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Authority

The provisions of this Chapter 73 issued under the Private Licensed Schools Act (24 P. S. §§ 6501—6518), unless otherwise noted.

Source

The provisions of this Chapter 73 adopted January 29, 1988, effective January 30, 1988, 18 Pa.B. 456, unless otherwise noted.

Cross References

This chapter cited in 22 Pa. Code § 31.1 (relating to purpose and scope).

DEFINITIONS

§ 73.1. Definitions.

The following words and terms, when used in this chapter, have the following meaning, unless the context clearly indicate otherwise:

Act—The Private Licensed Schools Act (24 P. S. §§ 6501—6518).

Acting director—The individual responsible for assuming the director's duties in the temporary absence of the director.

Board—The State Board of Private Licensed Schools.

Branch facility—A school facility whether or not located at the administrative headquarters of a school. A school with one school facility has one branch facility.

Certificate—A document awarded by a school subject to this chapter upon the successful completion of a particular course.

Chief executive officer—The person ultimately responsible for all phases of the school operation, plant and program, including the method of instruction, the employment of instructors, the organization of classes, the equipment, the advertising used, the maintenance of proper administrative records and other matters related to the administration of the school. The chief executive officer and the director may be the same person.

Clock hour—A minimum of 50 minutes of instruction.

Closure—The situation which results when a school ceases to operate.

Complaint—A matter that has been reported to the review and recommendation panel under § 73.184 (relating to reporting of potential violations), has been investigated by Board staff and has been found to constitute a violation of the act or this chapter.

Correspondence—A systematic course or program of nonresident instruction.

Course—A unit of learning covering specific subject matter.

Credit hour—A unit of curricular material which normally can be taught in a minimum of 14 clock hours of instruction. For laboratory instruction, a credit hour represents a minimum of 28 clock hours. For shop instruction and practicum experiences, including externship/internship experiences, a credit hour represents a minimum of 42 clock hours.

Degree—A specialized associate degree awarded by a school with the approval of the Secretary under Chapter 42 (relating to program approval).

Department—The Department of Education of the Commonwealth.

Diploma—A document awarded by the school subject to this chapter upon the successful completion of an approved program.

Director—The person designated by a school directly responsible for the day-to-day operation of a school. The director and the chief executive officer may be the same person.

Educational supervisor—An individual who reports to the director and supervises all or part of the instructional program in his curricular area.

Hearing panel—Three Board members, one of whom shall be a public member as defined by section 3(a) of the act (24 P. S. § 6503(a)), who preside over hearings requested by schools to contest enforcement actions and who submit proposed findings and recommendations to the full Board for its adjudication.

Internship or externship—A structured, supervised learning experience which takes place outside of the school and involves the practical application of competencies acquired during school-based instruction.

Licensee—A person or entity holding a license issued by the Board in accordance with the act.

Mail—Ordinary first class mail, United States Postal Service, ICC approved mail carrier or personal delivery, unless otherwise specified.

Nonresident—A student who is receiving instruction by correspondence, telecommunication or similar means including seminar.

Notice—A written statement issued by the Board to a licensee or registrant or by a licensee or registrant to the Board.

Prepaid tuition—A sum of money received by a school from a student, or on behalf of a student, for which the period of the student's enrollment has not yet begun.

Private licensed school sales office—A permanent or temporary facility away from school premises to which an admissions representative reports or from which an admissions representative solicits or procures student enrollments.

Program—An approved series of organized courses.

Quarter credit hour—A unit of curricular material which normally can be taught in a minimum of 10 clock hours of lecture. For laboratory and shop instruction, a quarter credit hour represents a minimum of 20 clock hours. For externship/internship experiences, a quarter credit hour represents a minimum of 30 clock hours.

Registered school sales office—A permanent or temporary facility in this Commonwealth of a registered school to which an admissions representative reports or from which an admissions representative solicits or procures student enrollments.

Remote laboratory—A detached facility for teaching practical application of theoretical instruction, such as a firing range for a security or private investigator program or kitchen facilities for a food service program.

Reportable event—A circumstance or occurrence as defined in § 73.201 (relating to reportable events) which takes place at a school or which pertains to the school, within the knowledge of the school's owner, director or chief executive officer.

Resident—A student who is regularly scheduled to be present at a school facility for the purposes of instruction, including attendance at approved externships, internships or field experience.

Review and recommendation panel—Three Board members, one of whom shall be a public member as defined by section 3(a) of the act, whose role is to perform or direct Board staff in the performance of the prosecutorial functions involved in an enforcement action against a school.

School—A private licensed school or registered school as defined in the act. An entity requiring a license or registration under the act. The term includes an instructional facility requiring a license when the facility has a different ownership of more than 25% or has a different director or is a separate and distinct legal entity from a licensee.

Secretary—The Secretary of the Department.

Seminar—Training or instruction that is one of the following:

(i) Noncumulative short-term training of no more than 15 hours duration, not scheduled in a regular calendar format and offered as an introduction or orientation to an occupation.

(ii) Instruction for an occupation offered at a total contract price, of less than \$300, which includes all costs charged to students, including tuition, fees, books and supplies, provided that the total contract price for all courses to any enrolled student is less than \$300 in any one calendar year.

Student—A person enrolled in a school for the purpose of instruction.

Teachout—The continuation of instruction to complete the program or course, whenever the school's license has been suspended or revoked or a school has advised the Board that it intends to discontinue operations.

Telecommunications—Nonresident, systematic instruction by electronic or electromagnetic means.

Unearned tuition—The portion of tuition charges billed to students of a school but not yet earned by the school. These amounts represent future educational services to be rendered to presently enrolled students.

Source

The provisions of this § 73.1 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1844; amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (287682) to (287685).

STATE BOARD OF PRIVATE LICENSED SCHOOLS

§ 73.11. Organization of the State Board of Private Licensed Schools.

(a) At the first official meeting of a calendar year, Board members shall elect a member, in accordance with the act, to serve as chairperson and a second member to serve as vice-chairperson. The chairperson shall preside over meetings of the Board and, in the absence of the chairperson, the vice-chairperson shall preside.

(b) If either the chairperson or vice-chairperson of the Board resigns or is otherwise unable to serve, a replacement shall be elected at the next official Board meeting.

(c) If neither the chairperson nor the vice-chairperson is available for a meeting, the Board shall elect a member as temporary chairperson.

STUDENT RECORDS

§ 73.21. Contents of student records.

Student records must contain a transcript of academic performance, which includes student name, identifying number, program or course attended, grades for all subjects taken, date of entrance, date of graduation or withdrawal and the award received upon completion.

Source

The provisions of this § 73.21 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (287685).

Cross References

This section cited in 22 Pa. Code § 73.25 (relating to content of disposition statement).

§ 73.22. [Reserved].**Source**

The provisions of this § 73.22 reserved April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (287686).

§ 73.22a. Annual consolidation of student transcripts.

Annually, a school shall consolidate copies of all transcripts of academic performance for all students who have graduated, terminated or withdrawn during the previous calendar year. These transcripts of academic performance, for each year, shall be stored separately in a hard copy file or printable electronic record.

Source

The provisions of this § 73.22a adopted April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982.

§ 73.23. Retention of transcript of academic performance.

A school shall provide for a method of maintenance of and access to the transcript of academic performance for 50 years after graduation, termination or withdrawal.

Source

The provisions of this § 73.23 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (287686).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.191 (relating to revocation procedure).

§ 73.24. Disposition of student records statement.

A school shall provide the Board with a written statement setting forth arrangements for disposition of student records in the event of closure.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.191 (relating to revocation procedure).

§ 73.25. Content of disposition statement.

(a) The statement must include the name and address of the depository, agreement of the depository and terms of the agreement.

(b) Proper disposition of student records shall be subject to approval of the Board and shall include a means of access by the student for copies of records as defined in § 73.21 (relating to contents of school records).

Source

The provisions of this § 73.25 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (287686).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.191 (relating to revocation procedure).

