

OFFICE OF WORKFORCE OPPORTUNITY
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Workforce Innovation and Opportunity Act (WIOA)
Eligible Training Provider List (ETPL)
Policy and Procedures

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I. Purpose

This policy and procedures govern the operation of the statewide Eligible Training Provider List (ETPL) in New Hampshire. They address the activities of the Governor, State Workforce Innovation Board (SWIB) and their NH Works locations, and those training providers who wish to offer services to individuals whose training is funded by the Workforce Innovation and Opportunity Act (WIOA). This directive supersedes the Workforce Investment Act (WIA) and establishes the minimum performance standards for initial and subsequent eligibility for training providers who list training programs on the ETPL. New Hampshire is a single state entity, with the State serving as the state and local board, with single ETPL system.

II. Background

- Establish procedures for determining the initial and subsequent eligibility of public and/or private training providers to be included in the statewide ETPL.
- Emphasize informed customer choice, performance accountability, and continuous improvement.
- Develop and operate the ETPL in partnership with the SWIB. The ETPL is designed to gather and display useful information on training providers, their services and the quality of their programs.
- The Office of Workforce Opportunity (OWO) receives applications from training providers for listing. In partnership with NH Employment Security (NHES), OWO staff determines if the applicant meets State criteria for listing.
- The OWO will accept and verify certain information forwarded by training providers, compile them into a comprehensive state list (the ETPL), and disseminate the ETPL with cost and performance information to the AJC (American Job Center) system. The ETPL is available online at www.nscite.org.
- WIOA Counselors may issue an Individual Training Account (ITA) to an adult or dislocated worker (eligible participant) to fund training services after the customer's needs have been determined. The training provider must be selected from those listed on the ETPL (exceptions are listed in Section III). The eligible individual can then compare the offerings on the ETPL, and, with the assistance of WIOA staff, select the most appropriate training program.

III. General Provisions

A. Definition of a Program of Training Services

A program of training services, as referred to in the WIOA regulations, section 680.410(a), is one or more courses or classes, or a structured regimen that leads to one of the following:

1. A recognized post-secondary credential, secondary school diploma or its equivalent;
2. Employment; or
3. Measurable skill gains toward such a credential or employment.

B. Eligible Training Providers

Providers are entities eligible to receive WIOA funds for adult and dislocated worker participants who enroll in training. Potential providers include:

1. Institutions of higher education that provide a program which leads to a recognized post-secondary credential;
2. Entities that carry out programs registered under the National Apprenticeship Act;
3. Other public or private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training; and
4. Local Boards, if they meet the conditions of WIOA. **NOTE:** NH does not have a Local Board.

C. Types of Training to Which These Procedures Apply

In order for a provider of training services to receive WIOA funds, its program(s) must be listed on the ETPL. These programs may provide training services, such as:

1. Occupational skills training, including training for non-traditional employment;
2. Programs that combine workplace training with related instruction, which may include cooperative education programs;
3. Training programs operated by the private sector;
4. Skill upgrading and retraining;
5. Registered Apprenticeship programs.

6. Entrepreneurial training; and

7. Job readiness skills, adult education and literacy activities provided in combination with any other training service outlined above.

D. Special Circumstances

Under WIOA section 134(c)(3)(G), limited exceptions allow local areas to provide training through a contract for services rather than Individual Training Accounts (ITAs) in order to maintain consumer choice. These exceptions include:

1. On the Job Training
2. Customized training¹
3. Incumbent worker training²
4. Transitional employment³
5. Instances where the Board determines there are insufficient numbers of eligible providers of training services in the local area
6. Where the Board determines an exception is necessary to meet the needs of individuals with barriers to employment (including assisting individuals with disabilities or adults in need of adult education and literacy services)
7. Where the Board determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations (where the contract does not limit customer choice)
8. Pay-for-performance contracts⁴

¹ The term “customized training” means training—

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays—(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

² Incumbent worker training is defined as training designed to meet the special requirements of an employer (or group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting workers in obtaining the skills necessary to retain employment and conducted with a commitment by the employer to retain or avert laying off incumbent worker(s) that are trained in order to increase the competitiveness of the employee and/or employer.

³ Transitional employment is defined as time-limited subsidized work experiences that help individuals who are chronically unemployed and have barriers to employment establish a work history and develop skills to access unsubsidized employment and progress in the workplace.

⁴ The law defines pay-for-performance contract strategies as contracts that specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible) based on the achievement of specified levels of performance on the primary indicators of performance for target populations as identified by the local board (including individuals with barriers to employment), within a

IV. Application Policy and Procedures

A. Office of Workforce Opportunity

1. The OWO will use the NH Works Source for Consumer Information on Training and Education (NSCITE) ETPL Module for accepting applications from providers to be listed on the ETPL. The OWO will make determinations for initial and subsequent eligibility of providers.
2. The OWO will establish policies requiring performance above the state minimum standards for providers to be included on the ETPL.
3. The OWO will ensure that the data supplied by providers for ETPL eligibility is complete, accurate and current. This includes approval to operate by NH Higher Education Commission, or another agency that verifies accreditation and issues licenses to training providers, such as NH Department of Safety.
4. The OWO will also ensure that providers meet the state's minimum performance standards. Providers must supply evidence of their reported outcomes. Aggregate performance reports will be pulled annually around January/February for OWO to review training providers' performance and ensure providers meet the state's minimum performance standards. The OWO will post them in a way that makes them easily available for public access. This section does not apply to Registered Apprenticeships.
5. The OWO will have agreements with approved training providers that include provisions requiring providers to maintain sufficient records and to make these records available for monitoring or audit by the state.
6. The OWO will work with local and regional employers and education providers to ensure that training programs provide credentials, certificates and/or skills that are valued by employers within priority industry sectors identified in the State plan. Training must result in the awarding of an industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements.

defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training.

