

# FREQUENTLY ASKED QUESTIONS

The list below is designed by the Office of Career School Licensing (OCSL) to guide the decisions made by schools, businesses, and other educational entities to meet the licensure requirements set forth in the statutory provisions, [RSA 188-G](#), and the regulatory rules, [Hedc 300](#). Explanations are provided in light of the recent overhaul of Hedc 300 and the new surety clause added to RSA 188-G.

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## **THE BASICS**

### **What is the difference between RSA 188-G and Hec 300?**

[RSA-188-G](#) is the law that governs licensing private postsecondary career schools. [Hec 300](#) is the regulatory rules that are based on the law. These two documents must be read together in order to understand the licensure requirements of career schools.

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### **What kinds of schools are licensed by the Office of Career School Licensing?**

Examples of schools that we license are those that specialize in the following fields: accounting, architecture, bartending, business management, computer, culinary arts, dental assisting, dog grooming, heavy equipment, hypnotist, income tax preparation, interpreter, investigation, marine training, massage therapy, medical billing & coding, modeling, paralegal, pharmacy technician, surgical technology, veterinary assistant, and more. This list demonstrates the example of the range of career school training fields that are subject to statutory provisions and administrative rules; this list is not exhaustive.

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### **How do I find out if my school is required to be licensed?**

Begin with the definition of a private postsecondary career schools as set forth in [RSA 188-G](#). It states that schools required to be licensed include:

[A]ny 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.

The full text of the governing statute and regulatory rules may be found on our website at <http://www.state.nh.us/postsecondary/career.html>. Please read both the statute and the rules to determine if your school falls within the licensure requirements of the OCSL.

In making this determination, be aware that [RSA 188-G:1,\(II\)](#), lists exemptions. If you feel that your school may be exempt, please submit a report letter or email in accordance with [Hec 304.05](#) to include a list of programs/courses and their objectives, length and tuition, a list of one or more exemptions set forth in [RSA 188-G:1,II](#) that justify the request, and supporting documentation for meeting said exemption criteria. Should you need to obtain a license, please visit our website for an [Initial Licensure Application](#).

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### **How much does it cost to license a new school? What is the process?**

Pursuant to [Hec 304.06](#), the fee for a new school is \$1,000. This fee covers all costs associated with registering with the OCSL, including the [Initial Licensure Application](#) and all programs/courses that are required to be registered. The *Initial Licensure Application* can be found on our website at: <https://www.education.nh.gov/highered/career/index.htm>. The best place to start would be reviewing that application since it provides an overview of the requirements that are set forth in [Hec 300](#), the regulatory rules. Next, provide the OCSL with your school's public disclosure, for example a catalog, with

items as listed in [Hedc 304.01\(a\)–\(h\)](#) as this constitutes the substance of your school. We suggest that you make an appointment with the OCSL so that we may provide further guidance before you submit all of your materials. More information may be required upon a complete initial review by the OCSL prior to issuing your license to operate.

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### **Do continuing education entities need to be licensed?**

Unless your continuing education workshops fall under the listed exemption set forth in [RSA 188-G:1,II](#), yes, schools that offer continued education workshops are educational entities that offer instruction to the New Hampshire public and are thus subject to licensure requirements of [RSA 188-G](#) and [Hedc 300](#).

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### **Do I have to register my online programs/courses?**

If your principle business headquarters is in NH, online program/courses may be subject to licensure requirements. If your principle business headquarters are located out of state and you are providing online programs/courses to NH residents, then those programs/courses may not need to be registered. [RSA 188-G:1](#). Please request an exemption pursuant to [RSA 188-G:1,II](#) to the OCSL if you believe your online programs/courses are exempt from licensure requirements.

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### **We are not a school. Why do we need to be licensed?**

The term “private postsecondary career school” refers to all entities that offer vocational instruction to the public, including traditional schools and business schools, and any other entity offering instruction. Specifically, the term is defined in [RSA 188-G:I\(i\)](#) as:

...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.”

Therefore, the traditional notion of a school is only one example of an entity required to be licensed by the OCSL. If you believe your entity is exempt from licensure, [RSA 188-G:II](#) and [Hedc 304.05\(c\)](#) requires that you submit an exemption request.

