

CHAPTER 41
PRIVATE TRAINING PROVIDERS

Authority

N.J.S.A. 18A:1-1, 18A:4-10, 18A:4-15, 18A:4-16, 18A:4-24, 18A:4-25, 18A:7A-1 et seq., 18A:54-1 et seq., 18A:69-1 et seq., and 34:1A-38; P.L. 2004, c. 39; and Reorganization Plan 001-2004.

Source and Effective Date

R.2009 d.244, effective July 8, 2009.
See: 41 N.J.R. 850(a), 41 N.J.R. 2969(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 41, Private Training Providers, expires on January 4, 2017. See: 48 N.J.R. 1579(a).

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Chapter 18, Private Training Providers, was repealed by R.2007 d.10, effective January 2, 2007.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: Source and Effective Date.

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 TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 12:41-1.1 Purpose
- 12:41-1.2 Scope
- 12:41-1.3 Definitions

SUBCHAPTER 2. GENERAL RULES FOR PRIVATE TRAINING PROVIDERS

- 12:41-2.1 Authority for private training provider rules
- 12:41-2.2 Application for program approval
- 12:41-2.3 Application for facilities approval
- 12:41-2.4 Operations
- 12:41-2.5 Appeals process

SUBCHAPTER 3. PRIVATE VOCATIONAL SCHOOLS, OUT-OF-STATE PRIVATE VOCATIONAL SCHOOLS AND CORRESPONDENCE SCHOOLS

- 12:41-3.1 Registration and approval of private vocational schools

SUBCHAPTER 4. CUSTOMIZED TRAINING PROVIDERS

- 12:41-4.1 Customized training program approval

SUBCHAPTER 5. CHAPTER 531 PROVIDERS

- 12:41-5.1 Chapter 531 program approval

SUBCHAPTER 1. GENERAL PROVISIONS

12:41-1.1 Purpose

(a) The general private training provider rules in N.J.A.C. 12:41-2 define what all private trainers of the general public and/or clients of public agencies may be required to provide to receive approval as providers of training.

(b) The individualized private training provider rules in N.J.A.C. 12:41-3 identify the specific operating requirements for private vocational schools, out-of-State private vocational schools, and correspondence schools, that wish to operate within the workforce readiness system.

12:41-1.2 Scope

(a) The general private training provider rules in N.J.A.C. 12:41-2 define the institutional and programmatic requirements for private training providers to participate in the workforce readiness system not approved by any other appropriate state or licensing agency.

(b) Private training providers include all business enterprises operated for profit or nonprofit that deliver workforce readiness training programs.

12:41-1.3 Definitions

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

“Certificate of approval” means the document that provides evidence of the school’s registration and permit to operate issued by the Commissioner of Labor and Workforce Development as prescribed in N.J.S.A. 18A:69-2.

“Certificate of authority” means the document issued by the Secretary of State that provides evidence of permission to conduct business in New Jersey.

“Chapter 531 provider” means a private business, nonprofit agency, private organization or community-based organization that provides occupational workplace readiness training approved by the Department of Labor and Workforce Development.

“Commissioner” means the New Jersey Commissioner of Labor and Workforce Development.

“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.

“Customized training” means training designed to meet the needs of an individual or a company’s workforce.

“Customized training provider” means a college or university governed by a board of trustees, a public school governed by a school board, a private vocational school approved by the Department of Labor and Workforce Development, a private training vendor approved by the legally designated authority or nonprofit agency, a community-based organization or any other provider of training approved by the Department of Labor and Workforce Development in accordance with the process established under N.J.S.A. 44:12-2, P.L. 1981, c.531.

“Department” means the New Jersey Department of Labor and Workforce Development.

“Instructional hour” means a minimum of 50 minutes of class lecture or recitation, faculty-supervised laboratory, shop training, or internship in a 60-minute period. 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.

“Private training provider” means a private vocational school, correspondence school, private training vendor, nonprofit agency, community based organization or any other provider of training whose educational programs are supported with public funds or through tuition charges to the general public.

“Private vocational school” means a business enterprise operated for either profit or nonprofit which does business in New Jersey and which recruits adult students from the general public; charges tuition and/or other fees; offers instruction to a group or groups of four or more adult students at one time; and offers preparatory instruction for entry-level employment or for upgrading in a specific occupational field.

“Program” means the planned sequence of courses, services, or activities designed to meet an employment objective.

“Resident private vocational school director” means the person responsible for the total operation of the individual school site.

“Workforce readiness system” means all education, employment, and training programs and services designed to meet the needs of New Jersey’s workforce comprised of entering, unemployed, employed, and/or displaced workers.

“Workforce readiness training” means occupational education experiences that lead to employment.