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7. The OWO will ensure that ITAs being provided are for training programs that support a career pathway for the client in a growing, in-demand and/or priority industry sector as identified in the State plan. ITAs will be provided in instances where it can be demonstrated that there is a demand for workers in the field of employment being sought by the client, and that training will result in increased earnings and career pathway opportunities.

B. Providers

1. All new and current ETPL providers will be required to register in NSCITE and submit their request to the OWO for approval to have programs listed on the ETPL.
2. Once approved by the OWO, the provider shall enter all the program information, completing all the required fields, including performance data in NH Works Source for Consumer Information on Training and Education (NSCITE). Eligibility is determined on a program-by-program basis for each provider. Instructions and definitions are provided to assist with this process.
3. All providers are required to enter performance data for each program listed on the ETPL and provide evidence to the OWO that they have met the minimum performance criteria. Programs that do not include performance data will not be approved for listing on the ETPL.
4. Providers should be prepared to provide a copy of their accreditation and license to operate as a training provider.
5. In general, training providers should have a permanent location in NH in order to be included on the ETPL. NH will consider a program as ETP eligible if it is on the Eligible Training Provider List in the state in which it is located. To find ETP Lists in other states, go to servicelocator.org.
6. Out of State Training Providers - New Hampshire has reciprocal agreements with Massachusetts, Vermont, and Maine that allow qualifying WIOA participants in New Hampshire to use ITAs to enroll in a program of training identified on those states' ETPL, and for WIOA participants in those states to use ITAs to enroll in training programs on New Hampshire's ETPL. Final approval for using a New

Hampshire - funded ITA at a Massachusetts, Vermont, or Maine training provider rests with New Hampshire WIOA service providers.

Other out-of-state training institutions that are not operating within New Hampshire and with which New Hampshire does not have a reciprocal agreement must apply to be on New Hampshire's ETPL. They must:

- a. Meet the eligibility requirements established in this policy
- b. Meet the licensing requirements of its home state, and
- c. Be listed on its home state's Eligible Training Provider List

7. Distance Learning - Training programs in which the majority of training is delivered via distance or online learning must meet the following requirements:

- a. Training providers must have a mechanism for student interaction with an instructor or instructors.
- b. Providers Headquartered Outside of New Hampshire Training providers must ensure periodic assessment of each student.
- c. Training providers' policy must describe the responsibilities of each party (training provider, participant) to the distance or online learning experience.

7. Registered Apprenticeship Programs

The OWO and the US Department of Labor's Office of Apprenticeship in NH will collaborate to list registered apprenticeship programs on the ETPL. The Apprenticeship State Director for NH is Lauren Smith (Smith.Lauren.m@dol.gov) and she is located in the Cleveland Building on 55 Pleasant Street in Concord, NH (603-225-1444). For more details on the Registered Apprenticeship process, contact Lauren directly.

Registered Apprenticeships (only) sponsors are automatically eligible to be on the State's ETPL upon request. The detailed application and vetting process required by USDOL is sufficient to demonstrate suitability for inclusion on a State ETPL. In addition, apprenticeship staff monitor Registered Apprenticeships regularly. Therefore, a Registered Apprenticeship sponsor requesting ETPL status will not be subject to the same application and/or performance information requirements as other providers. There are no performance related requirements for Registered Apprenticeships and there are no program reporting requirements. The only requirement is that they remain registered with DOL. As long as they are registered, they may stay on the ETPL indefinitely. The OWO will work with the

Federal Apprenticeship office to encourage registration on the ETPL, as well as conduct an annual review to remove sponsors no longer registered with DOL.

V. Initial Eligibility Policy and Procedures

A. Initial Eligibility Procedures

Procedures apply to all training providers, with the exception of Registered Apprenticeship, in light of the detailed application and vetting procedures under which apprenticeship programs become registered. Initial eligibility is based on the following:

1. Meeting State minimum performance criteria, as approved by the State Board.
2. Training must be for occupations in industry sectors that are in-demand. For the purpose of this policy, all approved Registered Apprenticeship programs meet the in-demand criteria. Training must result in completion of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.

B. Accreditation

Providers must provide evidence of accreditation and/or licensure with the appropriate state or other governing entity to have their programs listed on the ETPL. Potential entities include:

1. NH Department of Education
2. NH Higher Education Commission
3. University System of NH Board of Trustees
4. NH Department of Safety
5. NH Board of Nursing
6. NH Division of Fire Standards
7. NH Division of Public Health Services
8. NH Board of Barbering, Cosmetology and Esthetics

9. Postsecondary institutions eligible under Title IV of the Higher Education Act (HEA) and offering programs leading toward an associate degree, baccalaureate degree, or certificate

C. Initial Eligibility Additional Information

Additionally, Eligible Training Providers must provide the following for Initial Eligibility:

1. Evidence that programs result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.
2. Student grievance policy and procedure.
3. Refund policy and procedure.
4. Cost information, including tuition and fees.
5. Describe whether the provider is in partnership with a business or multiple businesses.
6. Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible.
7. Information related to the indicators of performance, which include:

For all students (includes every student enrolled in a WIOA-approved training program)

- a. Unsubsidized Employment During the Second Quarter after Exit
- b. Unsubsidized Employment During the Fourth Quarter after Exit
- c. Median Earnings at the Second Quarter After Exit
- d. Credential Attainment Rate

All providers must meet the minimum established performance criteria, as approved by the State Board.

