

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

This comment and response form contains comments from the June 7, 2017, meeting of the State Board of Education when the draft regulations were considered at Second Discussion Level.

<b>Topic:</b>	Private Career Schools	<b>Meeting Date:</b>	July 5, 2017
<b>Code Citation:</b>	N.J.A.C. 6A:19-7	<b>Level:</b>	Proposal
<b>Division:</b>	Division of Teaching and Learning	<b>Completed by:</b>	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 of Education's (Department) 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. Edith Fulton, Member  
State Board of Education

1. **COMMENT:** The commenter asked if there is a central location to view all of the approved private career schools and programs they offer. **(B)**

**RESPONSE:** The New Jersey Training Opportunities website ([www.NJTOPPS.com](http://www.NJTOPPS.com)) is home to New Jersey's Eligible Training Provider List (ETPL). The ETPL is a comprehensive listing of all schools and organizations offering occupational education and job-training programs that are eligible to receive publicly funded tuition assistance. Prior to December 19, 2016, participation in the ETPL for private career schools was optional. However, amendments adopted by the Department of Labor and Workforce Development (DLWD) now require all private career schools to participate in the ETPL. DLWD is currently in the process of updating the website.

2. **COMMENT:** The commenter asked where students can file complaints about a private career school or program. **(B)**

**RESPONSE:** Each private career school is required to publish its tuition reimbursement policy and grievance procedures in a student handbook. If the private career school is unable to resolve a student complaint, the student may report his or her complaint to the DLWD. There is a conflict resolution form on DLWD's website that aggrieved parties, including current and former students, must complete to initiate an investigation. When appropriate, the Department would partner with the DLWD to investigate a complaint. Instances such as fraud would require higher-level investigations.

3. **COMMENT:** The commenter asked if the credential requirements for private career school instructors are aligned to the standards for kindergarten-through-grade-12 (K-12) teachers. (A)

**RESPONSE:** The instructor credentials for private career schools are not aligned to K-12 standards because private career schools are postsecondary institutions and the instructors are not issued a teaching credential. The Department reviews instructor credentials in a variety of areas, including the number of years that an individual has worked in a particular field, to insure instructors have appropriate industry expertise to teach postsecondary students.

4. **COMMENT:** The commenter asked who reviews credentials for private career school instructors and how an individual can apply to become an instructor. (A)

**RESPONSE:** A private career school must submit a staff data form for each potential instructor. The instructor is then evaluated by the Department based on the following qualifications, pursuant to N.J.A.C. 6A:19-7.5(c)5ii:

- 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.

5. **COMMENT:** The commenter asked if the rulemaking includes amendments to credential requirements for private career school instructors and administrators. (A)

**RESPONSE:** No, the Department has not proposed amendments to private career school instructor or administrator credentials at this time.



**Proposal Level  
July 5, 2017**

CHRIS CHRISTIE  
*Governor*

**State of New Jersey**  
DEPARTMENT OF EDUCATION  
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TRENTON, NJ 08625-0500

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**

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**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.**