Amended by R.2000 d.360, effective September 5, 2000.
See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

Added “Chapter 531 provider”, “Customized training” and “Customized training provider”.

SUBCHAPTER 2. GENERAL RULES FOR PRIVATE TRAINING PROVIDERS

12:41-2.1 Authority for private training provider rules

The Commissioner shall approve private training providers, training programs, training sites and operating procedures used in the State’s workforce readiness system according to N.J.S.A. 8A: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.

Amended by R.2000 d.360, effective September 5, 2000.
See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

12:41-2.2 Application for program approval

(a) A private training provider shall submit an application for program approval on a form provided by the Department.

(b) The application shall include:

1. A completed notarized application form provided by the Department;
2. Certificates of compliance with the Uniform Construction Code for fire, health and occupancy when appropriate;
3. Liability insurance;
4. Owners’ and directors’ letters of reference;
5. A program of instruction that is based on specific occupational objectives and competencies, aligned with the National Skill Standards, established under Title V of the National Skill Standards Act of 1994, 20 U.S.C. §§ 5931 et seq., or other nationally recognized curriculum sources; and
6. A program of study comprised of:
 - 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;
 - vi. The scheduled hours of instruction; and
 - vii. An assessment instrument in accordance with State, national or industry standards.

Amended by R.2000 d.360, effective September 5, 2000.
See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

Rewrote (a); and in (b), deleted “”, consisting of (b)1 below through 6 below” following “application” in the introductory paragraph, and substituted “program of study” for “curriculum” in the introductory paragraph of 6.

12:41-2.3 Application for facilities approval

(a) A private training provider shall submit a floor plan of the proposed facility with the application for program approval.

(b) The Department shall, prior to issuance of a certificate of approval, verify that the facilities and instructional equipment identified in the application for program approval are available and appropriate for instruction.

Amended by R.2000 d.360, effective September 5, 2000.
See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

In (a), deleted “to the Commissioner” following “approval”.

12:41-2.4 Operations

(a) A private training provider shall ensure that education and training programs are designed and delivered in such a way that all adult students are able to demonstrate the knowledge and skills specified in the approved program application according to N.J.A.C. 12:41-2.2(b)5 and 6.

(b) A private training provider shall ensure the quality of education, training facilities and operating practices 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 private training provider shall ensure the quality of education in the following areas:

1. Curricula;
2. Faculty;
3. Facilities, equipment, and supplies;
4. Fiscal and administrative capacity as appropriate to the specified scale of operations;
5. Student support services;
6. Practices for recruitment and admissions;
7. Publication of academic calendars and catalogs;
8. Grading policies;
9. Program length, tuition, and fees in relation to the subject matters taught and the objectives of the degrees or credentials offered;
10. Measures of program length in clock hours or credit hours;
11. Success with respect to student achievement in relation to mission, including, as appropriate, consideration of course completion, state licensing examination and job placement rates;

12. Acceptable default rates in the student loan programs under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1061 et seq., based on the most recent data provided by the Secretary, U.S. Department of Education; and

13. Compliance with the institution’s responsibilities under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1061 et seq., including any results of financial or compliance audits, program reviews, student complaint investigations and such other information as the Commissioner may provide to the agency.

(d) A private vocational school owner shall appoint a resident director who is responsible for the total operation of the individual school site.

(e) A private school owner, in addition to submitting an application for program approval pursuant to N.J.A.C. 12:41-2.2, shall submit an initial application for institutional approval to the Commissioner. The application shall include documentation of the following:

1. A business plan;
2. A copy of the audited financial statements;
3. A copy of a certificate of authority or corporate registration to conduct business in the State of New Jersey;
4. A tuition performance bond payable to the Commissioner and in a format designated by the Commissioner in the amount of \$10,000 or 2.5 percent of annual gross income, whichever is greater;
5. A criminal history of the private vocational school owners and resident director(s);
6. A dispute resolution policy;
7. An enrollment agreement;
8. A school bulletin;
9. A school application for admission; and
10. A copy of the school advertising materials.

(f) A private school owner shall submit an annual application for renewal of a certificate of approval to operate a private vocational school or correspondence school. The application shall include documentation current as of the time of application of:

1. Audited financial statements;
2. A tuition performance bond payable to the Commissioner and in a format designated by the Commissioner in the amount of \$10,000 or 2.5 percent of annual gross income, whichever is greater; and
3. Any other modifications to the documentation provided in the original application for institutional approval according to (e) above.

(g) A private vocational school owner, within three years of receiving the initial certificate of approval, must apply for accreditation from one of the national accrediting agencies recognized by the U.S. Secretary of Education and receive accreditation within five years from the date of the initial application for a New Jersey certificate of approval.