D. Licensed Providers

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Providers that are licensed by the Department of Safety, the Division of Public Health Services or the Board of Barbering, Cosmetology and Esthetics must provide additional documentation, including:

1. documentation of liability insurance
2. documentation of surety bond insurance in the amount of 10% of last year's annual gross income or a minimum of \$10,000
3. most recent audit or audited financial statement

E. Licensed by the Department of Education (DOE)

Providers that are licensed by the Department of Education (DOE) must follow the rules and regulations of DOE and provide the documentation as set forth in the NH Code of Administrative Rules 300 (Appendix D) and NH Statute RSA 188-G (Appendix E).

F. Registered Apprenticeship Programs

Registered Apprenticeship programs registered with the U.S. Department of Labor, Office of Apprenticeship are automatically eligible to the State ETPL. Additionally, Registered Apprenticeship programs are subject to an abbreviated application for the ETPL. Registered Apprenticeship Program Sponsors must provide the following for inclusion on the ETPL:

1. Occupation(s) included within the Registered Apprenticeship program;
2. Contact information including the name and address of the Registered Apprenticeship sponsor;
3. The name and address of Related Instruction Provider, and the location of instruction if different from the program sponsor's address;
4. Method/Training Approach (Time-based, Competency-based or Hybrid)
5. Number of active apprentices.

The OWO will verify the status of the program with the State Apprenticeship Director to establish ETPL eligibility, and on an annual basis remove any from the list that are no longer registered.

G. Initial Eligibility Period

Providers receive initial eligibility for only one fiscal year for a particular program. After the initial eligibility expires, these initially eligible providers are subject to the application procedures for continued eligibility (Section VII).

VI. Application, Publishing and Maintenance of the ETPL

In order to assist participants in choosing employment and training activities, the OWO will disseminate the list of eligible training providers and accompanying performance and cost information to the Board and to members of the public online including through websites and searchable databases, including the NH Works, one-stop delivery system and its program partners throughout NH.

The OWO will update the list regularly and provider eligibility will be reviewed according to the procedures determined herein.

The ETPL will be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information will include:

1. Recognized post-secondary credential(s) offered
2. Performance information
3. Cost information, including tuition and fees

Training providers are responsible for providing updated information through NSCITE. The OWO will accept any changes to data displayed for providers and programs listed on the ETPL, and will update the list as necessary.

VII. Subsequent Eligibility Policy and Procedures

Training Providers will apply for biennial renewal for an eligibility period to span the respective following two fiscal years (July 1-June 30) by December 1. Providers must provide the following information during reapplication:

1. Up to date provider information.
2. Up to date information on each program, including cost (tuition and fees).

3. Student data for calculation of performance information⁵, which includes:
 - i. Unsubsidized Employment During the Second Quarter after Exit
 - ii. Unsubsidized Employment During the Fourth Quarter after Exit
 - iii. Median Earnings at the Second Quarter after Exit
 - iv. Credential Attainment Rate
 - v. Program Completion Rate for WIOA participants

Upon receipt of completed information and student data, OWO will make a determination of continuing eligibility.

The ETPL and performance/cost data for each training program will be published for the State Board, NH Works Centers and general public consumption.

The period of eligibility will last for the following two fiscal years (July 1-June 30).

VIII. Denial, Delisting, and Appeals Policy and Procedures

A training provider and/or its program may be denied inclusion in or removed from the state ETPL for the following reasons:

4. The initial and/or renewal application was not completed, was not completed by established due date, or was missing required information.
5. Performance data was not submitted or was not submitted by established due date.
6. The training provider intentionally supplied inaccurate information.
7. The training provider substantially violated any requirement under WIOA, state or local laws and policy.
8. The training provider loses its license or accreditation of its accrediting body.
9. Upon setting minimum levels of performance, a provider or program that fails to meet such levels will be removed.

⁵Student data for calculation of performance information: Disclosure of personally identifiable information from an education record must be carried out in accordance with the Family Education Rights and Privacy Act (FERPA). This includes obtaining prior written consent and the secure transmission of student data information.

If OWO denies eligibility for listing a provider's program on the ETPL, the provider will be notified in writing within 30 days of this decision, with the reason(s) for denial and information on the appeal process. If a training provider chooses to appeal, the training program that is subject to removal shall remain on the ETPL until the appeal has concluded and a final determination is made. If WIOA students are currently enrolled in a program that is subject to removal or has been removed, those students will be allowed to complete the program.

A provider choosing to appeal a decision must submit a written appeal to OWO within 30 calendar days of the issuance of the denial notice. The written appeal must include:

- a statement of the desire to appeal;
- specification of the program in question; and
- Specifically and in detail, the grounds and the reasons upon which it claims that the denial is invalid.

OWO will not consider any factual or legal grounds for relief that are not set forth in the appeal. OWO will determine whether a hearing for the purpose of fact-finding is necessary and will issue a decision not later than 30 calendar days from either the date a hearing is held, or the date the appeal request is received by OWO.

Providers and Programs that have been removed from or denied listing on the ETPL may be reinstated after two years by applying through the initial application process. A provider who has been removed from the list for noncompliance is liable to repay all adult and dislocated worker-training funds received during the period of noncompliance.

Appendix A: Performance Measure Calculation Methodology and Process

Unsubsidized Employment during the Second Quarter after Exit

The employment rate is represented by the following formula: Numerator = Total number exiting the program (both completers and non-completers) during the 12-month reporting period with wages reported in the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date); Denominator = Total number exiting the program (both completers and non-completers) during the 12-month reporting period.

