

CHAPTER 76

AN ACT concerning career-oriented programs of study at institutions of higher education, degree-granting proprietary institutions, and private career schools, and supplementing P.L.2009, c.197 (C.18A:3B-44 et seq.) and P.L.2005, c.354 (C.34:15C-10.1).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.18A:3B-45.1 Performance quality standard, established, Secretary of Higher Education; career-oriented programs of study; rules, regulations.

1. a. As used in this section, “career-oriented program of study” means a program that provides occupation-specific knowledge and technical skill proficiency that culminates in the attainment of a license for a specific occupation or is represented by the institution as preparing students for employment in a specific occupation. “Career-oriented program of study” shall not include a program dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

b. Within 12 months of the effective date of P.L.2022, c.76 (C.18A:3B-45.1 et al.), the Secretary of Higher Education shall establish a performance quality standard for career-oriented programs of study offered by institutions of higher education and degree-granting proprietary institutions. In establishing the standard, the secretary shall consider the ratio of the tuition and fees charged to students in the career-oriented program net of any institutional grant aid to the average earnings of New Jersey workers employed in the specific occupation for which the career-oriented program prepares students.

c. The secretary shall ensure that career-oriented programs of study offered by institutions of higher education and degree-granting proprietary institutions meet a minimum acceptable level of performance, as determined by the secretary. In the event that the secretary determines that a program does not meet the minimum acceptable level of performance, the secretary shall suspend or terminate that program and take additional action to suspend or revoke the institution’s license to award academic degrees.

d. An institution of higher education or degree-granting proprietary institution shall submit to the secretary the clear identification of the institution’s career-oriented programs of study in a form and in a manner as determined by the secretary.

e. The secretary shall adopt, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to implement the provisions of this section.

C.34:15C-10.1a Performance quality standards, established, Commissioner of Labor and Workforce Development; rules, regulations.

2. a. Within 12 months of the effective date of P.L.2022, c.76 (C.18A:3B-45.1 et al.), the Commissioner of Labor and Workforce Development shall establish performance quality standards for:

(1) private career schools, referred to and defined as “qualifying schools” under section 4 of P.L.1989, c.293 (C.34:15C-1), authorized jointly under section 13 of P.L.2005, c.354 (C.34:15C-10.1) by the Commissioner of Labor and Workforce Development and the Commissioner of Education to operate in New Jersey; and

(2) private career schools authorized by a professional or occupational board established within the Division of Consumer Affairs, in the Department of Law and Public Safety, to offer an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the division.

b. In establishing the performance quality standards, the Commissioner of Labor and Workforce Development shall consider the ratio of the tuition and fees charged to students in the program net of any institutional grant aid to the average earnings of New Jersey workers employed in the specific occupation for which the program prepares students.

(1) In the event that the Commissioner of Labor and Workforce Development determines that a program offered by a private career school does not meet the minimum acceptable level of performance, the Commissioner of Labor and Workforce Development and the Commissioner of Education shall, pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1), revoke, suspend or make conditional the certificate of approval issued under that law.

(2) In the event that the Commissioner of Labor and Workforce Development determines that an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs does not meet the minimum acceptable level of performance, the Commissioner of Labor and Workforce Development shall issue a written determination directing the applicable board within the Division of Consumer Affairs to suspend or revoke the private career school's license or accreditation to offer such program.

c. All private career schools, including those operating with a certificate of approval issued jointly by the Commissioner of Labor and Workforce Development and the Commissioner of Education, and those authorized by a professional or occupational board established within the Division of Consumer Affairs to offer an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs, shall submit a quarterly report to the Commissioner of Labor and Workforce Development that includes:

(1) the tuition and fees charged for each program;

(2) a record for each student enrolled in each program. The student record shall include, but not be limited to: the student's social security number, gender, date of birth, date of enrollment, any date of completion, date of termination, date of start in a job, date of application for a license, licensing examination result, date of issuance of a license, and any credential issued; and

(3) any additional information that may be required by the Commissioner of Labor and Workforce Development.

d. Each private career school may be required by the Commissioner of Labor and Workforce Development to submit additional reports on a more frequent basis.

(1) In the event that the Commissioner of Labor and Workforce Development determines that a program offered by a private career school has failed to submit any report required under this section, the Commissioner of Labor and Workforce Development and the Commissioner of Education shall, pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1), revoke, suspend or make conditional the certificate of approval issued under that law.

(2) In the event that the Commissioner of Labor and Workforce Development determines that an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs has failed to submit any report required under this section, the Commissioner of Labor and Workforce Development shall issue a written determination directing the applicable board within the division to suspend or revoke the private career school's license or accreditation to offer such program.

e. Upon receiving the written determination from the Commissioner of Labor and Workforce Development directing the suspension or revocation of the private career school's license or accreditation to offer a program, the applicable board within the Division of Consumer Affairs may delay the effective date of the suspension or revocation for a reasonable time if it determines

that doing so is necessary for the applicable board, or the affected private career school at the direction of the applicable board, to protect the interests of students.

f. Nothing in this section shall be construed to affect the authority of a professional or occupational board established within the Division of Consumer Affairs to suspend or revoke the license or accreditation of a private career school pursuant to Title 45 of the Revised Statutes.

g. The Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Education and the Attorney General, shall adopt, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to implement the provisions of this section.

3. This act shall take effect immediately.

Approved July 29, 2022.