenter asked how private career schools are funded and whether the schools charge tuition. (A)

RESPONSE: All private career schools charge tuition. Private career schools offer postsecondary occupational training and retraining programs to the general public. The Department does not provide any student funding. The tuition may be paid by the student directly, Federal and private loans, grants, public funds that support workforce training such as vocational rehabilitation, the Department of Military and Veterans Affairs, and the Workforce Innovation and Opportunity Act, or a combination of these sources.



State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

Second Discussion
June 7, 2017

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

TO: Members, State Board of Education

FROM: Kimberley Harrington
Acting Commissioner

SUBJECT: N.J.A.C. 6A:19, Career and Technical Education Programs and Standards

**REASON
FOR ACTION:** Amendments

AUTHORIZATION: N.J.S.A. 18A:35-4.2 and 18A:59-5

SUNSET DATE: September 12, 2020

Summary

The Department of Education (Department) proposes amendments to Subchapter 7 of N.J.A.C. 6A:19, Career and Technical Education Programs and Standards. N.J.A.C. 6A:19-7, Private Career Schools, defines the programmatic requirements for private career schools. Qualifying private career schools are defined in N.J.S.A. 34:15C-10.1 and award certificates to students participating in the workforce development system pursuant to N.J.A.C. 12:41.

The Department proposes amendments to N.J.A.C. 6A:19-7 to align the subchapter with the Department of Labor and Workforce Development's (DLWD) private training provider rules at N.J.A.C. 12:41. The two Administrative Code chapters set forth the procedure for operating private career schools in New Jersey.

The proposed amendments to the first three sections of N.J.A.C. 6A:19-7 include: 1) inserting a reference to N.J.A.C. 12:41 in N.J.A.C. 6A:19-7.1, Purpose and authority; 2) clarifying the definition of "course" in N.J.A.C. 6A:19-7.2, Definitions; and 3) clarifying the rules at N.J.A.C. 6A:19-7.3, Application for Instructional Program Approval and Renewal. The proposed amendments comport with the DLWD's recently proposed rulemaking for N.J.A.C. 12:41, Private Training Providers, that fully implement P.L. 2005, c. 354 (codified in pertinent part at N.J.S.A. 34:15C-10.1) and published in the August 15, 2016, New Jersey Register (48 N.J.R. 1579(a)).

The following summarizes the proposed amendments:

Subchapter 7. Private Career Schools

N.J.A.C. 6A:19-7.1 Purpose and authority

This section states the chapter's purpose and authority to define the program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

The Department proposes an amendment to N.J.A.C. 6A:19-7.1 to delete the statutory references to "N.J.S.A. 6A:69-1 et seq., N.J.S.A. 44:12-2" and "P.L. 101-392, section 113(b)14" because the statutes have been repealed or amended to no longer apply to private career schools. The Department proposes to add a reference to N.J.A.C. 12:41 to demonstrate alignment and consistency of application of the rules to qualifying private career schools.

N.J.A.C. 6A:19-7.2 Definitions

This section provides definitions for words and terms used in the subchapter.

The Department proposes an amendment to N.J.A.C. 6A:19-7.2 to clarify the definition of "course" to including language that is consistent with N.J.A.C. 12:41. The Department proposes to add the following at the end of the current definition: "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." The proposed language is necessary to address repeated questions from program providers and participants regarding the requirements for instructional programs and to demonstrate alignment and consistency with applicable rules to qualifying private career schools.

N.J.A.C. 6A:19-7.3 Application for instructional program approval and renewal

This section provides the requirements for instructional program approval and renewal.

The Department proposes amendments to N.J.A.C. 6A:19-7.3 to align the rule with N.J.A.C. 12:41.

The Department proposes amendments to N.J.A.C. 6A:19-7.3(b)4, which delineates required school catalog items, to replace the list of school catalog items with "as prescribed by N.J.A.C. 12:41-2.2(b)13." N.J.A.C. 12:41-2.2(b)13 provides a more comprehensive list of school catalog information and the proposed amendments are necessary to align the rule with the list of school catalog information and policies contained in N.J.A.C. 12:41-2.2(b).

The Department proposes at N.J.A.C. 6A:19-7.3(c), which requires an annual application for renewal that includes modifications to the original application for institutional approval, to delete "annual" in reference to the application for renewal of a certificate of approval to operate a private career school or correspondence school. The proposed amendment is necessary because the application renewal process is no longer conducted on an annual basis, rather certificates of approval are now valid for two years. The Department also proposes to delete "include modifications to the original application for institution approval, in accordance with (b) above" as revisions are not processed at renewal and are instead a separate process. The Department also proposes to add a requirement that private career schools submit a renewal application not less than 90 calendar days prior to the expiration of the existing Certificate of Approval to comply with N.J.A.C. 12:41-2.4(b).