Total # Exiting Program

In 12-Month Reporting Period

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With Wages in 2nd Quarter after Exit

Total # Exiting Program
In 12-Month Reporting Period

Unsubsidized Employment during the Fourth Quarter after Exit

The employment rate is represented by the following formula: Numerator = Total number exiting the program (both completers and non-completers) during the 12-month reporting period with wages reported in the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date); Denominator = Total number exiting the program (both completers and non-completers) during the 12-month reporting period.

Total # Exiting Program
In 12-Month Reporting Period
With Wages in 4th Quarter after Exit

Total # Exiting Program
In 12-Month Reporting Period

Median Earnings at the Second Quarter after Exit

This measure calculates the median quarterly wage at the second quarter after exit of individuals exiting the training program (both completers and non-completers) during the reporting period with wages in the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date).

The calculated median quarterly wage is then divided by 520 hours (the standard amount of hours considered full time employment in a calendar quarter) to arrive at an hourly rate for comparison to the Federal Minimum Wage.

Credential Attainment Rate

The credential attainment rate for participants reflects the following formula: Numerator = Total number of Participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after exit; Denominator = Total number of Participants exiting the program (both completers and non-completers) during the 12-month reporting period.

Total # Participants Obtaining Credential,
Diploma, or Equivalent during Participation or
12-Months after Exit

Total # Participants Exiting Program
In 12-Month Reporting Period

Program Completion Rate

The program completion rate for WIOA Participant populations reflects the following formula: Numerator = Total number completing program during the 12-month reporting period. Denominator = Total number exiting the program (both completers and non-completers) during the 12-month reporting period.

Total # WIOA Participants Completing Program
In 12-Month Reporting Period

Total # WIOA Participants Exiting Program
In 12-Month Reporting Period (Completers and
Non-Completers)

The denominator (total number WIOA Participants exiting the program) is defined as the total number of new program enrollments and number of active (continuing) students during the 12-

month reporting period minus the total number still enrolled in the program at the conclusion of the reporting period.



Appendix B: Definition of Terms

Completers: Any student who successfully attained the desired outcome of the program they were enrolled in leading to a nationally or state recognized certificate, credential, degree, or diploma.

Completion Rate: Total number of students completing the applicable program divided by the total number of individuals exiting the program (both completers and non-completers) within the 12-month reporting period.

Employment Rate: Total number of students exiting (both completers and non-completers) from the applicable program that obtained unsubsidized employment in the 2nd and 4th quarters subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.

Exiters: All participants in the program who left during the reporting period, no matter what the reason and regardless of their start date. Defined as the total number of new program enrollments and number of active (continuing) students during the 12-month reporting period minus the total number still enrolled in the program at the conclusion of the reporting period.

Exit Quarter: The calendar quarter containing the exit or completion date of a student.

Median Earnings: Median wage expressed as an hourly rate for all students exiting the applicable program and obtaining unsubsidized employment.

Reporting Period: The 12-month period that corresponds with the most recent WIOA Program year, running from July 1 through June 30 of the subsequent year.

Unsubsidized Employment: Any employment where the employee's wages are not directly paid in whole or in part by federal funds. Employment in the military is considered unsubsidized employment.

WIOA Program Year: The WIOA Program Year begins July 1 and ends on June 30 of the subsequent year.

Appendix C: Minimum Data Requirements

Providers of training programs will be required to submit student data biennially. The following circumstances will be considered in order to avoid excluding programs from the ETPL who serve a small population of students or have no WIOA clients.

No WIOA Participants: If a program serves no WIOA clients during the reporting period, the program is considered to have met any possible future State Performance measures for the WIOA measures (Program Completion Rate).

No Students: If a program did not have any enrollments during the reporting period, it will not be held to performance requirements. Training providers will indicate this by indicating an enrollment number of zero during renewal application periods.

Small Populations: If a program serves fewer than ten students (or if fewer than 10 students can be located in UI Wage Records), it will not be held to performance requirements for that Program Year. Instead, the program will group students over two consecutive years to calculate performance.

Example 1: If the WIOA Participant population of a program is five and the All Student population is 25, the program will be exempted from the WIOA measure (Program Completion Rate) but the program will need to meet the All Student measures. For the subsequent year, the WIOA Participant population of the previous (exempted) year will be included in the WIOA performance measures.

Example 2: If the WIOA Participant population of a program is 12, but only 7 of those individuals have employment records, the program will be exempt from the Median Wage measure for WIOA participants that year (as only 7 records will be available to calculate measure). For the subsequent year, the WIOA Participant population of the previous (exempted) year will be included in this WIOA performance measures.

Appendix D: OFFICE OF CAREER SCHOOL LICENSING

Adopted Rule – October 9, 2018 – Page 1

Readopt with amendment 300, effective 2-12-14 (Doc. #10520), to read as follows:

CHAPTER Hedc 300 OFFICE OF CAREER SCHOOL LICENSING

PART Hedc 301 APPLICABILITY

Hedc 301.01 Career Schools Under Commission Jurisdiction. These rules shall apply to schools under the higher education commission jurisdiction, including any school undergoing an acquisition, merger, or transfer or sale of assets, except for those career schools identified in RSA 188-G:1, II.