§ 73.26. Recommended depositories.

Unless the Board otherwise requires, the following recommended depositories for student records, in order of preference, are:

- (1) An existing private licensed school within the same geographic area.
- (2) A qualified professional records depository.
- (3) An existing private licensed school outside the geographic area.
- (4) Other depositories which are approved by the Board.

OPTIONAL LICENSING OF PRIVATE SCHOOLS**§ 73.31. General.**

A school which is not required to obtain a license may apply for a license and, upon approval and issuance of the license, shall be subject to the act and this chapter. The school may voluntarily surrender its license and revert to its unlicensed status.

Cross References

This section cited in 22 Pa. Code § 73.42 (relating to exemptions from licensure).

§ 73.32. Agreement of continued compliance upon lapse of license.

(a) A school applying for an optional license under this section shall enter into a written agreement on a form to be provided by the Board to assure continued compliance with the act with respect to unresolved complaints or violations that occur during licensure and have yet to be resolved to the Board's satisfaction, upon voluntary surrender of the license.

(b) An unresolved violation or complaint under the act or this chapter occurring during licensure shall be pursued by the Board to a conclusion, satisfactory to the Board, even though lapse of license shall have occurred prior to satisfaction. Remedies set forth in the act or this chapter apply.

**LICENSING OF PRIVATE SCHOOLS AND ADMISSIONS
REPRESENTATIVES****§ 73.41. Private licensed schools and admissions representatives.**

Schools and admissions representatives shall be licensed or registered under the act and this chapter. A school that trains or educates individuals so that they may pursue an occupation or career which is listed in the Dictionary of Occupational Titles (1991 edition) as amended or supplemented, unless specifically exempt from licensure under § 73.42 (relating to exemptions from licensure), shall

obtain a license under the act and this chapter before operating, advertising or enrolling students. Individual classes or short courses offered by an entity which are ancillary to the sale, lease or use of a product and that provide training in the use of the product, as opposed to training to pursue an occupation or career, are not subject to licensure.

Source

The provisions of this § 73.41 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133105).

§ 73.42. Exemptions from licensure.

The following schools and their admissions representatives are exempt from licensure, except that they may elect to obtain an optional license under § 73.31 (relating to general):

- (1) A private academic school, which falls under the Private Academic Schools Act (24 P. S. §§ 6701—6721) and this part.
- (2) A school or class providing training for the vocation of homemaking. Schools or classes which fall into this category are those where the training is specifically designed and advertised as being for home use, as opposed to commercial or business use, and where students are instructed in areas such as cooking, nutrition, child care, consumerism and home decorating.
- (3) A school or class providing training in public service or other service occupations. Persons engaged in public service occupations are limited to ambulance personnel, emergency medical technicians, firefighters, police, school bus drivers and school crossing guards. Persons engaged in other service occupations are limited to maids, butlers and chauffeurs.
- (4) A barber school or a school of cosmetology.
- (5) A school that provides training or instruction in flying and which is being regulated by the Federal Aviation Administration.
- (6) A private tutorial school that provides individual instruction, including schools in music or dance or individual instruction by a private tutor in other areas.
- (7) A school authorized to award degrees under 24 Pa.C.S. § 6505 (relating to power to confer degrees), other than those schools approved to award specialized associate degrees under §§ 42.11—42.14 (relating to specialized associate degree programs approval procedure).
- (8) In-house programs of education or training, such as those provided free of charge by employers or trade unions to their employees or members.
- (9) A school owned and operated by a bona fide religious institution for the sole purpose of giving religious instruction.
- (10) A school operated by the Commonwealth or a political subdivision thereof, such as the Department of Education's Stevens State School of Technology, community colleges or area vocational technical schools.

(11) A school which is operated by a hospital licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) and which is accredited by a regional or National accreditation agency.

Source

The provisions of this § 73.42 adopted September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334.

Notes of Decisions

Private Tutorial School

The Private Licensed School Act (24 P. S. §§ 6501—6518) and its defining regulations are not void for vagueness, nor have the constitutional rights of the operator of bartending classes been violated, where there is a regulation defining “private tutorial school” and the operator had a reasonable opportunity to know whether the bartending classes he conducted needed to be licensed. *Blanco v. State Board of Private Licensed Schools*, 718 A.2d 1283 (Pa. Cmwlth. 1998); appeal denied 737 A.2d 1226 (Pa. 1999).

An operator’s bartending courses do not fall within the “private tutor” exemption from licensing, where he holds his courses for groups of people in hotel conference rooms and is not even familiar with the student’s names. *Blanco v. State Board of Private Licensed Schools*, 718 A.2d 1283 (Pa. Cmwlth. 1998).

Cross References

This section cited in 22 Pa. Code § 73.41 (relating to private licensed schools and admissions representatives).

APPLICATION FOR SCHOOL LICENSE OR REGISTRATION

§ 73.51. General requirements.

(a) A school may not advertise, solicit students, collect fees or conduct courses or programs unless licensed or registered.

(b) A person, partnership or corporation desiring to operate a private licensed school in this Commonwealth shall attend a new school orientation seminar conducted by Board staff in Harrisburg and shall file an application for licensure or registration with the Board in the manner prescribed by the Board. Orientation seminars will be conducted monthly at the Department.

(c) A person, partnership or corporation operating a school located outside this Commonwealth which employs an admissions representative to enroll students from inside this Commonwealth shall file an application for registration with the Board in the manner and form prescribed by the Board.

(d) Original letters, proof of surety, forms and applications sent to the Board shall become the property of the Board, constitute records of the Board and may be retained by the Board.

(e) A license will not be issued to a franchised school unless the franchise agreement contains a provision that the school may not be terminated by the

franchisor until sufficient arrangements have been made to assure approved teach-out arrangements. This requirement is in addition to other license requirements described in this section.

Source

The provisions of this § 73.51 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (252761) and (220309).

§ 73.52. Contents of application.

An application for an original license or registration shall contain, at a minimum, the following prepared in a manner and form prescribed by the Board:

- (1) Draft copies of student information publications in accordance with §§ 73.61 and 73.62 (relating to general student information publications; program and course brochures; supplements; and nonresident instruction publications).
- (2) The name of the school, ownership or governing body and officials. A copy of a fictitious name registration, articles of incorporation or charter. School names which the applicant wishes to appear on the license or registration shall be submitted, along with a fictitious name registration for each name. The Board may refuse to issue a license, when, in the Board's judgment, a name chosen by the applicant appears to be misleading to the public regarding the nature or scope of the school.
- (3) The schedule of tuition and fees.
- (4) The enrollment agreement or an alternative under § 73.122 (relating to contents of enrollment agreement).
- (5) The address of the school, certificate of occupancy or equivalent statement, designation of available space, facilities and equipment of the school under §§ 73.91 and 73.92 (relating to equipment; and facilities).
- (6) Descriptions of proposed courses or programs of instruction prepared under §§ 73.81—73.83 (relating to approval of programs). The Board may refuse to approve a program, when, in the Board's judgment, the name of the program chosen by the applicant appears to be misleading to the public regarding the nature or scope of the program.
- (7) The maximum enrollment to be accommodated on equipment available in each program.
- (8) A listing of the names of administrative, supervisory and instructional staff and evidence that their qualifications meet the requirements of §§ 73.102—73.105.
- (9) If a school offers a program where graduates will find employment in a trade or activity whose employees are required by law to be free of contagious, infectious and communicable diseases, the school shall file a statement that students in these programs have provided bona fide health certificate as a prerequisite of enrollment.

(10) A signed statement on reasonable service and business ethics in accordance with §§ 73.111 and 73.112 (relating to statement requirement; and statement of reasonable service and business ethics).

(11) A signed statement regarding disposition of student records as set forth in §§ 73.23—73.25 (relating to long-term retention of transcript of academic performance; disposition of student records statement; and content of disposition statement).