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## **FORMS**

### **What is required of our school in filing the new *License Renewal Application*?**

Pursuant to [Hedc 303.02](#), the following items must be submitted every two years to the OCSL: an updated filing with the Secretary of State, a statement of annual gross tuition, a license renewal fee, an updated surety bond, and notification of any changes required of the school to report as set forth in [Hedc 303.01](#) and [Hedc 304.01](#), including, for example: an organization chart if an administrator is replaced, or a withdrawal policy if the school has changed theirs since the last time they submitted a renewal application or a notification of change.

**Please note:** There are many items that are no longer required for schools to submit during the renewal period, including, but not limited to: student lists, enrollment agreements, and public disclosures. However, these items must be maintained at the school and what is required of each are outlined in [Hedc 300](#). For example, pursuant to [Hedc 304.04\(b\),\(1\)](#), an enrollment agreement must contain at minimum: a schedule of program or course hours, a tuition and fee schedule, and a statement for students to sign and date indicating they have receive and read school policies. Please reference [Hedc 304.04](#) for what is required of student lists and [Hedc 304.01](#) for public disclosures.

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### What is an Annual Filing?

An [Annual Filing](#) is a financial affidavit required of a school to indicate that it has sufficient resources to continue operations. Its content includes a statement of the school’s annual gross tuition, a renewal fee, and an updated surety bond. The form replaces the burdensome financial reports that schools were required to submit prior to the rule change of October 2018, such as their tax returns and annual financial statements.

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### What is the timeline of forms required by of school to submit?

Pursuant to [Hedc 303.04](#), every year a school is required to submit a statement of the school’s annual gross tuition, a renewal fee, and an updated surety bond as part of their renewal application or their [Annual Filing](#). Additional items are listed in the [License Renewal Application](#) which is submitted every two years, as set forth in [Hedc 303.02](#).

**Please note:** New programs/courses must be submitted 30 days prior to implementation and marketing. For example, submitting twenty new courses on the renewal application when said courses were marketed six months prior to the renewal may be a violation of administrative rules. This is particularly important to remember given that licenses are now valid for a two-year period.

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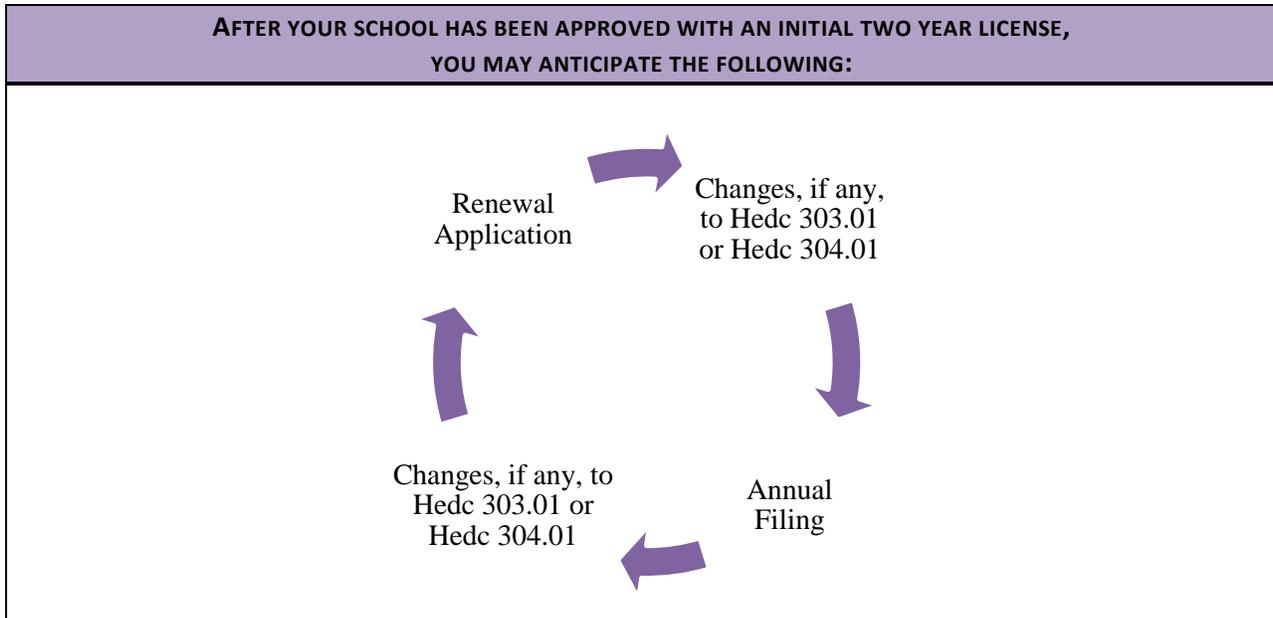
### Chart - Timeline for Applications