PART Hedc 302 DEFINITIONS

Hedc 302.01 Definitions. Terms as defined in RSA 188-G:1 shall be utilized in these rules in addition to the following:

- (a) “Accrediting agency” means an accrediting agency that is recognized by the United States Secretary of Education;
- (b) “Applicant” means a person, board, association, partnership, corporation or other entity seeking authorization to operate a school or provide occupational instruction qualifying an individual for employment. In the case of an application by a subsidiary of a corporation, the applicant includes the parent corporation;
- (c) “Annual gross tuition” means the total amount collected for tuition by the school for its applicable vocational courses and programs during its most recently completed fiscal year;
- (d) “Attorney General” means the NH department of justice;
- (e) “Branch” means a separate organizational subdivision of a school located at a different facility and geographical site than the main campus and which has administrative functions;
- (f) “Business to business” means the contractual agreement between the school, business or entity in which payment is made directly to the school by the business or agency;
- (g) “Course” means a sequence of units of instruction in a given subject area which may be a component of a program or may lead to a certificate;
- (h) “Curriculum” means the academic content taught in a specific program or course;
- (i) “Method of delivery” means how academic curriculum is delivered to students, including, but not limited to, classroom, online distance learning, clinical, internship, externship, simulation, and home study;
- (j) “Program” means a sequence of courses, over a period of time, which leads to a certificate;
- (k) “Satellite” means an additional location away from the main licensed campus without an administrative function;
- (l) “School” for the purposes of this chapter means licensed career school;

(m) “School closure” means a school exiting New Hampshire, closing its doors, or changing programs making it exempt from career school licensing rules; and

(n) “Teach-out” means the continuation of instruction to complete the program or course whenever the discontinues operations.

PART Hedc 303 LICENSURE

Hedc 303.01 Initial License Criteria.

(a) In order to receive a 2-year license to operate a private postsecondary career school, prior to soliciting students for enrollment, said school shall:

(1) Be reviewed and have an on-site visit conducted by the office of career school licensing (office) to determine if all standards are met as specified in Hedc 303.03-303.04;

(2) Provide proof of registration with the New Hampshire secretary of state;

(3) Complete and file an “Initial Licensure Application” form, June 25, 2018, at least 90 days prior to advertising or beginning instruction, and includes:

- a. The school’s purpose and mission or a copy of the bylaws;
- b. Administrative responsibilities and authority documented in an organizational chart;
- c. A description of credentialing requirements for faculty, if applicable, and a statement assuring that the faculty meets those requirements, including, but not limited to:
 1. Age requirements;
 2. Years of experience either in the field, teaching, or both; and
 3. Hold and maintain current, valid, state permits or licenses required to practice the trade being taught
- d. A description of facilities used for educational instruction which, upon inspection, shall be of a size which is determined to be adequate and conducive to learning and contain all equipment, furnishings, and supplies necessary for the instruction of the program(s) or course(s) offered;
- e. A facility safety plan; and
- f. All applicable inspection reports, to include, at a minimum, a report from the local fire chief or the state fire marshal’s office;

(4) Remit a licensure fee as specified in Hedc 304.06; and

(5) Receive an approval letter from the commissioner of education.

(b) In the event of a change to any of the information listed in Hedc 303.01(a)(1)-(3), the school shall provide the following to the office 30 days prior to the change:

- (1) An explanation of the change;
- (2) Any fee associated with the change as specified in Hedc 304.06; and
- (2) Documentation to support the school’s notification of change, as outlined in Hedc 303.01.

(c) Any change shall be subject to review or on site visit by the office within 15 business days of receipt of the change documentation as listed in Hedc 303.01(b).

Hedc 303.02 Renewal Application. Every 2 years an applicant seeking license renewal shall complete and submit a “License Renewal Application” form, June 25, 2018, along with the school’s annual filing fee in accordance with Hedc 304.06 at least 90 days prior to the expiration of the current license. Such renewal application shall comply with all criteria set forth in Hedc 303.01.

Hedc 303.03 Educational Program.

(a) Each program or course shall:

- (1) Reflect and support the purpose and mission of the school;
- (2) Provide a sequence of subjects or courses leading to competency in the respective area or field of study;
- (3) Allow students to receive instruction in all subjects for the number of instructional hours as advertised in the school's catalog; and
- (4) Define and measure the knowledge, skills, and competencies students have acquired as aligned with their school’s policies and procedures.

(b) Alternative delivery, as defined in RSA 188-G:1(a), instruction or hybrid formats shall comply with all program and course standards listed in Hedc 303.03(a) and faculty qualifications listed in Hedc 303.01(a)(3)c.

(c) The school shall notify the office of new methods of delivery, courses, and programs by providing the office with the information listed in Hedc 304.01 30 days prior to publishing in the school catalog, on the school’s website, or both.

Hedc 303.04 Annual Filing.

(a) For the purposes of calculating a school’s licensing fee, as well as assurance that a school has the financial resources to operate, a school shall complete and submit an “Annual Filing Form”, June 25, 2018, 45 days prior to the school’s annual filing date.

- (b) The school shall provide the following on the “Annual Filing Form”, as revised, June 25, 2018:
 - (1) Name of school;
 - (2) A signed annual gross tuition, as defined in Hedc 301.01(c); and
 - (3) A signed assurance statement by an officer of the school.
- (c) A school shall submit notarized proof of surety indemnification in the form of a bond, an irrevocable letter of credit, or a term deposit pursuant to RSA 188-G:3.
- (d) The office shall conduct a financial review if the office has reason to believe:
 - (1) The school’s financial status has changed;
 - (2) The financial information submitted is incorrect; or
 - (3) There is cause to question the financial status of the school.
- (e) A school shall remit an annual renewal licensure fee in accordance with the fee schedule in Hedc 304.06.

