

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.

Source and Effective Date

R.2004 d.57, effective January 9, 2004.
See: 35 N.J.R. 4403(a), 36 N.J.R. 664(a).

Chapter Expiration Date

Chapter 18, Private Training Providers, expires on January 9, 2009.

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: Source and Effective Date.

Chapter 18, Private Training Providers, was repealed by R.2007 d.10, effective January 2, 2007.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).

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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).