(12) A financial report under § 73.53 (relating to financial resources).

(13) Evidence of surety under § 73.54 (relating to surety).

(14) The appropriate fee as stipulated in § 73.151 (relating to fees).

Source

The provisions of this § 73.52 adopted January 29, 1988, effective January 30, 1988, 18 Pa.B. 5574; amended December 16, 1988, effective January 1, 1989, 18 Pa.B. 5574; amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (220309) to (220310).

§ 73.53. Financial resources.

The financial resources of the school shall be adequate to fulfill its obligations to its students. An applicant for school license or registration shall provide the Board with a detailed financial report. The financial report shall be filed on a form provided by the Board or in a manner acceptable to the Board. The Board may also request additional financial information to determine the financial stability of the school. Financial information provided to the Board will be confidential. The Board reserves the right to require, on 30 days' notice, interim financial statements.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.54. Surety.

(a) *Forms of surety.* A school applying for a license or registration or for renewal shall include with its application evidence of surety, the purpose of which is to reimburse the unearned tuition due students whenever the licensed or registered school closes. Schools may select one of the following forms of surety or a combination thereof, in sufficient amount to meet the requirements of subsection (b):

(1) Surety bond.

(2) Participation in a Board-approved private surety fund.

(b) *Levels of surety.* Regardless of the form of surety selected by the school, surety shall be demonstrated to exist at the following levels:

(1) For a prospective licensee applying for an original license, the required minimum surety level is \$10,000.

- (2) For a licensee applying for a renewal license, the required minimum surety level is \$10,000 for licensees with gross tuition collected during the previous fiscal year of \$500,000 or less. For licensees with gross tuition collected during the previous fiscal year in excess of \$500,000, the minimum surety level is \$10,000 for each \$500,000 or portion thereof of gross tuition collected during the previous fiscal year.
- (3) For a licensee applying for a renewal license, the maximum surety level is \$100,000.
- (4) For a registered school, the minimum surety level is \$10,000, with subsequent surety levels to be based on tuition generated by residents of this Commonwealth. The maximum required amount is \$100,000.
- (c) *Approval.* The form and level of surety established by a school are subject to the approval of the Board. Board approval constitutes a condition precedent to the granting or renewal of a license or registration.
- (d) *Alteration by school.* A school may apply to the Board for alteration of its approved form or level of surety. An application for alteration of surety will be approved by the Board prior to its taking effect.
- (e) *Alteration by Board.* The Board may direct that a school alter its approved form or level of surety with cause. A school which fails, within 30 days, to comply with a directive of the Board may be subject to suspension or revocation of its license or registration.
- (f) Schools are required to maintain surety at the levels under subsection (b) throughout the period of licensure.

Source

The provisions of this § 73.54 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (220310) to (220311).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.143 (relating to license or registration not transferable).

§ 73.55. Site visits.

Before a school can be issued an original school license, a visit to the proposed school site will be made by members of the staff. Following the issuance of the original license, members of the staff may make return visits to the school within a relicensure period. These visits may be made without prior notice to the school. The purpose of both the initial and follow-up visits will be to verify the information contained in the application for licensure or relicensure and to insure continued compliance with the act and this chapter.

§ 73.56. Certificate, diplomas and degrees.

A school may award a certificate or diploma or, when authorized by the Secretary, an Associate in Specialized Business or Technology degree.

STUDENT INFORMATION PUBLICATIONS**§ 73.61. General student information publications; program and course brochures; supplements.**

(a) Except as provided in § 73.62 (relating to nonresident instruction publications), a school shall have at least one student information publication which shall contain at least the following:

- (1) The name and address of the school.
- (2) The date of publication—may not exceed 3 years from the date of submission.
- (3) Admission requirements and procedures.
- (4) The educational objectives of the program, including the name, occupation and level for which training is provided.
- (5) The number of clock hours or credit hours, where applicable, of instruction in each course.
- (6) The courses offered, specifying sufficiently the subjects included to identify the coverage of the program.
- (7) A general description of the school's physical facilities.
- (8) Policies relating to tardiness, absences, makeup work, conduct, termination and other rules of the school or reference to the policies in another school publication which contains the information.
- (9) The grading system.
- (10) Requirements for graduation.
- (11) A statement which clearly defines whether a certificate, diploma or degree is awarded upon graduation.
- (12) A statement of tuition and other student charges related to the enrollment, or reference to the statement in another school publication which contains the information.
- (13) A statement of the cancellation and refund policy of the school.
- (14) A description of placement assistance, if available, to students and graduates.
- (15) A description of available student services, if provided.
- (16) A school calendar, including holidays and either beginning and ending dates of courses and programs or a statement regarding the frequency of class starting policy or reference to the calendar in another student publication which contains the information.

(b) Program or course brochures and supplemental publications which describe one or more programs may be used by a school if each publication contains a reference to the general student information publication and copies of that general student information publication are made available to the student along with the brochure or supplemental publication.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 72.63 (relating to current publications).

§ 73.62. Nonresident instruction publications.

A school offering nonresident instruction, if it does not provide a general student information publication, shall circulate student information publications, each of which shall describe not more than one program or course and shall contain at least the following:

- (1) The name and address of the school.
- (2) The date of publication—may not exceed 3 years from the date of submission.
- (3) Admission requirements and procedures.
- (4) The educational objectives of the program, including the name, occupation and level for which training is provided.
- (5) The length of time in weeks or months normally required for completion or the number of lessons contained in the program or course.
- (6) The courses offered, specifying sufficiently the subjects included to identify the coverage of the program.
- (7) The grading system.
- (8) Requirements for graduation.
- (9) A statement which clearly defines whether a certificate, diploma or degree is awarded upon graduation.
- (10) A statement of tuition and other student charges related to the enrollment, or reference to the statement in another school publication which contains the information.
- (11) A statement of the cancellation and refund policy of the school.
- (12) A description of placement assistance, if available, to students and graduates.
- (13) A description of available student services, if provided.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); 22 Pa. Code § 73.61 (relating to general student information publications; program and course brochures; supplements); and 22 Pa. Code § 72.63 (relating to current publications).

§ 73.63. Current publications.

Student information publications in use by licensed or registered schools on January 30, 1988 may continue to be used until January 30, 1989, notwithstanding that the publication does not conform to §§ 73.61 and 73.62 (relating to general student information publications; program and course brochures; supplements and nonresident instruction publications). Revised publications to conform with §§ 73.61 and 73.62 shall be drafted, accepted by the Board and in use by the school no later than January 31, 1989.

ADMISSIONS REPRESENTATIVES**§ 73.71. License required.**

A person may not solicit or procure through an enrollment agreement off the premises of the school, a prospective student within this Commonwealth to enroll in a licensed or registered school unless the person has been licensed as an admissions representative of the school.

Source

The provisions of this § 73.71 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (220314).

§ 73.72. Application requirements.

An individual applying for an admissions representative's license shall be at least 18 years of age and shall apply on the form prescribed by the Board. The application shall include the following:

- (1) Name. If another name has been used in the last 10 years, the name shall be reported.
- (2) Social Security number.
- (3) Residence addresses for the last 4 years. The address shall include the county, state, road, street, drive or other specific location description including house number. A post office box number alone is not sufficient.
- (4) School sales office address.
- (5) A statement that the individual has been furnished with a copy of the act and this chapter and that the individual has read these documents.
- (6) Certification by the Chief Executive Officer or Director of the school indicating that the school wishes to employ the individual as an admissions representative and assuring that the school will be responsible for actions of that individual when acting in the capacity of an admissions representative for that school.
- (7) The appropriate fee as stipulated in § 73.151 (relating to fees).

§ 73.73. Change in status of admissions representative.

The following changes in the status of an admissions representative shall be reported to the Board:

- (1) A change of home address of an admissions representative shall be reported within 14-calendar days.
- (2) The termination or resignation of an admissions representative shall be reported within 14-calendar days. The representative shall surrender his license to the school and the school shall forward the license to the Board along with the report.