PART Hedc 304 BUSINESS PRACTICES

Hedc 304.01 Student Protection and Disclosures. Before requiring students to provide any identifying information, schools shall, at a minimum, make the following items publicly available in the school catalog, on the school’s website, or both:

- (a) Admission requirements, including any prerequisite training required for admission and a profile that enumerates the background and abilities of prospective students;
- (b) Beginning and ending dates, or rolling enrollment procedures, of each program or course, that includes add or drop dates, if applicable, examination periods, calendar of holidays and other dates important to the completion of the program or course;
- (c) A list and description of programs, courses, or both, to include objectives, length, and curriculum offerings at each school location;
- (d) A description of school’s grading system for necessary student outcomes and requirements for completion and graduation;
- (e) A withdrawal and refund policy to include, at a minimum, the following statements:
 - (1) All refunds shall be paid within 30 days upon written notification from a student of cancellation or withdrawal; and
 - (2) Students receiving benefits from federal programs shall be subject to federal refund policies, rules and regulations;

- (f) A schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study;
- (g) Policies related to transferability of credit; and
- (h) Student complaint process.

Hedc 304.02 Ethical Business Practices.

- (a) A school or its representative shall not make guarantees regarding employment to prospective students.
- (b) Certificates shall be issued within 30 days of the completion date of the course or program to those students who have met all of the completion requirements, including tuition payment of the applicable course of study.
- (c) School's shall not falsely mislead the public as to its name, nature of business, facilities, and equipment and shall not engage in fraudulent or deceitful practices in dealing with students or the public.

Hedc 304.03 Tuition Policy. Tuition and fees shall be offered and administered in a non-discriminatory manner in that:

- (a) A school and its approved branch or satellite shall charge students enrolled in the same program or course a uniform rate of tuition and other fees, provided nothing herein shall prevent a school from making a uniform change in tuition or other fees in new enrollment agreements;
- (b) Nothing shall prevent the school from negotiating business to business, contractual agreements for different rates of tuition and fees; and
- (c) The tuition charged per unit shall not be increased for the term of the contract or enrollment agreement.

Hedc 304.04 Student Records.

- (a) For the purposes of this section, the following definitions shall apply:
 - (1) "Instructor hours" means number of hours that instructors deliver live training in a lecture or classroom format, as an interactive workshop, as a demonstration with the opportunity for learners to practice, or virtually, using video-conferencing tools; and
 - (2) "Self-study hours" means study conducted by a student inside or outside of the classroom without necessitating the presence or interaction of an instructor, and does not include homework assigned outside of the designated course or program self-study hours.
- (b) At a minimum, a school shall maintain current, complete, and accurate student records of the following documents in a safe and secure environment for a minimum of 3 years:
 - (1) A copy of the student's signed enrollment agreement to include, at a minimum:

- a. A detailed schedule of program or course hours, including, but not limited to, any one or more of the following:
 - 1. Instructor hours; and
 - 2. Self-study hours;
- b. A detailed tuition and fee schedule; and
- c. A statement for students to sign and date stating they have received and read school policies;

(2) Records of student progress reports that include information on classroom attendance and performance;

(3) A copy of the results of any enrollment evaluation or examination; and

(4) A record of all monies charged, owed, and paid.

(c) Student records shall include a unique identifier such as date of birth, last 4 digits of the student's social security number or an assigned student identification number.

(d) Records of students shall be open for inspection to the office during site visits to the school.

(e) A school shall permanently maintain student transcripts or certificates.

(f) Any changes to the original enrollment agreement shall be made in writing and signed by both school and student.

Hedc 304.05 Schools Undergoing Closure, Acquisition, Sale, Merger, or Transition to Exempt Status.

(a) Any school that plans to close shall notify the office no less than 30 days prior to the closing date and the office shall respond within 10 business days requesting a transition plan and timetable that addresses the closure including, but not limited to:

(1) One original transcript or certificate and an electronic copy of each for all current and former students who were enrolled;

(2) One original or electronic copy of catalogs for each year in existence;

(3) Public disclosure and student notification;

(4) A plan for discontinuation of programs or courses;

(5) Student records including a unique identifier such as date of birth, last 4 digits of the student's social security number or an assigned student identification number;

(6) Teach-out schedule detailing program or course completion; and

(7) Any correspondence to and from accrediting agencies in regards to closure.

(b) Any school undergoing an acquisition, sale, or merger shall provide to the office a transition plan and timetable including, but not limited to:

- (1) Correspondence to and from an accrediting agency, if applicable; and
- (2) Any changes to the information as required in Hedc 303.01-303.04.

(c) Any school transitioning from non-exempt to exempt status shall provide to the office a transition plan and timetable that addresses the change in status, including, but not limited to:

- (1) A list of programs or courses and their objectives, length and tuition;
- (2) Identification of the exemption criteria used to support the exempt status pursuant to RSA 188-G:1, II(a)-(k); and
- (3) Supporting documentation for meeting the above exemption criteria.

(d) Any school meeting any of the criteria specified in Hedc 304.05 (a), or (b) shall remit a fee as indicated in Hedc 304.06.

Hedc 304.06 Fees.

(a) Pursuant to RSA 188-G:2 IV, fees for the office shall be in accordance with the fee schedule in table 304-1:

Table 304-1 Career School Licensing Fee Schedule

Action	Fees
Initial Licensing	\$1,000
Annual Renewal Licensure Fee, based on annual gross tuition – (AGT)	
\$75,000 or less	\$450
\$75,001 or more	.006 of AGT
New Course(s)	\$75 per course/\$750 max
New Program(s)	\$750/\$75 per course, whichever is less
Governance - Acquisition, Merger, Transfer, Or Sale Of Assets	\$650
School Closure	\$250
Closed School Transcripts	
Transcript request fee per transcript	\$20
Stipends	
External consultant review	\$500 per day plus expenses

(b) Applicable fees shall be paid by check or money order made payable to “Treasurer, State of New Hampshire.”

(c) In the event of a financial hardship beyond the school's control, upon receipt of a hardship request in writing, closure fees shall be waived upon verification by the director of said hardship. Such determination shall be made within 30 days of the receipt of the written request.