APPLICATION	DUE
<a href="#">License Renewal Application</a>	90 days prior to the expiration date of the school’s license (occurs every 2 years)
<a href="#">Annual Filing</a>	45 days prior to the 1 year anniversary of the school’s current license (occurs every 2 years, halfway through the term of the school’s current license)
Changes to criteria listed in <a href="#">Hedc 301.01</a>	30 days prior to the implementation of the change
Changes to criteria listed in <a href="#">Hedc 304.01</a>	30 days prior to the implementation and marketing, of the change

New program/course	30 days prior to implementation and marketing, of the new program/course
YOU MAY ANTICIPATE A COURTESY REMINDER 4 WEEKS IN ADVANCE OF YOUR RENEWAL DUE DATE AND YOUR ANNUAL FILING DUE DATE.	

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### Chart - Applications Cycle



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## NOTIFICATION OF CHANGES

### What kind of changes do I need to report?

Changes related to [Hedc 301.01](#) must be reported to the OCSL 30 days prior to implementation. These items include the school’s mission, by-laws, org chart, credentialing requirements for faculty, facility safety plan, and inspection report. In addition, changes related to [Hedc 304.01](#) must be reported to the OCSL 30 days prior to implementation. These items include a school’s admission requirements, dates or rolling enrollment procedure, description of programs/courses, description of grading system, withdrawal and refund policy, schedule of tuition and fees, transfer of credit policy, and student complaint process. Please reference [Hedc 300](#) for details.

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### What form do I use for a new course/program?

A specific new program/course form is no longer required. Instead, you may write a report letter or email message addressed to the OCSL indicating the intent to add a program/ course to the school’s curriculum. [Hedc 304.06](#) outlines applicable fee requirements. [Hedc 304.01](#) lists the items required in

the notification of intent of a new program/course, including but not limited to: the school's admission requirements, dates or rolling enrollment, a description of programs/courses, description of grading system, withdrawal and refund policy, a schedule of tuition and fees, the transfer of credit policy, student complaint process. If there are items in [Hedc 304.01](#) that are no different than the school's overall policy, such as its withdrawal and refund policy, then make a note of that in the notification. Please reference [Hedc 300](#) for details. Please note, pursuant to [Hedc 303.03\(c\)](#), any new program/course that a school anticipates to add to its curriculum must be provided to the OCSL 30 days prior to implementation and marketing.

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### **How do I know whether to submit a new course versus a revision of one?**

An additional course available for students to enroll in constitutes a new course. A change in tuition of an existing course, for example, is a revision. The former requires schools to notify the OCSL 30 days prior to implementation as set forth in [Hedc 304.01](#). The latter requires schools to notify the office through a report letter or email message indicating the change 30 days prior to its implementation and marketing.

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### **What form do I use for a new administrator?**

A specific new administrator form is not required. Instead, you may write a report letter or email message addressed to the OCSL indicating the intent to change an administrator, or to change any item listed in [Hedc 303.01](#). Pursuant to [Hedc 303.01\(b\)](#), the following information shall be provided in the letter: an explanation of the change, any fee associated with the change, and documentation to support the school's notification of change. In this particular case, there is no fee associated with notification of change of administrator. The documentation that would support the change may be, for example, a new org chart.

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### **What form do I use for a new instructor?**

Notification to the OCSL of new instructors is no longer required. If, however, the requirements, qualifications, and/or hiring standards for new instructors at your school change, a letter of said change must be submitted to the OCSL pursuant to [Hedc 301.01\(a\),\(3\)c](#).