§ 73.74. Duration of license.

The duration of the original license shall be for 1 year, shall be renewed annually and shall be effective from the date of issue until the first day of the month of the original issue the following year.

§ 73.75. Limitation on solicitation.

A licensed admissions representative shall obtain a separate license for each school represented.

APPROVAL OF PROGRAMS**§ 73.81. Application requirements.**

A school seeking original licensure or registration shall submit programs to the Board for approval in the manner and form established by the Board. This section applies to licensed or registered schools wishing to offer new programs.

(1) Minimum requirements for program approval include the following:

(i) Courses of study shall conform to the standards and training practices of the occupational fields for which students are being prepared.

(ii) Each program—curriculum—shall be outlined in detail showing the courses, major subjects, hours/lessons (in clock hours, credit hours or quarter credit hours) devoted to each subject and the award at completion of the program. The school shall provide a list of instructional equipment.

(iii) Entrance requirements and occupational objectives of each program.

(iv) A method of recording, evaluating and reporting to every student his academic progress. These reports shall be individualized. Schools shall provide prompt, accurate and educationally beneficial correction of tests, lessons and other assignments.

(v) Prerequisite requirements for individual courses.

(vi) Course content shall include instruction in hygiene and safety, where applicable, in the field for which training is offered.

(vii) Programs may be offered at a branch facility or remote training facility only if the facility is approved.

(viii) Instructional materials used shall be current, accurate, comprehensive and at a reading level adapted to the ability of the average student enrollee.

(2) Programs shall be approved by the Board before they can be advertised or offered.

(i) Schools proposing to offer nonresident programs shall submit detailed outlines of the programs and a detailed list of instructional materials plus the lessons in typed draft form. Schools shall make individual arrangements with the staff within a month of approval if they require these materials to be returned.

- (ii) Schools offering resident programs shall submit detailed outlines of the programs, complete descriptions of each course which include prerequisites, course objectives, a summary of content and a detailed equipment list.
- (iii) Schools shall submit documentation that qualified instructors as defined in § 73.104 (relating to instructor) are assigned to teach each course.
- (iv) If the name that is proposed for the program may be misleading in regard to the program's nature and scope, the Board may refuse to approve the program.

Source

The provisions of this § 73.81 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (220315) to (220316).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.82. Changes in approved programs.

- (a) The Board shall be notified in advance of a change in overall length or objectives of an approved program or course.
- (b) No school may cancel a program or course without prior notice to the Board and students affected.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.83. Internships or externships.

If the program submitted for approval incorporates successful completion of an internship or externship as a prerequisite to graduation, the following supplemental material shall be submitted:

- (1) Criteria used by the school to screen and select potential internship or externship sites.
- (2) A description of supervision to be provided by the school.
- (3) Submission of an instrument to be used to evaluate student progress while on internship or externship.
- (4) A description of internship or externship site responsibilities.
- (5) A sample written agreement that shall be executed by the school and each internship or externship placement agreeing to participate in the program.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

EQUIPMENT AND FACILITIES

§ 73.91. Equipment.

- (a) The equipment shall be suitable to meet the training objectives of the course or program and shall be adequate in quantity and variety to provide the training specified in the course or program content.
- (b) Schools which are offering programs of instruction using telecommunications shall provide evidence that adequate equipment and learning materials will

be available and in sufficient quantity to enable students to satisfy the educational objectives of the course or program.

(1) The approximated cost of additional learning materials and equipment and computer access charges shall be separately identified. Schools shall clearly identify other charges which may be incurred through reasonable use of the system, such as telephone service charges.

(2) Schedules of online availability shall be provided students prior to enrollment.

(3) Students shall be made aware that by misuse of telecommunications equipment, the potential exists for copyright infringement or violations of proprietary rights.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.92. Facilities.

The school shall be housed in a facility which provides space adequate to the size of its student body and sufficient to enable it to meet its educational objectives. A school shall obtain and maintain a valid certificate of occupancy and file a copy of the certificate with the Board. Prior to the granting of an original license, the Board may require the premises and facilities of a school to be inspected by a person knowledgeable in the particular field of training.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.93 (relating to changes in location).

§ 73.93. Changes in location.

(a) *Temporary relocation.* If an emergency occurs which requires the temporary abandonment of an approved facility, the school shall notify the Board staff within 3 days of the event. If the school elects to resume operations in a temporary facility, the Board staff may grant a tentative approval subject to confirmation by the Board at its next regularly scheduled meeting.

(b) *Branch facility.* The acquisition of a branch facility shall be reported to the Board staff at least 7 days prior to startup. If a certificate of occupancy has been obtained, a tentative approval may be given by the staff subject to Board confirmation at its next regularly scheduled meeting.

(c) *Remote training facility.*

(1) If the school's facilities are inadequate to accommodate a component of its instructional program, a remote training facility may be designated.

(2) A school shall include the address of the remote training facility on the program application.

(3) A written agreement, signed by the required parties, describing the terms of the remote training facility arrangement, shall be submitted.

(d) *Expansion of instructional space in an approved facility.* The acquisition of additional instructional space in the school's approved facility shall be reported to the staff at least 7 days prior to startup. If a certificate of occupancy has been

obtained, a tentative approval may be given by the Board staff subject to confirmation by the Board at its next regularly scheduled meeting.

(e) *Change of location.* A school wishing to change its location shall inform the Board staff at least 30 days in advance of the anticipated relocation date and shall meet the requirements of § 73.92 (relating to facilities). When the requirements have been met, the Board staff may give a tentative approval subject to confirmation by the Board at its next regularly scheduled meeting.

(f) *Visit.* A visit to the branch facility, temporary facility, remote training facility, expanded instructional space or new facility shall be made by Board staff before approval may be granted.

§ 73.94. Discontinuation of facility.

The Board shall be notified 30 days in advance of the proposed discontinuation of use of an approved facility.

§ 73.95. Closure of school.

(a) The Board shall be notified 30 days in advance if a school intends to close.

(b) License or registration will automatically terminate if a school closes.

(c) Reopening of a school which has closed shall be subject to the provisions of this chapter relating to license application. The application shall be considered an application for an original license.

ADMINISTRATORS, SUPERVISORS AND INSTRUCTORS

§ 73.101. General requirements.

A school shall submit to the Board, the name and qualifications of the Chief Executive Officer, Director, Acting Director, educational supervisors and instructional staff as a condition for original licensure or registration. A school shall inform the Board of changes in administrative, supervisory or instructional staff within 30 calendar days of the change. This notification shall be in the manner and form prescribed by the Board.

§ 73.102. Director and Acting Director.

A school shall designate a Director and at least one Acting Director. Either the Director or an Acting Director shall be present in the school during all hours of operation. The Director and Acting Director shall have a high school diploma or equivalent and shall have at least two of the following qualifications:

(1) An earned degree.

(2) At least 2 years of related work experience in a specific field for which training is offered at the school.

- (3) At least 1 year of actual administrative or supervisory experience.
- (4) At least 2 years of applied work experience in training or education.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.103. Educational supervisor.

If a school designates an educational supervisor, the following apply:

- (1) *Duties.*
 - (i) Responsibility for a group of instructors in a particular field or area of specialization.
 - (ii) Responsibilities may include, but are not limited to, instructional assistance, recordkeeping and curriculum.
- (2) *Qualifications.* An educational supervisor shall meet the qualifications for an instructor under § 73.104 (relating to instructor) and have at least one of the following:
 - (i) Two years of teaching experience.
 - (ii) Experience equivalent to 1 year's employment as a supervisor.
 - (iii) A relevant post-baccalaureate degree.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.104. Instructor.