PART HEDC 305 COMPLAINT PROCESS

Hedc 305.01 Who May File a Complaint.

(a) Any person who has a complaint against a school who has first sought redress directly from said school through its complaint process, and said process has been completed and was found to be in favor of the school, may file a complaint with the office.

Hedc 305.02 Misconduct Sufficient to Support a Complaint. Misconduct sufficient to support a complaint shall include any violation of any statute or rule which is administered by the commission.

Hedc 305.03 Complaint Form. Complaints shall be filed with the office by completing and submitting the online "Complaint Form", 2015 edition at <https://my.doe.nh.gov/ESSWEB/HigherEducation/Complaint.aspx>

Hedc 305.04 Timeframe for Filing a Complaint. Complaints shall be filed within 3 years of the scheduled start date of the course or program that is the subject of the complaint.

Hedc 305.05 Receipt and Review of Complaints.

(a) Upon receipt of a complaint, the office shall determine whether or not the complaint has merit to commence an investigation.

(b) The office shall acknowledge receipt of the complaint by written notification within 10 business days. A copy of said written notification shall be sent to the complainant and to the school which is the subject of the complaint.

(c) The office shall dismiss a complaint if the complainant fails to meet one or more of the following criteria:

- (1) Meet the criteria set forth in Hedc 305.02;
- (2) Respond to a request for information from the office of career school licensing within a specified time frame; or
- (3) Participate in any investigation or hearing as ordered.

PART HEDC 306 INVESTIGATIONS

Hedc 306.01 Investigation.

(a) A member of the office shall interview appropriate personnel from the school who is alleged to have committed the violation or about to commit a violation, and/or any other person who might have relevant knowledge of the violation or potential violation.

- (b) The member of the office assigned to investigate the matter shall review records, data, facilities and other relevant elements which are pertinent to the investigation.
- (c) The member of the office shall submit a report of his or her findings regarding the investigative matter to the director for review.
- (d) If the director determines that there is a violation, a sanction of fines shall be imposed pursuant to Table 306-1, Fines as follows:

Table 306-1 Fines Action

Action	Fines
Administrative violation of rules and statutes	\$1,000/each
Operation of a school without a license	\$3,000/month
Late Submission	\$150/day

- (e) The director shall report the written findings of the investigation, to include any applicable fines as set forth in Heds 306.01(d), to the complainant and the school via registered mail.
- (f) Fines shall be due within 30 days of receipt of the registered mail notification from the director. Payment of fines shall waive a school’s right to file an appeal to the commission.
- (g) A complainant or a school may file a written intention to appeal the director’s decision with the commission within 15 days of receipt of the registered mail notification from the director. Filing a written intention to appeal shall stay the requirement to pay the fine within the applicable timeframe as set forth in Heds 306.01(f).
- (h) Applicable fines shall be paid by check or money order made payable to “Treasurer, State of New Hampshire.”

PART Heds 307 APPEALS

Heds 307.01 Appeals.

- (a) Within 15 days of filing a written intention to file an appeal, a complainant or a school may appeal the director’s decision to the commission by submitting a formal letter.
- (b) The formal letter shall outline the specific disagreements with the director’s finding and shall include citations to the proper RSA’s and Heds’s with a separate explanation for each grievance.
- (c) Upon receipt of such formal letter:
 - (1) The commission shall inform the complainant or the school of the next scheduled commission meeting and include the appeal on the agenda; and
 - (2) The commission shall render a determination of the appeal within 15 business days.

Hedc 307.02 Revocation of School License.

(a) Pursuant to RSA 188-G:6, the commission shall, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-G:2 for violating provisions of RSA 188-G:1-5 or rules of this chapter, and such revocation shall be determined after considering the presence of aggravating or mitigating circumstances as specified in Hedc 307.02 (b) and (c).

(b) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) The licensee’s prior disciplinary record;
- (3) Lack of willingness to cooperate with the office regarding application, renewal, fees, or disciplinary fines;
- (4) Potential harm to public health and safety; and
- (5) The purpose of the rule or statute violated.

(c) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) Willingness to cooperate with the office;
- (3) Acknowledgement of the licensee’s wrongdoing; and
- (4) The purpose of the rule or statute violated.

(d) Alleged violations of RSA 188-G:1-5 shall be reported to the attorney general, or other appropriate official having jurisdiction, pursuant to RSA 188-G:10.

APPENDIX I

RULE	STATUTE
Hedc 301	RSA 188-G:1,II
Hedc 302	RSA 188-G:1
Hedc 303	RSA 188-G:2,II
Hedc 304	RSA 188-G:2,II
Hedc 305	RSA 188-G:2, IV
Hedc 306	RSA 188-G:2,II
Hedc 307	RSA 188-G:2, IV

TITLE XV EDUCATION

CHAPTER 188-G PRIVATE POSTSECONDARY CAREER SCHOOLS

Section 188-G:1

188-G:1 Definitions; Exclusions. –

I. In this chapter:

(a) "Alternative delivery" means a mode of instruction which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(c) "Commission" means the higher education commission established in RSA 21-N:8-a, II.

(d) "Commissioner" means the commissioner of the department of education.

(e) "Director" means the director of the division of higher education in the department of education.

(f) "Division" means the department of education, division of educator support and higher education.

(g) "Entity" means any individual, firm, partnership, association, company, corporation, organization, trust, school, or other legal entity or combination of these entities.

(h) "Physical presence" means a physical location for instructional purposes, maintaining an administrative office, including a mailing address or phone number, or face-to-face advising, mentoring, supervision, testing, or instruction taking place in New Hampshire.

