

230 CMR 12.00: PRIVATE OCCUPATIONAL SCHOOLS: DEFINITIONS

Section

12.01: Definitions

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For the purpose of 230 CMR 13.00 through 17.00, the following terms shall have the meanings indicated in 230 CMR 12.00 unless context clearly indicates otherwise. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning to avoid misunderstanding. Definitions in M.G.L. c. 112, § 263(a) are not repeated here unless further clarity is required.

Abusive Practices. Practices that:

- (a) interfere with the ability of an individual to understand a term or condition of an enrollment contract or a financing agreement, or to understand information contained in a disclosure required under 230 CMR 15.05: *Disclosures*;
- (b) include an affirmation, promise, description, or representation that is either false, fraudulent, or that, in the light of all the circumstances, would mislead the individual to whom the affirmation, promise, description or representation is made, including a prospective student or family member of a prospective student; such acts include but are not limited to misleading a prospective student, whether explicitly or by omission, about any of the information contained in an enrollment contract or the financing of a Course or Program;
- (c) mislead an individual about the roles of Sales Representatives, Administrators, Admissions Representatives, or other school employees who provide information about paying for or financing the cost of a Course or Program; such acts include but are not limited to referring to a Sales Representative or Admissions Representative as a "counselor" for the student;
- (d) include Unsolicited Contact with an individual exceeding two such contacts by or on behalf of a School in a one-month period;
- (e) violate 230 CMR 15.06(14); or
- (f) induce enrollment or retention of a student for any Course or Program for which the School knows that, due to the student's criminal history or other material disqualification, the student will not meet the requirements for employment or licensure in the occupation to which the Course or Program is represented to lead. If the student has a disability, the determination shall be made based on the student's ability to complete the Course or Program or meet the requirements for employment with the provision of a reasonable accommodation for that disability. In no event shall 230 CMR 12.00 contravene the requirements of, or obligations of a school to accommodate students in accordance with, the Americans with Disabilities Act, the Rehabilitation Act, or any other applicable law concerning students with disabilities.

Administrator. An individual:

- (a) who directs or manages the day-to-day operation of a School; and
- (b) whose job responsibilities do not include Solicitation.

Admissions Representative. Any person:

- (a) who assists in the process of admitting and enrolling students in a School; and
- (b) whose job responsibilities do not include Solicitation.

Advertising. All marketing or public relations materials including but not limited to all print or electronic media, letters, signs, stationery, *etc.* used to advertise or promote the availability of a service provided by a School in a manner reasonably calculated to attract the attention of the general public.

Course. A unit of learning which is offered as part of a Program.

Curriculum. The planned sequence of occupational lessons and assignments and the instructional methods and materials used to meet specified learning outcomes.

12.01: continued

Director. The director of the division of professional licensure.

Equipment. Occupational, instructional, or training equipment.

Instructional Hour. A period of 50-60 minutes in length, during which instruction is being provided.

Instructor. An individual who provides occupational instruction or training to students at a School licensed by the division. Instructor does not include guest speakers, tutors, or instructor assistants who only supplement instruction or training when the instructor is present.

Monies Paid. Money paid to a school by or on behalf of a prospective or current student which includes but is not limited to money paid for tuition, fees, and other charges for goods or services, excluding funds governed by 34 CFR 668.22.

Principal. An officer of a School, or an individual with a 25% or greater ownership interest in a School.

Program. A series of Courses organized for the purpose of a specific occupational training outcome, or a stand-alone Course when offered independently for the purpose of a specific occupational training outcome.

Promotional Claims. Assertions made in Advertising or representations including but not limited to: the likelihood of gaining employment or obtaining advanced employment after graduation; the cost of a Program; the likelihood of affording a Program, based on current or future income; time required for completion of a Course or Program; the comparative value of one School versus another; and qualifications of Instructors or other agents of the School.

Regular Student. A person who is enrolled or accepted for enrollment at a School for the purpose of obtaining a certificate or other educational credential offered by that institution.

Sales Representative. Any person who engages in Solicitation within the Commonwealth of Massachusetts regardless of the location of the School, provided however that Administrators and Admissions Representatives are not considered Sales Representatives.

School. A private occupational school as defined by M.G.L. c. 112, § 263(a).

Solicitation. Contact with an individual that includes an attempt to obtain his or her enrollment in a School, provided however that supplying information in response to a request shall not be considered Solicitation.

Staff. All School employees other than Instructors.

Surety. A surety bond or other form of indemnification meeting the requirements of M.G.L. c. 112, § 263(g) in a form acceptable to the Director.

Unsolicited Contact. Solicitation by telephone, email, text message, or any other mode of communication with an individual who did not, prior to the contact, knowingly initiate communication with the School.

REGULATORY AUTHORITY

230 CMR 12.00: M.G.L. c. 112, § 263.