- (a) *Duties.* The primary duties of an instructor involve teaching, advising students and maintaining accurate academic records.
- (b) *Qualifications.* An instructor shall have one of the following:
 - (1) A baccalaureate degree with a major in the specific field of instruction.
 - (2) At least 2 years' work experience in the specific field of instruction which is acceptable to the Director.
 - (3) Two years' teaching experience in the specific field of instruction.
 - (4) A journeyman's license relevant to the specific field of instruction.
 - (5) Demonstrated competency in the specific field for which training is offered.
 - (6) Vocational education certification in the specific field of instruction.

Source

The provisions of this § 73.104 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (220319).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); 22 Pa. Code § 73.81 (relating to application requirements); 22 Pa. Code § 73.103 (relating to educational supervisor); and 22 Pa. Code § 73.105 (relating to assistant instructor).

§ 73.105. Assistant instructor.

A graduate of the school who does not meet the requirements of § 73.104 (relating to instructor) may, upon approval by the Director, be employed as an

assistant instructor to teach the program or course from which he graduated. An assistant instructor shall be under the supervision of an instructor and shall hold assistant instructor status until the qualifications for instructor status are met.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.106. Laboratory and shop aide.

A student, approved by the Director, may be employed as a laboratory/shop aide. This person shall have satisfactorily completed all of the courses in which assistance is offered.

REASONABLE SERVICE AND BUSINESS ETHICS

§ 73.111. Statement requirement.

An applicant, licensee or registrant shall be required to certify compliance with the Board's statement on reasonable service and business ethics. One of the following shall certify compliance on behalf of the school:

- (1) Owner.
- (2) Partner.
- (3) Chief Executive Officer.
- (4) Director.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

§ 73.112. Statement of reasonable service and business ethics.

A school shall sign and submit the following statement:

“Recognizing that a strong private school system is an important part of the educational continuum and that a unique relationship is established between student and school, I/we agree to the following:

In addition to my/our compliance in all respects with the provisions of Act 174, Private Licensed Schools Act and the regulations of the State Board of Private Licensed Schools, I/we will:

Develop and present an educational program which affords students the opportunity to develop program competencies.

Provide a place of instruction, equipment adequate to the number of students enrolled and other facilities which will support the educational objectives of the school.

Maintain school facility in compliance with all applicable health and safety regulations.

Recruit and support a faculty and staff which is committed to student develop-

ment and learning and supply this faculty and staff with the resources necessary to satisfy student learning objectives.

Honestly promote the school and its programs by ensuring that all student publications, advertising and printed materials contain full and accurate information and that all admissions representatives are completely trained and familiar with the school and its programs.

Monitor the activities of admissions representatives on a regular basis.

Adhere to all legal requirements concerning the student's education.

Ensure the delivery of the educational program contracted for as long as students fulfill their contracted obligations to the school.

Cooperate with the State Board of Private Licensed Schools and the Pennsylvania Department of Education to promote and advance the quality of education offered by all schools.

“I/We _____, _____ do
(names) (titles)
hereby affirm _____ adherence to
(name of school)

the State Board of Private Licensed School's Policy on Reasonable Service and Business Ethics set forth above.”

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

ENROLLMENT AGREEMENT

§ 73.121. General requirement.

A school shall use a written agreement, which shall be the binding contract between the school and the student. In lieu thereof, the school may use an application signed by the student, ensure that the student is provided with student information publications describing the subject matter of the contracted for instruction and a letter of acceptance by the school.

(1) A copy of the enrollment agreement or its alternative as set forth in this section shall be included with the school's application for original and renewal licensure or registration.

(2) Two separate enrollment agreements or an alternative as set forth in this section shall be used for a nonresident program which includes voluntary resident training. Each of these agreements shall make reference to the other.

Cross References

This section cited in 22 Pa. Code § 73.132 (relating to application or registration fee).

§ 73.122. Contents of enrollment agreement.

The enrollment agreement or its alternative shall include, but not be limited to, the following:

- (1) *The school name and address.* The name and address of the school the student will be attending.
- (2) *The student's name.*
- (3) *The title of the program.* The program title as approved by the Board and identified in the school's student information publication.
- (4) *The time required.* The number of clock hours or credit hours, if applicable, and the number of weeks or months required to complete the course or program.
- (5) *Certificate, diploma or degree.* The type of award the student will receive upon successful completion of the program.
- (6) *Costs.* The costs for the following when applicable:
 - (i) *Tuition.* Total tuition for the program. For programs which include nonresident and resident training, the tuition for the nonresident training, the tuition for the resident training and the total tuition for the complete combined program shall be stated.
 - (ii) *Books and supplies.* Estimated costs for books and supplies. If the costs for books and supplies are included in the tuition, this shall be clearly explained.
 - (iii) *Interest or finance charges, or both.* If interest or finance charges, or both, will be charged, the total amount of these charges shall be listed in accordance with Federal truth-in-lending and State retail installment requirements.
 - (iv) *Room and board.* If the school provides room or board, or both, for students, the enrollment agreement shall specify that a separate agreement shall be entered into for that purpose.
 - (v) *Other costs.* Other costs and charges, such as application fee, student activity fee or laboratory fees, shall be listed.
- (7) *The terms of payment.* The method and terms of payment of costs shall be clearly stated and shall comply with Federal truth-in-lending and State retail installment requirements.
- (8) *The starting date.* The starting date of the scheduled program or course for resident programs only.
- (9) *Cancellation or termination.* Reference to the policies and procedures for termination or cancellation by the school or by the student contained in the school's student information publication.
- (10) *Refund policy.* Details of the school's refund policy for cancellation or termination of an enrollment agreement.

(11) *Employment assistance.* An employment guarantee disclaimer if employment assistance is provided. This disclaimer shall be printed in boldface type, in at least 10-point type.

(12) *Complaint procedure.* A statement informing students that:

(i) There is an individual at the school to whom questions or concerns may be directed regarding the school's satisfying the terms of the enrollment agreement. This individual shall be identified by title.

(ii) The school is licensed or registered—as applicable—by the Board. Questions or concerns that are not satisfactorily resolved by the person designated above or by other school officials may be brought to the attention of the State Board of Private Licensed Schools, Pennsylvania Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333.

(13) *Receipt of the school's student information publication.* A statement verifying that the student has received and read the school's current student information publication.

(14) *The effective date.* The agreement shall state that it is not binding until it is accepted by a representative of the school, or, if appropriate, in the headquarters of the school group.

(15) *Acknowledgements.* The agreement shall contain an acknowledgement that signers have received and read a copy of the enrollment agreement.

(16) *Signatures and date.* An enrollment agreement shall be dated and signed by the applicant, and, if a minor, the applicant's parent or guardian and by a representative of the school. A copy of the enrollment agreement shall be retained by the school and a fully signed copy shall be given to the student or parent or guardian.

(17) *Pagination.* If the enrollment agreement is longer than one side of a single sheet of paper, each side shall clearly refer to the conditions on the other side as being part of the agreement. If more than one page is used, each page shall be numbered: page 1 of ___ pages, page 2 of ___ pages and the like.

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application).

TUITION AND FEES; REFUND AND WITHDRAWAL POLICIES; SCHOLARSHIP

§ 73.131. Schedule of tuition and fees.

A school shall include a schedule of its tuition, fees and other costs under the school's control in its application for original and renewal license or registration.

(1) Changes in tuition, fees and other costs under the school's control shall be reported to the Board before they become effective.

(2) Changes in tuition, fees and costs under the school's control may not become effective for currently enrolled students unless students are notified of the change at least 60 calendar days prior to the effective date of the change.

§ 73.132. Application or registration fee.

A school may charge an application or a registration fee which may not exceed 15% of the amount of tuition or \$150, whichever is less. The application or registration fee is fully refundable if the student requests cancellation within 5 calendar days after signing the enrollment agreement or, if the alternative set forth in § 73.121 (relating to general requirement) is used, 5 calendar days after submitting the application, if no classes have been attended, lessons completed or materials used. A request for cancellation which is not made in writing shall be confirmed in writing by the student within an additional period of 5 calendar days. The school may retain all of the fee after 5 calendar days or after 10 calendar days absent written confirmation, where required.