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The social impact of the proposed amendments on New Jersey's private career schools' diverse student population and on individuals who administer educational services in private career schools will be positive because the proposed amendments will ensure alignment with N.J.A.C. 12:41 and provide consistent rules related to the delivery of educational programs. The proposed amendments will also provide clarity to the approximately 300 qualifying private career schools that operate in New Jersey.

Economic Impact

The proposed amendments will have no economic impact on postsecondary private career schools or their students.

Federal Standards Statement

There is no Federal law that pertains to the licensing of private career schools.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments will alleviate a reporting requirement on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. N.J.A.C. 6A:19-7.3(c) currently requires private career schools to submit an annual renewal application. The proposed amendments will remove the requirement for the submission of an annual renewal application. Instead, per N.J.A.C. 12:41-2.1(c), a private career school's Certificate of Approval will be valid for two years and as a result, the requirement for annual renewal has been removed.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the average affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments govern program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan in New Jersey because the proposed amendments govern program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

**N.J.A.C. 6A:19, CAREER AND TECHNICAL EDUCATION PROGRAMS
AND STANDARDS**

TABLE OF CONTENTS

SUBCHAPTER 7. PRIVATE CAREER SCHOOLS

6A:19-7.1 Purpose and authority

6A:19-7.2 Definitions

6A:19-7.3 Application for instructional program approval and renewal

**CHAPTER 19. CAREER AND TECHNICAL EDUCATION PROGRAMS AND
STANDARDS**

SUBCHAPTER 7. PRIVATE CAREER SCHOOLS

6A:19-7.1 Purpose and authority

The rules in this subchapter define the programmatic requirements for private career schools, which are qualifying schools as defined in N.J.S.A. 34:15C-10.1, to award certificates to students to participate in the workforce development system, in accordance with [N.J.S.A. 6A:69-1 et seq., N.J.S.A. 44:12-2,] N.J.S.A. 34:15D-1 et seq.[,] and [P.L. 101-392, section 113(b)14] **N.J.A.C. 12:41**.

6A:19-7.2 Definitions

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

“Advisory board” means a group selected by the private career school consisting of three or more experts proficient in the subject area of the curriculum to be taught, whose responsibility

is to evaluate the curriculum for reliability and validity and to make recommendations for revisions, if necessary.

“Certificate of approval” means the document that provides evidence of the private career school’s approval to operate issued by the Commissioners of the Departments of Education and Labor and Workforce Development, as prescribed in N.J.S.A. 34:15C-10.1 and more fully delineated in this subchapter.

“Clock hour” means 50 to 60 minutes of class lecture, recitation, faculty supervised laboratory, shop training, clinical experience, and/or internship in a 60-minute period. It also means 60 minutes of preparation in a correspondence course or distance learning as defined by Section 600.2, Higher Education Act of 1965 as amended.

“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. **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.**

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

“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 that is part of an approved program and offered at a site other than the private career school and meets the following criteria:

1. The internship is of a fixed duration, established prior to the outset of the internship;
2. The internship experience is for the benefit of the student;
3. The employer that provides the training derives no immediate advantage from the activities of the student and on occasion its operations may actually be impeded;
and
4. The student does not displace regular employees of the internship site, but works under close supervision of existing staff.

“Private career school” is a privately owned postsecondary school that offers one or more occupational training programs and is a qualifying school as defined by P.L. 2005, c. 354.

6A:19-7.3 Application for instructional program approval and renewal

(a) Pursuant to N.J.S.A. 34:15C-10.1, the Department of Education is responsible for approving the following components of a private career school:

1. Curriculum; and
2. Personnel and professional credentialing.

(b) To be approved, a private career school shall provide evidence of the following in the application submitted for instructional program approval using forms provided in the Private Career School Manual:

1. An instructional program that is based on specific occupational objectives and competencies, and is aligned with nationally recognized industry skill standards or certifications, or other nationally recognized curriculum sources. Where no

such skill standards or certifications exist, the private career school shall 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 that 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. A school catalog [that includes:] **as prescribed by N.J.A.C. 12:41-2.2(b)13.**
 - [i. A list of school administrator 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 description; and
 - vi. A student and instructor evaluation policy.]
- (c) The [annual] application for renewal of a certificate of approval to operate a private career school or correspondence school shall [include modifications to the original application for institutional approval, in accordance with (b) above] **be submitted by the**

approved private career school not less than 90 calendar days prior to the expiration of the existing Certificate of Approval in accordance with N.J.A.C. 12:41-2.4.