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## **SURETY INDEMNIFICATION**

### **What is surety indemnification?**

Surety indemnification is an insurance that protects the tuition for all the students who attend a school at a given time. It is designed to insure every student's tuition should a school fail or suddenly close its doors. There are three different types of indemnification that schools can submit to fulfill this requirement. A surety bond can be obtained through a surety or insurance agent. A letter of credit can be issued by a financial institute duly authorized to do business in New Hampshire. And a term deposit

account can be held in the state treasury. Pursuant to [RSA 188-G:3](#) every school must carry indemnification. Please use the aforementioned statute in regard to the parameter of indemnification.

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### **What form do I use for the surety bond?**

A specific form is no longer required and any prior forms used for this purpose are no longer valid too. A signed, certified and notarized document provided by your insurance agent indicating a continuance or a new bond that indicates compliance with the new RSA 188-G:3 that took effect in July 2018 is required.

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### **How do I calculate the surety bond?**

Pursuant to [RSA 188-G:3](#), a surety bond, or the other forms of indemnification (i.e. term deposit or letter of credit), shall carry indemnification sufficient to cover the estimated peak dollar amount of tuition at risk for the upcoming school year with a \$10,000 minimum. Please see Surety Bond Guidelines found on the career school website.

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### **How are the amounts for a letter credit or a term deposit calculated?**

Pursuant to [RSA 188-G:3](#), the amount of the letter of credit and term deposit are to be equivalent to the amount calculated for the surety bond. Once the amount is identified, a letter of credit issued by a financial institute authorized to do business in New Hampshire or a term deposit account held in the state treasury may then be used to indemnify tuition at risk. Please reference [RSA 188-G:3](#) for details.

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### **Why has the formula for a surety bond changed?**

The Department of Education has determined that a one-size-fits-all calculation is not in the best interest of the students nor the schools because it fails to serve the purpose for which the bond exists. The school's administrator and its insurance company are best able to calculate a surety bond value because they are most familiar with the needs of the schools as it pertains to financial documents, risk factors, student numbers, and program/course lengths. The number of enrollment contracts active at any given point in time is different for each school, as are the risk factors and legal claims for each school. The new calculation accounts for this difference, resulting in an indemnification value that is meaningful and relevant to tuition indemnification for a particular school.

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## **PUBLIC DISCLOSURE**

### **What is public disclosure?**

Public disclosure is any non-confidential communication which a party makes available to the public. Pursuant to [Hedc 304.01](#), public disclosures as defined by the OCSL includes the following items:

admission requirements, dates or rolling enrollment, a description of programs/courses, a description of grading system, a withdrawal and refund policy, a schedule of tuition and fees, a transfer of credit policy, student complaint process. These are the same items that are found in a catalog, which is an example of a means by which public disclosure is provided to the public. Although schools are not required to submit public disclosures to the OCSL during renewal, they are required to have the information posted on their website.

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### **Our school does not have catalogs but we are required to submit them at closure.**

A catalog is an example of the way in which public disclosures are provided. The content of a catalog is the same as the disclosure content of a website which may, for example, provide policies and procedures on the school's website. All schools that have been approved to operate have disclosed the items found in a catalog because public disclosure is a requirement of licensure in the state. The items, as listed in [Hedc 304.01](#), includes: admission requirements, dates or rolling enrollment, a description of programs/courses, a description of grading system, a withdrawal and refund policy, a schedule of tuition and fees, a transfer of credit policy, and student complaint process, all of can be found in a catalog or on a school's website. If that information is found on your school's website, a screenshot or PDF conversion of the pages, for example, on your website each year may be submitted along with the other documents required in [Hedc 304.05](#) for school closure. Please note, if your school has a website, then disclosures must be present. This constitutes the "catalog" of a school.

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### **We provide business to business contracts. Why do we need public disclosures?**

[RSA 188-G:1\(i\)](#) states that a "Private postsecondary career school" is:

[A]ny 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.

Pursuant to [RSA 188-G](#), business-to-business entities are not exempt from licensure requirements, unless they qualify for one or more exemptions listed in [RSA 188-G:1,II](#). As such, all requirements in [Hedc 300](#), the regulatory rules for career schools, must be fulfilled if a business is providing educational services to an individual or another business.

