

**CHAPTER 41****PRIVATE CAREER SCHOOLS****Authority**

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

**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Chapter 18, Private Training Providers, was repealed by R.2007 d.10, effective January 2, 2007.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Chapter 41, Private Training Providers, was repealed and Chapter 41, Private Career Schools, was adopted as new rules by R.2016 d.173, effective December 19, 2016.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.

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**SUBCHAPTER 1. GENERAL PROVISIONS****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 Develop-

ment 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.

### 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.

## SUBCHAPTER 2. APPLICATION PROCESS

### 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