Cross References

This section cited in 22 Pa. Code § 73.134 (relating to refund and withdrawal policies).

§ 73.133. Refund in the event of rejection.

An applicant rejected by the school is entitled to a refund of monies paid.

Cross References

This section cited in 22 Pa. Code § 73.134 (relating to refund and withdrawal policies).

§ 73.134. Refund and withdrawal policies.

(a) *Refund and withdrawal policy—resident programs of 6 weeks or longer duration.*

(1) For a student cancelling after the fifth calendar day following the date of enrollment as defined in § 73.132 (relating to application or registration fee) but prior to the beginning of classes, monies paid to the school shall be refunded except the nonrefundable amount of the application or registration fee as calculated in § 73.132.

(2) If a student enrolls and withdraws or discontinues after the term, semester or quarter has begun but prior to completion of the term, semester or quarter, the following minimum refunds apply:

(i) For a student withdrawing from or discontinuing the program during the first 7 calendar days of the term, semester or quarter, the tuition charges refunded by the school shall be at least 75% of the tuition for the term, semester or quarter.

(ii) For a student withdrawing from or discontinuing the program after the first 7 calendar days, but within the first 25% of the term, semester or

quarter, the tuition charges refunded by the school shall be at least 55% of the tuition for the term, semester or quarter.

(iii) For a student withdrawing or discontinuing after 25% but within 50% of the term, semester or quarter, the tuition charges refunded by the school shall be at least 30% of the tuition.

(iv) For a student withdrawing from or discontinuing the program after 50% of the term, semester or quarter, the student is entitled to no refund.

(v) For refund computations, a term, semester or quarter may not exceed 18 weeks.

(b) *Refund and withdrawal policy—resident programs of less than 6 weeks duration.* For programs of less than 6 weeks' duration, a formula for tuition refunds shall be based on the total clock hours of the program using the following percentages:

(1) For a student completing up to and including 10% of the total clock hours, the school shall refund 90% of the total cost of the program.

(2) For a student withdrawing from or discontinuing the program within the first 25% of the program, the tuition charges refunded by the school shall be at least 55% of the total cost of the program.

(3) For a student withdrawing or discontinuing after 25% but within 50% of the program, the tuition charges refunded by the school shall be at least 30% of the total cost of the program.

(4) For a student withdrawing or discontinuing after 50% of the program, the student is entitled to no refund.

(c) *Refund and withdrawal policy—nonresident programs.*

(1) For a student cancelling after the 5th calendar day following the date of enrollment as defined in § 73.132 but prior to receipt by the school of the first completed home study lesson, monies paid to the school shall be refunded except the nonrefundable amount of the application/registration fee as calculated in § 73.132.

(2) If a student enrolls and withdraws or is discontinued after submission of the first completed lesson, but prior to completion of the program, minimum refunds shall be calculated as follows:

(i) Up to and including completion of the first 10% of the program, the school shall refund 90% of the total tuition.

(ii) Beyond completion of 10% of the program and up to and including completion of 25% of the program, the school shall refund 75% of the total tuition.

(iii) Beyond completion of 25% of the program and up to and including completion of 50% of the program, the school shall refund 50% of the total tuition.

(iv) Beyond completion of 50% of the program, a student is entitled to no refund.

(3) The percentage of the program completed shall be determined by comparing the number of completed lessons received for services by the school to the total number of lessons in the program.

(d) *Refund and withdrawal policy—combined nonresident and resident program.* For cancellation and settlement of the student's account with a school offering combined nonresident training and voluntary resident training, this section and §§ 73.132 and 73.133 (relating to application or registration fee; and refund in the event of rejection) apply.

(1) For a program which includes voluntary resident training, the tuition for the nonresident training and the tuition for the resident training shall be separately stated on each enrollment agreement. The total of the two is the total program price and shall appear in both agreements.

(2) Refund policies for both nonresident and resident training in a combination program shall be separately stated in the school's student information publication and on the enrollment agreements.

§ 73.135. Termination date.

The termination date for refund computation purposes is the last date of recorded attendance of the resident student or the date the nonresident student requests cancellation.

§ 73.136. Period of refund.

Refunds shall be made within 30-calender days of the date the student fails to enter, leaves the program or fails to return from a leave of absence.

Source

The provisions of this § 73.136 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (220326).

§ 73.137. Permitted alternatives.

(a) A school may establish its own refund policy or adopt the refund policy of a national accrediting agency if the terms of the policy are more advantageous to the student than the terms of the policies described in this chapter.

(b) If the number of lessons or weeks in a program is such that adherence to this refund policy is unworkable or would yield results inconsistent with the refund policies in this chapter, a school shall petition the Board to approve an alternative policy which shall be approved prior to implementation and shall follow the intent of the policies outlined in this chapter as closely as possible.

§ 73.138. Scholarship.

A school may not grant a scholarship without prior approval of the Board.

**ISSUANCE AND RENEWAL OF
SCHOOL LICENSE OR REGISTRATION**

§ 73.141. Issuance.

The Department will issue an original school license or registration to a school approved by the Board as meeting the requirements of the act and this chapter. The Board may refuse to issue a license when the Board determines that the applicant's school name appears to be misleading to the public concerning the nature or scope of the school.

Source

The provisions of this § 73.141 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial page (287687).

§ 73.142. Duration and renewal.

An original school license is effective from the date it is issued until the first day of the month it was issued in the following year. Thereafter, the license shall be renewed biennially on a form prepared and furnished by the Board.

§ 73.143. License or registration not transferable.

A school will be issued a separate license or registration, which is not transferable.

(1) If a change of ownership occurs, but the faculty, student body, programs and location of the school remain essentially the same, the license or registration will remain in force. This does not constitute a transfer of license or registration.

(2) Within 14 calendar days after the consummation of the sale, the new owners shall report the following information to the Board:

(i) The name and address of the new owners. For a closed corporation this includes shareholders owning 5% or more of the outstanding stock whether or not the ownership is real or beneficial. For a publicly traded corporation, this includes the three primary corporate officers. For a partnership or proprietorship this includes the owners.

(ii) A statement of financial responsibility required by the act and this chapter.

(iii) A statement assuring completion of contracts with existing students.

(iv) Evidence of surety under § 73.54 (relating to surety).

(v) Evidence that a bona fide sales transaction has taken place.

FEES

§ 73.151. Fees.

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration—\$7,500. The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new program application submitted with a new license application shall be accompanied by an additional new program approval fee as set forth in subsection (b)(1).

(2) For an original school license or registration of a school that only presents seminars—\$2,000.

(3) For a renewal school license or registration—biennial fee based on gross tuition revenue:

<i>Gross Tuition Revenue</i>	<i>Fee</i>
\$0—4,999	\$1,000
\$5,000—9,999	\$2,000
\$10,000—49,999	\$2,500
\$50,000—99,999	\$2,700
\$100,000—149,999	\$2,800
\$150,000—199,999	\$3,000
\$200,000—249,999	\$3,500
\$250,000—299,999	\$4,000
\$300,000—399,999	\$4,500
\$400,000—499,999	\$5,000
\$500,000—749,999	\$5,500
\$750,000—999,999	\$6,000
\$1,000,000 and over	\$6,500 plus \$500 for each additional \$500,000 in revenue with \$35,000 cap

(4) For an admission representative license—\$600 annually.

(b) *User fees.* Fees will also be assessed for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses or registration and admissions representative licenses. These user fees are as follows:

(1) A \$1,400 fee shall accompany each application for approval of a new program.

(2) A \$5,000 fee shall accompany notification to the Board of a change in ownership of the school.

(3) A \$300 fee per participant will be charged for participation in new school orientation seminars.

(4) A \$750 fee will be charged for each site inspection of the following types: new school, change in location, expansion of instructional space, temporary relocation, branch facility and remote training facility. This fee shall be paid before commencement of the visit.