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

**Second
Discussion
June 7,
2017**

Kimberley HARRINGTON
Commissioner

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

TO: Members, State Board of Education

FROM: Kimberley Harrington
Acting Commissioner

SUBJECT: N.J.A.C. 6A:19, Career and Technical Education Programs and Standards

**REASON
FOR ACTION:** Amendments

AUTHORIZATION: N.J.S.A. 18A:35-4.2 and 18A:59-5

SUNSET DATE: September 12, 2020

Summary

The Department of Education (Department) proposes amendments to Subchapter 7 of N.J.A.C. 6A:19, Career and Technical Education Programs and Standards. N.J.A.C. 6A:19-7, Private Career Schools, defines the programmatic requirements for private career schools. Qualifying private career schools are defined in N.J.S.A. 34:15C-10.1 and award certificates to students participating in the workforce development system pursuant to N.J.A.C. 12:41.

The Department proposes amendments to N.J.A.C. 6A:19-7 to align the subchapter with the Department of Labor and Workforce Development's (DLWD) private training provider rules at N.J.A.C. 12:41. The two Administrative Code chapters set forth the procedure for operating private career schools in New Jersey.

The proposed amendments to the first three sections of N.J.A.C. 6A:19-7 include: 1) inserting a reference to N.J.A.C. 12:41 in N.J.A.C. 6A:19-7.1, Purpose and authority; 2) clarifying the definition of "course" in N.J.A.C. 6A:19-7.2, Definitions; and 3) clarifying the rules at N.J.A.C. 6A:19-7.3, Application for Instructional Program Approval and Renewal. The proposed amendments comport with the DLWD's recently proposed rulemaking for N.J.A.C. 12:41, Private Training Providers, that fully implement P.L. 2005, c. 354 (codified in pertinent part at N.J.S.A. 34:15C-10.1) and published in the August 15, 2016, New Jersey Register (48 N.J.R. 1579(a)).

The following summarizes the proposed amendments:

Subchapter 7. Private Career Schools

N.J.A.C. 6A:19-7.1 Purpose and authority

This section states the chapter's purpose and authority to define the program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

The Department proposes an amendment to N.J.A.C. 6A:19-7.1 to delete the statutory references to "N.J.S.A. 6A:69-1 et seq., N.J.S.A. 44:12-2" and "P.L. 101-392, section 113(b)14" because the statutes have been repealed or amended to no longer apply to private career schools. The Department proposes to add a reference to N.J.A.C. 12:41 to demonstrate alignment and consistency of application of the rules to qualifying private career schools.

N.J.A.C. 6A:19-7.2 Definitions

This section provides definitions for words and terms used in the subchapter.

The Department proposes an amendment to N.J.A.C. 6A:19-7.2 to clarify the definition of "course" to including language that is consistent with N.J.A.C. 12:41. The Department proposes to add the following at the end of the current definition: "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." The proposed language is necessary to address repeated questions from program providers and participants regarding the requirements for instructional programs and to demonstrate alignment and consistency with applicable rules to qualifying private career schools.

N.J.A.C. 6A:19-7.3 Application for instructional program approval and renewal

This section provides the requirements for instructional program approval and renewal.

The Department proposes amendments to N.J.A.C. 6A:19-7.3 to align the rule with N.J.A.C. 12:41.

The Department proposes amendments to N.J.A.C. 6A:19-7.3(b)4, which delineates required school catalog items, to replace the list of school catalog items with "as prescribed by N.J.A.C. 12:41-2.2(b)13." N.J.A.C. 12:41-2.2(b)13 provides a more comprehensive list of school catalog information and the proposed amendments are necessary to align the rule with the list of school catalog information and policies contained in N.J.A.C. 12:41-2.2(b).

The Department proposes at N.J.A.C. 6A:19-7.3(c), which requires an annual application for renewal that includes modifications to the original application for institutional approval, to delete "annual" in reference to the application for renewal of a certificate of approval to operate a private career school or correspondence school. The proposed amendment is necessary because the application renewal process is no longer conducted on an annual basis, rather certificates of approval are now valid for two years. The Department also proposes to delete "include modifications to the original application for institution approval, in accordance with (b) above" as revisions are not processed at renewal and are instead a separate process. The Department also proposes to add a requirement that private career schools submit a renewal application not less than 90 calendar days prior to the expiration of the existing Certificate of Approval to comply with N.J.A.C. 12:41-2.4(b).