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### **Our school posts disclosures on a website and we don't save prior web materials.**

Pursuant to [Hedc 304.05](#) schools are required to submit a catalog (public disclosure) for each year in existence when the business closes its doors. If your school operates with only a website, then webpages need to be saved once a year. This can be done by saving a webpage as a PDF document or taking screenshots of each page. Essentially, the information needs to be maintained in one form or the

other and needs to demonstrate that all requirements set forth in [Hedc 304.01](#) have been met. Compliance with [RSA 188-G](#) and [Hedc 300](#) requires that this action is completed by all schools.

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### **We are branch of a corporation. Posting disclosures on our website is not a protocol.**

The OCSL recognizes the challenges presented to out-of-state schools and businesses. However, pursuant to [Hedc 304.01](#), the OCSL is not authorized to issue a certificate to a school that does not have its public disclosures posted on its website. We are happy to guide you throughout this process. Please keep in mind that although the OCSL won't be collecting public disclosure during the renewal period, it will review information posted on your website to ensure compliance with Hedc 304.01.

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### **Our school accepts the transfer of credit. How do we disclose that?**

One example of a statement that can be used is: Prior education and training will be reviewed by the school to determine a reduction in cost or length of program/course. Please keep in mind that [Hedc 304.01\(g\)](#) requires a statement on a school's transfer of credit policy.

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### **Our school does not accept the transfer of credit. How do we disclose that?**

One example of a statement that can be used is: Prior education and experience cannot be applied to the programs/courses at [Name of School]. Please keep in mind that [Hedc 304.01\(g\)](#) requires a statement on a school's transfer of credit policy.

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### **Our school does not use a grading system.**

Provide the OCSL and publicly disclose with the method with which you determine if a student has completed a program/course. This may be, for example, full or 80% attendance of a program/course. Whatever the measurement of successful course completion, it must be disclosed to the public in accordance with [Hedc 304.01\(d\)](#).

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## **EXEMPTIONS**

### **Our school does not meet the criteria of career school. Are we exempt?**

The only way for the OCSL to grant an exemption is if the school submits a request. Pursuant to [Hedc 304.05](#), a report letter or email message shall include a list of programs/courses and their objectives, length and tuition, a list of one or more exemptions set forth in [RSA 188-G:1,II](#) that justify the request, and supporting documentation for meeting said exemption criteria. For example, if the schools requests an exemption because it offers avocational courses, [RSA 188-G:1,II\(d\)](#) would be cited and may be

supported by providing the OCSL with public disclosures. Please note, the OCSL may ask that you provide additional documentation upon receiving your request for exemption.

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## WITHDRAWAL & REFUND POLICY

### **What is the difference between a withdrawal policy and a refund policy?**

The withdrawal policy outlines the conditions under which a refund is owed to a student when the student either cancels their enrollment prior to the start date of a program/course or withdraws from the course after the start date. The refund policy outlines the amount of money they are owed during the conditions set forth by the school.

**Please Note:** While each school determines their own withdrawal and refund policy, there are 2 statements that are required to accompany the policies as set forth in [Hedc 304.01\(e\)](#):

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 regulation.

Regardless of the school's own refund policy and the applicability of federal programs, both statements are required to be present as part of public disclosure.

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## SCHOOL CLOSURE

### **Our school was licensed in the past and is now exempt. Why do we have to submit a closure?**

Pursuant to [Hedc 302.01\(m\)](#), school closure means "a school exiting New Hampshire, closing its doors, or changing programs making it exempt from career school licensing rules." Therefore, even though your doors are open, the transition of the school out of the purview of the OCSL accounts for the requirement of closure, as set forth in [Hedc 304.05\(a\)](#).

**Please note:** Pursuant to [Hedc 304.05\(a\)](#), a school is required to submit documentation that require long-term preparation. For example, one original and electronic copy of certificates/transcripts for all current and former students in addition to one original or electronic copy of a catalog (public disclosure) for each year of the school's existence are required. Therefore, these items need to be maintained each year until the school closes.

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*THE OCSL WOULD BE HAPPY TO WORK WITH YOU TO HELP YOU UNDERSTAND THE POTENTIAL APPLICABILITY OF THE STATUTE AND REGULATIONS AS THEY MAY PERTAIN TO YOUR SCHOOL.*