(5) The fee for a Board-directed visit is \$750 per day if the visit is conducted by staff; \$1,000 per day plus team member expenses for a visit conducted by a team with nonstaff members. The fee for a Board-directed visit shall be paid before commencement of the visit.

Source

The provisions of this § 73.151 adopted January 29, 1988, effective January 30, 1988, 18 Pa.B. 456; amended December 16, 1988, effective January 1, 1989, 18 Pa.B. 5574; amended October 4, 1991, effective October 5, 1991, 21 Pa.B. 4637; amended April 12, 2002, effective April 13, 2002, 32 Pa.B. 1844; amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982; amended November 18, 2016, effective November 19, 2016, 46 Pa.B. 7270. Immediately preceding text appears at serial pages (310389) to (310390).

Cross References

This section cited in 22 Pa. Code § 73.52 (relating to contents of application); and 22 Pa. Code § 73.72 (relating to application requirements).

§ 73.152. Multibranch training school license fee.

A multibranch training school is required to pay only one fee for all of its branch facilities as defined in the act and this chapter.

§ 73.153. Fees nonrefundable.

The license or registration fee submitted with an application is not refundable if the license or registration is denied. No portion of the fee will be refunded upon suspension or revocation of a license or registration. The Board may refund the license or registration fee if the Board determines that an applicant, not applying for optional licensure or registration, is not required to be licensed or registered. The user fees paid for Board services are also nonrefundable, except that a person who fails to attend a new school orientation seminar for which the person has paid may attend a subsequent seminar.

Source

The provisions of this § 73.153 adopted January 29, 1988, effective January 30, 1988, 18 Pa.B. 456; amended December 16, 1988, effective January 1, 1989, 18 Pa.B. 5574. Immediately preceding text appears at serial page (124008).

DIRECTORY OF LICENSED SCHOOLS**§ 73.161. Annual directory.**

An annual directory of schools will be prepared by the Board staff. At a minimum, this directory will include the school name, address, telephone number, name of the Director and a list of the approved programs. The directory will be available to the general public upon request.

REQUIREMENTS FOR LICENSURE AND OPERATION**§ 73.171. Inspection and disclosure.**

No school may be granted a license or permitted to continue to operate under a granted license unless it permits the Board staff to inspect the school and makes available to the Board, at any time when requested to do so, information pertaining to the operation of the school.

§ 73.172. Display of license.

A school is required to display its current license on the school's premises in a place where it is conspicuously available for inspection.

§ 73.173. Advertisements and representations.

(a) The advertising and representations made by a person representing the school may neither misrepresent facts relating to the school nor mislead prospective students or the general public.

(b) A school may not use a name, other than the name appearing on its license or registration, for advertising or publicity purposes. A school may not advertise or imply that it is supervised, recommended, endorsed, accredited or approved by the Department or the Board.

(c) A statement on licensure or registration shall read, "Licensed (Registered) by the Pennsylvania State Board of Private Licensed Schools."

(d) A school may not claim or imply that it is endorsed by colleges, universities or other institutions of higher learning.

(e) A school may not claim or imply that it will guarantee one of the following upon completion of its course or program:

- (1) Admission to an educational institution.
- (2) Employment.
- (3) A specific wage.

(f) A school may not solicit prospective students to enroll in the school by means of blind advertisements or advertisements in the help wanted or other employment columns of newspapers and other publications.

(g) A school may not use the words "college" or "university" in the school name or in another manner.

(h) A school is prohibited from bait and switch advertising or solicitation.

(i) The words "engineer" or "engineering" may not be used in a name or title that might lead to the assumption that a school prepares engineers or teaches engineering. The words may be used as adjectives, such as engineering drafting, engineer's aide or engineering technology.

(j) A school may not use descriptive phrases in the superlative degree in advertising.

(k) A school may not offer premiums, special endorsements or discounts to prospective students.

(l) A school may not demean another school.

Source

The provisions of this § 73.173 amended April 1, 2005, effective April 2, 2005, 35 Pa.B. 1982. Immediately preceding text appears at serial pages (220329) to (220330).

ENFORCEMENT, REFUSAL, SUSPENSION OR REVOCATION OF LICENSE

§ 73.181. General rule.

The Board may take action for the enforcement of its policies, rules and regulations.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.182. Suspension and revocation of license.

The Board may refuse to issue, suspend or revoke a license or registration if it finds that a school or an admissions representative has violated the act or this chapter.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.183. Violations by licensees.

Violations of the act and of this chapter shall be subject to the enforcement procedures set forth in §§ 73.181—73.193.

Cross References

This section cited in 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.183a. Prosecution of violations and other matters.

Prosecution of suspected violations and of actions to refuse, suspend or revoke licenses or registrations will be under the direction and control of the review and recommendation panel. On or before July 1 of each year, the Board chairperson will appoint three Board members to serve on the review and recommendation panel from July 1 through June 30. Members of this panel shall be prohibited from serving on hearing panels under § 73.188 (relating to hearings). In addition, they shall recuse themselves at all times from service on a hearing panel and from Board deliberation and action on any matter that came before the review and recommendation panel during their time of service.

Source

The provisions of this § 73.183a adopted September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334.

§ 73.184. Reporting of potential violation.

- (a) A suspected violation of the act or this chapter may be reported to Board staff.
- (b) The report will be investigated by the Board staff to determine if the action constitutes a violation of the act or this chapter.
- (c) If the violation is verified by Board staff as a complaint, it will be reported to the review and recommendation panel for disposition.
- (d) The review and recommendation panel will consider the report of Board staff and other relevant information and give specific instructions to the staff for the resolution of complaints.
- (e) A complaint which is not resolved to the satisfaction of the review and recommendation panel may subject the school to enforcement proceedings under §§ 73.181—73.193.

Source

The provisions of this § 73.184 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133115).

Cross References

This section cited in 22 Pa. Code § 73.1 (relating to definitions); and 22 Pa. Code § 73.183 (relating to violations by licensees).

§ 73.185. Investigation procedure.

The Board staff will investigate a possible violation of the act or this chapter. The investigation will, at a minimum, include interviewing both the complainant and a representative of the school and collecting relevant documents. Upon completion of the investigation, recommendations will be made to the school. The school's response to the recommendations will be monitored. If the Board staff determines that a violation has occurred and it has not been satisfied or corrected, staff will prepare a written report of its findings for submission to the review and recommendation panel. After consideration of the report, the review and recommendation panel will direct the staff to take appropriate action resolving the complaint or initiating enforcement proceedings.

Source

The provisions of this § 73.185 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133116).

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.186. Notice of violation.

(a) When the review and recommendation panel directs staff to initiate enforcement proceedings against a school or admissions representative, staff shall prepare and send an appropriate notice of violation. The notice of violation will state that the school may be in violation of the act or this chapter, the nature of the violation, the basis for the panels' conclusions and that the school or admissions representative may be subject to penalties in this chapter and a penalty for default. The violation shall be cured within the period specified in the notice or within 14-calendar days from the mailing date of the notice when a period is not specified.

(b) The notice will be served upon the school by United States Postal Service certified mail, return receipt requested and is effective from the date of the notice.

(c) Within the cure period, the school or admissions representative shall provide to the Board staff a sworn or verified written statement stating that the violation has been cured or did not exist and the facts which establish the same. Upon receipt of the statement, staff will refer it to the review and recommendation panel. At the direction of the panel, Board staff will either notify the school in writing that the statement is accepted and that the complaint is closed or that the statement is rejected and that the school should show cause why enforcement action should not be taken. In the latter case, the school or admissions represen-

tative has 14-calendar days from the mailing date of the notification to request a hearing. The request shall be in writing and addressed to the Coordinating Secretary of the Board.

Source

The provisions of this § 73.186 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133116).

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.187. Notice of civil penalty.

A school which has received a notice of violation, has not responded or has not responded to the satisfaction of the review and recommendation panel and has not requested a hearing within the time prescribed, is liable to a levy of civil penalty or conviction of a summary offense.