(h) A resident director shall provide to each enrolled student a copy of the:

1. School's bulletin;
2. Student's enrollment agreement;
3. School's grievance procedures; and
4. School's policies necessary for the student's successful attendance at the school including, but not limited to, the information specified in (e) 5, 6 and 7 above.

(i) A resident director shall file with the Commissioner any changes in tuition and fees not less than 60 calendar days prior to the effective date of the changes.

(j) A private vocational school owner shall adhere to the following refund policy in the event of notification by the student of withdrawal from the school or termination by the school prior to the completion of the course or program:

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.

(k) A private vocational school owner shall calculate refunds of tuition paid in advance or sums due the school where tuition is paid on a weekly, monthly, or semester basis, to which the following shall apply:

1. 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.
2. 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;

iv. Seventy percent of the total tuition if withdrawal occurs after 25 percent but not more than 50 percent of the course has been completed; or

v. One hundred percent of the total tuition if withdrawal occurs after completion of more than 50 percent of the course.

3. 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 (k)2iii through v above after 75 hours of scheduled attendance.

(1) 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.

(l) A private vocational school shall accept for enrollment only adult students who demonstrate possession of a high school diploma or a General Education Development (GED) state issued diploma or attainment of a passing score on a standardized ability to benefit test recognized by the United States Department of Education.

Amended by R.2000 d.360, effective September 5, 2000.

See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

Rewrote the section.

12:41-2.5 Appeals process

(a) The Commissioner shall revoke or withhold a certificate of approval or place reasonable conditions upon the continued operation of the school when the Commissioner has evidence of these rules being violated.

(b) The Commissioner shall direct the owner of the school prior to the revocation of approval to show cause why such a sanction shall not be imposed in accordance with the procedures established under N.J.A.C. 6A:3-3.1.

Amended by R.2000 d.137, effective April 3, 2000.

See: 31 N.J.R. 4173(a), 32 N.J.R. 1177(a).

In (b), changed N.J.A.C. reference.

Amended by R.2000 d.360, effective September 5, 2000.

See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).

In (a), substituted "the Commissioner has" for "there exists".

SUBCHAPTER 3. PRIVATE VOCATIONAL SCHOOLS,
OUT-OF-STATE PRIVATE VOCATIONAL
SCHOOLS AND CORRESPONDENCE SCHOOLS**12:41-3.1 Registration and approval of private vocational schools**

(a) The Commissioner shall issue certificates of approval to private vocational schools pursuant to this chapter.

(b) A private vocational school, out-of-State private vocational school or correspondence school shall:

1. Submit an application for a certificate of approval to operate in accordance with N.J.A.C. 12:41-2.2, 2.3 and 2.4;
2. Register annually with the Commissioner for the purposes of delivering training programs as an approved provider in the workforce readiness system as prescribed in N.J.S.A. 18A:69-2 and 18A:69-6.1;
3. Pay registration and renewal fees as prescribed by N.J.S.A. 18A:69-3 and 6.3;
4. Furnish information and reports to the Commissioner as prescribed by N.J.S.A. 18A:69-4, 5 and 6.1; and
5. Apply for national accreditation as prescribed in N.J.A.C. 12:41-2.4(g) prior to submission of the third annual renewal application by including a letter from a nationally recognized accreditation commission confirming application status in accordance with N.J.A.C. 12:41-2.4 (g).

(c) A marketing representative of an out-of-State private vocational school or correspondence school shall register with the Commissioner and shall pay an annual fee according to N.J.S.A. 18A:69-6.1.

Amended by R.2000 d.360, effective September 5, 2000.
See: 32 N.J.R. 2009(a), 32 N.J.R. 3338(a).
Rewrote the section.

SUBCHAPTER 4. CUSTOMIZED TRAINING
PROVIDERS**12:41-4.1 Customized training program approval**

(a) A customized training provider shall submit an application for program approval as described in N.J.A.C. 12:41-2.2(a) and (b).

(b) The Commissioner shall approve customized training programs, pursuant to the New Jersey Employment and Workforce Development Act, P.L. 1992, c.43 (N.J.S.A. 43:15D-1 et seq.)

SUBCHAPTER 5. CHAPTER 531 PROVIDERS

12:41-5.1 Chapter 531 program approval

(a) A Chapter 531 private training provider shall submit an application for program approval as described in N.J.A.C. 12:41-2.2(a) and (b).

(b) An approved Chapter 531 private training provider shall deliver training programs which include:

1. Job search/job readiness;
2. Academic remediation;
3. Career major/occupational skills; and
4. Technical training instruction in accordance with N.J.A.C. 12:41-2.2.

(c) The Commissioner shall issue to the Department of Labor recommendations on the educational appropriateness of programs intended to serve the needs of eligible recipients of Federal or State-supported training programs based on economic need under P.L. 1981, c.531 (N.J.S.A. 44:12-2).