(i) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in this state providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Schools that offer resident or nonresident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(j) "Workshop" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

II. In this chapter, "private postsecondary career school" shall not include:

(a) Schools authorized to grant degrees pursuant to RSA 292.

(b) Schools specifically licensed as an education or training school by a state agency other than the commission.

(c) Schools operated by a business organization exclusively for the training of that business' own employees and

at no charge to its employees.

(d) Schools offering noncredit courses exclusively for avocational purposes.

(e) Schools established, operated, and governed by the state of New Hampshire or any of its political subdivisions, or any other state or its political subdivisions.

(f) Noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade.

(g) Schools that offer programs and courses exclusively on federal military installations.

(h) Entities that offer training at seminars, workshops, or conferences, if:

(1) Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and

(2) The attendee receiving the training is not awarded any form of a certificate, diploma, or credit including continuing education units for having received the training.

(i) An entity training students under 14 C.F.R. part 91 or 14 C.F.R. part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

(j) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software it licenses.

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges, of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

(l) Government entities offering training in public safety related occupations including but not limited to the division of fire standards and training and emergency medical services, the division of fire safety, and the police standards and training council.

Source. 2011, 224:150. 2014, 132:3. 2016, 149:6, eff. Jan. 1, 2017. 2018, 315:16, eff. Aug. 24, 2018.

Section 188-G:2

188-G:2 Licenses and Fees. –

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the commission to determine if the entity requires a license. The commission shall establish procedures to accomplish this review.

II. A private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the commission. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

III. A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of this chapter. Such school may voluntarily surrender its license and revert to its original status.

IV. The commission shall adopt rules pursuant to RSA 541-A to establish reasonable fees, fines, reimbursement

rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this chapter.

V. A private postsecondary career school which the commission has determined requires a license shall, prior to the issuance of a license, comply with this section and RSA 188-G:3.

Source. 2011, 224:150. 2013, 187:2. 2014, 132:4, eff. June 16, 2014.

Section 188-G:3

188-G:3 Surety Indemnification. –

Before a license is issued or renewed, a school shall furnish surety indemnification as required in this section.

I. A surety bond shall be provided by the school in an amount prescribed in this section. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. A private postsecondary career school shall secure a bond in an amount sufficient to reimburse the tuition of any student contract which cannot be fulfilled, and taking into account the number of students or potential students to be reimbursed and the expenses for investigating and processing claims. The bond shall not be less than \$10,000. If a school licensed under RSA 188-G:2 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the director in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the commission with the commission designated as the beneficiary; or

(b) A term deposit account held in the state treasury, payable to the commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the commission. Any interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including any interest, shall be released to the appropriate school subject to the approval of the commission.

Source. 2011, 224:150. 2013, 187:3, eff. June 30, 2013. 2018, 136:1, eff. July 29, 2018.

Section 188-G:4

188-G:4 Student Tuition Guaranty Fund. – [Repealed 2013, 187:1, I, eff. June 30, 2013.]

Original Effective Date: July 22, 2015

Revised on July 1, 2020

Title of Policy: WIOA Eligible Training Provider List Policy and Procedures

Section 188-G:5

188-G:5 Inspections. – The commission may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, financial data, or other matters which are relevant to the educational and business activities of a licensed school in order to determine compliance with applicable laws and rules.

Source. 2011, 224:150, eff. July 1, 2011.

Section 188-G:5-a

188-G:5-a Suspension; Hearing. – The commissioner of the department of education may, after due notice and failure by a career school to remediate noncompliance with rules adopted pursuant to this chapter, suspend the license of any school licensed pursuant to RSA 188-G:2 for a period of not more than 90 days, until such time as a hearing before the commission can be held. The commissioner may impose interim conditions of operation which shall apply during the period of suspension. The commission may, after due notice and hearing, suspend the license of any school licensed pursuant to RSA 188-G:2 for a period of time to be determined by the commission.

Source. 2018, 136:2, eff. July 29, 2018.

Section 188-G:6

188-G:6 Revocation; Hearing. – The commission may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-G:2 for violating the provisions of this chapter or rules adopted hereunder. A revocation pursuant to this section shall be permanent. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

Source. 2011, 224:150, eff. July 1, 2011. 2018, 136:3, eff. July 29, 2018.

Section 188-G:7

188-G:7 Waiting Period. – Every contract that purports to bind any entity to pay money to a private postsecondary career school in return for training shall be construed to be a home solicitation sales contract under RSA 361-B and shall be subject to the provisions of RSA 361-B.

Source. 2011, 224:150, eff. July 1, 2011.

Section 188-G:8

188-G:8 Veterans, Education and Services Approval. – The division may approve for veterans' education and services any institution licensed under this chapter. The department of education may adopt rules, under RSA 541-A, relative to the procedures for approval of institutions for veterans' education and benefits.

Source. 2011, 224:150, eff. July 1, 2011.

Section 188-G:9

Original Effective Date: July 22, 2015

Revised on July 1, 2020

Title of Policy: WIOA Eligible Training Provider List Policy and Procedures

188-G:9 Use of Fees. – Notwithstanding any provision of law to the contrary, all license fees collected under the provisions of this chapter shall be retained by the commission for use in meeting the expenses of administering this chapter.

Source. 2011, 224:150, eff. July 1, 2011.

Section 188-G:10

188-G:10 Penalty. –

I. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the commission determines that a person is violating any provision of this chapter or the rules adopted hereunder, the commission shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. The commission, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.

IV. The commission shall be notified whenever a cease and desist order is issued to a school, or if a school fails to provide the services required under a contract with any entity causing the bond to be forfeited, or if a school is required to have a license but is operating without a license.

Source. 2011, 224:150, eff. July 1, 2011.