Source

The provisions of this § 73.187 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133117).

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.188. Hearings.

(a) *General.* A hearing requested before the Board will be conducted under the procedures in 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) *Scheduling.* Upon receipt of a request for a hearing, the Board will establish a hearing date and provide the requesting party reasonable notice of the date, time and place of the hearing.

(c) *Panel.* The Board will empanel three of its members to conduct a hearing. The hearing panel will hear the evidence and submit written findings and recommendations to the Board. The hearing panel may not include any member of the review and recommendation panel that reviewed and directed the prosecution of the case.

(d) *Briefs and argument.* The parties to the hearing may submit briefs to the Board and may request the opportunity to present oral argument before the full Board.

(e) *Adjudication.* After consideration of the hearing panel's findings and recommendation, and briefs or oral arguments, the Board will vote on the matter and reduce its decision to writing. The Board members who served on the review and

recommendation panel for the matter being considered by the Board shall recuse themselves from the discussion, consideration and voting on the matter. Hearing panel members may participate in the Board's adjudication of the matter heard by the panel. The Board's written decision will contain findings of fact, conclusions of law and discussion thereof. The Board's written decision and an accompanying order describing the disciplinary action taken in connection therewith, will be sent to all parties by United States Postal Service certified mail, return receipt requested, and is effective as of the date of mailing. The written decision of the Board constitutes an adjudication within the meaning of 2 Pa.C.S. § 101 (relating to definitions) and may be appealed under 2 Pa.C.S. § 702 (relating to appeals). If the Board adjudication is not appealed, it will be deemed final.

Source

The provisions of this § 73.188 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial page (133117).

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); 22 Pa. Code § 73.183a (relating to prosecution of violations and other matters); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.189. Guidelines for civil penalties.

(a) The Board may levy civil penalties for violations of the act or for operation of a school without being licensed or registered.

(b) For a first violation, a penalty of not more than \$500 may be assessed. For a second violation within 3 years, a penalty of not more than \$750 may be assessed. For a third violation within 3 years, a penalty of not more than \$1,000 may be assessed.

(c) Nothing in this section prohibits the Board from causing the suspension or revocation of a license or registration issued under its authority in addition to a civil penalty which is imposed.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.190. Suspension procedure.

(a) If, after a hearing is provided in this chapter, the Board determines to suspend a license or registration, the Board will serve upon the school or admissions representative, a notice of suspension by United States Postal Service certified mail, return receipt requested.

(b) The notice shall direct the licensee or registrant to:

- (1) Surrender to the Board for safekeeping current enrollment agreements.

- (2) Cease and desist activities related to recruitment or enrollment of students or prospective students.
- (3) Refund prepaid tuitions under the supervision of the Board or its designee.
- (4) Commence a teachout or refund unearned tuition as specified by the Board and under the supervision of the Board or a designee.
- (c) Failure of a licensee or registrant to comply with a notice of suspension may result in imposition of a civil penalty and prosecution for a summary offense.
- (d) If the licensee or registrant does not appeal the notice of suspension as provided in 2 Pa.C.S. § 702 (relating to appeals), the notice of suspension is deemed final.
- (e) If an appeal from the notice of suspension is taken, the notice of suspension shall be stayed until the appeal is finally decided.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.191. Revocation procedure.

- (a) If, after a hearing as provided in this chapter, the Board determines to revoke a license or registrant, the Board will serve upon the licensee or registrant, a notice of revocation by United States Postal Service certified mail, return receipt requested.
- (b) The notice shall direct the licensee or registrant to:
 - (1) Surrender current enrollment agreements to the Board for safekeeping.
 - (2) Cease and desist from recruitment or enrollment of students or prospective students.
 - (3) Terminate its operations.
 - (4) Refund prepaid and unearned tuitions under the supervision of the Board or a designee.
 - (5) Surrender its active and closed student records to its designated depository for safekeeping as provided in §§ 73.23—73.25 (relating to long-term retention of transcript of academic performance; disposition of student records statement; and content of disposition statement).
- (c) Failure of a licensee or registrant to comply with a notice of revocation may result in imposition of a civil penalty and prosecution for a summary offense.
- (d) If the licensee or registrant does not appeal the notice of revocation under 2 Pa.C.S. § 702 (relating to appeals), the notice of revocation is deemed final.
- (e) If an appeal from the revocation notice is taken, the notice of revocation shall be stayed until the appeal is finally decided.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.192. Violation by unlicensed or unregistered person or entity.

(a) Upon determination by the review and recommendation panel that an unlicensed or unregistered activity has occurred or is occurring, the panel may direct staff to serve upon the person or entity a notice of unlicensed or unregistered activity. The notice will require the person or entity to cease and desist from the activity under specified sections of the act or this chapter proscribing the activity, or the person or entity will be liable to pay a civil penalty of not more than \$1,000 and will be liable to prosecution for a summary offense punishable by a maximum fine of \$300. The notice will state that if a hearing is not requested within 24 hours of receipt of the notice, the notice shall constitute a final adjudication by the Board.

(b) A person or entity who engages in an unlicensed or unregistered activity and fails to obey or otherwise respond to a notice to cease and desist from the activity under this section or fails to obey or otherwise respond to the processes of a judicial district of this Commonwealth or a subpoena of the Attorney General will be refused a license by the Board for at least 5 years from the mailing date of the notice of unlicensed or unregistered activity.

Source

The provisions of this § 73.192 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

§ 73.193. Collection of penalties.

(a) A penalty which has become final by operation of law and remains unpaid shall be the subject of an advisory by the Board to the Attorney General to collect the unpaid penalty.

(b) A licensee or registrant who fails to pay a penalty levied under this chapter is liable to automatic suspension until the penalty has been paid.

(c) An unlicensed or unregistered person or entity who fails to pay a penalty levied under this chapter shall be refused a license or registration until the penalty has been paid and for a period of at least 5 years from the date of payment.

Cross References

This section cited in 22 Pa. Code § 73.183 (relating to violations by licensees); and 22 Pa. Code § 73.184 (relating to reporting of potential violation).

REPORTABLE EVENTS**§ 73.201. Reportable events.**

(a) A school is required to notify Board staff of an event which is reportable under this chapter.

(1) No particular form of notice is required by the Board.

(2) A notice shall be in writing and mailed to Board staff.

(3) An event shall be deemed reported when the written notice is deposited in the mail.

(4) A notice of a reportable event shall be made to the Board within 48 hours from the date the school knew or should have known of the occurrence of the event.

(5) Failure by a school to report an event within the time prescribed by this section is a violation.

(b) The following are reportable events:

(1) The financial condition of the school has changed materially as the term “material change” is understood in accordance with standard accounting practice.

(2) The school’s form of surety has or is about to lapse or the level of surety has become insufficient to protect the contractual rights of students.

(3) The school is the named voluntary debtor in a petition in bankruptcy filed under 11 U.S.C.A. §§ 101—1330, known as the Federal Bankruptcy Act, or has made an assignment for the benefit of creditors or has become insolvent. If a licensee is named as an involuntary debtor, the licensee shall notify the Board when a court of appropriate jurisdiction declares the licensee bankrupt.

(4) The school has been notified of a building code violation affecting the health and safety of its occupants.

(5) The school has been notified that the licensed premises are endangered by an environmental hazard.

(6) The school is to be subject to a Title IV—section 487(c) of the Higher Education Act of 1965 (20 U.S.C.A. § 1094)—audit initiated by the United States General Accounting Office.

(7) Another event in a section of this chapter which imposes on a school an obligation to notify the Board, subject to the specific reporting requirements of the section.

Source

The provisions of this § 73.201 amended September 6, 1996, effective September 7, 1996, 26 Pa.B. 4334. Immediately preceding text appears at serial pages (133120) to (133121).

Cross References

This section cited in 22 Pa. Code § 73.1 (relating to definitions).

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