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IS MY SCHOOL REQUIRED TO OBTAIN A CAREER SCHOOL LICENSE? GUIDELINES

Please be advised that pursuant to RSA 188-G:1 prior to registering or renewing a business or trade name, or soliciting students for enrollment, a private postsecondary career school maintaining a physical presence in the State of New Hampshire shall be reviewed by the Office of Career School Licensing to determine if the entity requires a license. Specifically, as defined in RSA 188-G:1(i), 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.

Key words used in the definition above as defined in RSA 188-G:1, I include:

RSA 188-G:1, I(g): "Entity" means any individual, firm, partnership, association, company, corporation, organization, trust, school, or other legal entity or combination of these entities.

RSA 188-G:1, I(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.

RSA 188-G:1, I(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.

If you are not sure as to whether your school requires a license to operate with the Office of Career School Licensing, you may use the guidelines found on page two and three of this document. If you believe your school is exempt from licensure, Heds 304.05(c) requires that entities provide to the office the program/course title, objectives, length, tuition, applicable exemption statute, and supporting documentation for meeting the statute. Exemption criteria is listed in RSA 188-G:1, II.

Please be sure to review RSA 188-G and Heds 300 in its entirety. More information can be found at: <https://www.education.nh.gov/who-we-are/division-of-educator-support-and-higher-education/office-career-school-licensing>. If you have questions, we recommend you contact your legal counsel.

IS MY SCHOOL REQUIRED TO OBTAIN A CAREER SCHOOL LICENSE?
GUIDELINES

EXAMPLE

The following is designed to help an entity understand whether it is required to apply for a license to operate in New Hampshire pursuant to RSA 188-G:1,II and Heds 304.05(c).

Step 1: Below is a list of items that define a private postsecondary school as outlined in RSA 188-G:1(i) that if applicable to your school may require you to obtain a license.

My school:

- Is an entity as defined in RSA 188-G:1, I(g). See page 1.
- Has a physical presence in NH as defined in RSA 188-G:1, I (h). See page 1.
- Provides face-to-face education or alternative delivery of education as defined in RSA 188-G:1, I(a). See page 1.
- Provides education or training that:
 - (1) Enhances a person's occupational skills; *or*
 - (2) Provides continuing education or certification; *or*
 - (3) Fulfills a training or education requirement in one's employment, career, trade, profession, or occupation.
- Requires students to pay a fee.

If you checked off all of the boxes in step 1, then your school falls under the definition of a private postsecondary career school and you should proceed to step 2.

If you did not check off all of the boxes in step 1, then your school does not fall under the definition of a private postsecondary career school and no further action is required.

Step 2: Below is a list of potential exemptions as outlined in RSA 188-G:1, II for entities that fall under the definition of a private postsecondary career school. Please identify the items, if any, that you believe apply to your school.

- a. Schools authorized to grant degrees pursuant to RSA 292.
- b. Schools 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) Training/education offered is incidental to purpose of 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.
- m. Entities that have annual gross tuition of \$100,000 or less.

If you checked off one or more boxes in step 2, then you may be eligible for an exemption. Please submit a document in which you elaborate on how the exemption(s) you identified apply to your school. Your submission should include the program/course title, objectives, length, tuition, and a list of applicable document(s). If you need further assistance, page 4 of this document provides an example that you may use to submit exemption request.

*If you did not check off any box in step 2, then please submit an *Initial Licensure Application* to the Office of Career School Licensing which can be found on the following website:*

<https://www.education.nh.gov/highered/career/index.htm>.

EXEMPTION REQUEST GUIDELINES

EXAMPLE

Please submit to the Office of Career School Licensing the following information as required by RSA 188-G:1, II and Hedc 304.05(c), (1)-(3). Please be sure to include the date, the name and address of the institution, and the name, email address, and contact phone number of the administrator. Please complete one exemption guideline for each program/course and attach supporting documentation.

1. Program/Course Title: _____
 - (a) Description: _____

 - (b) Objectives: _____
 - (c) Length: _____
 - (d) Tuition: _____

2. Identification of exemption criteria used to support the request as outlined in RSA 188-G:1, II(a)-(m).
See pages 2-3.

- | | | |
|------------------------------|------------------------------|------------------------------|
| <input type="checkbox"/> (a) | <input type="checkbox"/> (e) | <input type="checkbox"/> (i) |
| <input type="checkbox"/> (b) | <input type="checkbox"/> (f) | <input type="checkbox"/> (j) |
| <input type="checkbox"/> (c) | <input type="checkbox"/> (g) | <input type="checkbox"/> (k) |
| <input type="checkbox"/> (d) | <input type="checkbox"/> (h) | <input type="checkbox"/> (l) |
| | | <input type="checkbox"/> (m) |

3. Explanation of how the exemption criteria identified above support the request: _____

4. List of applicable documents:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____