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The social impact of the proposed amendments on New Jersey's private career schools' diverse student population and on individuals who administer educational services in private career schools will be positive because the proposed amendments will ensure alignment with N.J.A.C. 12:41 and provide consistent rules related to the delivery of educational programs. The proposed amendments will also provide clarity to the approximately 300 qualifying private career schools that operate in New Jersey.

Economic Impact

The proposed amendments will have no economic impact on postsecondary private career schools or their students.

Federal Standards Statement

There is no Federal law that pertains to the licensing of private career schools.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments will alleviate a reporting requirement on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. N.J.A.C. 6A:19-7.3(c) currently requires private career schools to submit an annual renewal application. The proposed amendments will remove the requirement for the submission of an annual renewal application. Instead, per N.J.A.C. 12:41-2.1(c), a private career school's Certificate of Approval will be valid for two years and as a result, the requirement for annual renewal has been removed.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the average affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments govern program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan in New Jersey because the proposed amendments govern program requirements for qualifying private career schools that award certificates to students who participate in the workforce development system.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

**N.J.A.C. 6A:19, CAREER AND TECHNICAL EDUCATION PROGRAMS
AND STANDARDS**

TABLE OF CONTENTS

SUBCHAPTER 7. PRIVATE CAREER SCHOOLS

6A:19-7.1 Purpose and authority

6A:19-7.2 Definitions

6A:19-7.3 Application for instructional program approval and renewal

**CHAPTER 19. CAREER AND TECHNICAL EDUCATION PROGRAMS AND
STANDARDS**

SUBCHAPTER 7. PRIVATE CAREER SCHOOLS

6A:19-7.1 Purpose and authority

The rules in this subchapter define the programmatic requirements for private career schools, which are qualifying schools as defined in N.J.S.A. 34:15C-10.1, to award certificates to students to participate in the workforce development system, in accordance with [N.J.S.A. 6A:69-1 et seq., N.J.S.A. 44:12-2,] N.J.S.A. 34:15D-1 et seq.[,] and [P.L. 101-392, section 113(b)14] **N.J.A.C. 12:41**.

6A:19-7.2 Definitions

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

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

“Certificate of approval” means the document that provides evidence of the private career school’s approval to operate issued by the Commissioners of the Departments of Education

and Labor and Workforce Development, as prescribed in N.J.S.A. 34:15C-10.1 and more fully delineated in this subchapter.

“Clock hour” means 50 to 60 minutes of class lecture, recitation, faculty supervised laboratory, shop training, clinical experience, and/or internship in a 60-minute period. It also means 60 minutes of preparation in a correspondence course or distance learning as defined by Section 600.2, Higher Education Act of 1965 as amended.

“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. **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.**

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

“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 that is part of an approved program and offered at a site other than the private career school and meets the following criteria:

1. The internship is of a fixed duration, established prior to the outset of the internship;
2. The internship experience is for the benefit of the student;

3. The employer that provides the training derives no immediate advantage from the activities of the student and on occasion its operations may actually be impeded;
and
4. The student does not displace regular employees of the internship site, but works under close supervision of existing staff.

“Private career school” is a privately owned postsecondary school that offers one or more occupational training programs and is a qualifying school as defined by P.L. 2005, c. 354.

6A:19-7.3 Application for instructional program approval and renewal

- (a) Pursuant to N.J.S.A. 34:15C-10.1, the Department of Education is responsible for approving the following components of a private career school:
 1. Curriculum; and
 2. Personnel and professional credentialing.
- (b) To be approved, a private career school shall provide evidence of the following in the application submitted for instructional program approval using forms provided in the Private Career School Manual:
 1. An instructional program that is based on specific occupational objectives and competencies, and is aligned with nationally recognized industry skill standards or certifications, or other nationally recognized curriculum sources. Where no such skill standards or certifications exist, the private career school shall 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 that 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. A school catalog [that includes:] **as prescribed by N.J.A.C. 12:41-2.2(b)13.**
 - [i. A list of school administrator 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 description; and
 - vi. A student and instructor evaluation policy.]
- (c) The [annual] application for renewal of a certificate of approval to operate a private career school or correspondence school shall [include modifications to the original application for institutional approval, in accordance with (b) above] **be submitted by the approved private career school not less than 90 calendar days prior to the expiration of the existing Certificate of Approval in accordance with N.J.A.C. 12:41-2.4.**