



STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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Massachusetts Division of Professional Licensure

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1. Agency and Contact Information

1A1. Agency Name:

Massachusetts Division of Professional Licensure Office of Private Occupational School Education

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The Division of Professional Licensure (DPL) is an agency within the Office of Consumer Affairs and Business Regulation. DPL oversees 31 boards of registration, which license and regulate more than 370,000 individuals and businesses to practice some 50 trades and professions in Massachusetts. Effective August 1, 2012, DPL also licenses and regulates private occupational schools.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Clinton Dick, Executive Director, Office of Private Occupational School Education

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Clinton Dick, Executive Director, Office of Private Occupational School Education

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Office of Private Occupational School Education](#) ^[1]

[Private Occupational School Statute](#) ^[2]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

Massachusetts Department of Higher Education

1C2. If the division of responsibility among these agencies is not clear, please explain:

The Division of Professional Licensure regulates non-degree granting vocational training courses and programs within the Commonwealth.

The Department of Higher Education regulates all degree-granting institutions within the Commonwealth.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

No

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2E1a. Education:

No

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

Board of Registration for Nursing

239 Causeway Street, Suite 500

Boston, MA 02114

617-727-9961

www.mass.gov/hhs [3]

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

Board of Registration for Electricians; electricians www.mass.gov/dpl/electrical [4]

Board of Registration for Plumbers; plumbers www.mass.gov/dpl/plumbing [5]

Department of Public Health, Nurse Aide Registry; nurse aides www.mass.gov/dph [6]

Registry of Motor Vehicles; tractor trailer driving www.mass.gov/rmv [7]

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

M.G.L. c. 112, s. 263(c) sets forth categories of schools that are exempt under the statute. M.G.L. c. 112, s. 263(c)(x) also provides the Director with authority to exempt other categories of schools and programs.

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

Institutions should contact DPL to request a determination on whether occupational school licensure is required to operate within the Commonwealth.

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

Yes

3C2. If yes, are all religious institutions exempt (please describe):

However, if the religious institution is providing training for other than religious occupations, the institution must contact DPL to request a determination.

3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):

Non-degree granting religious institutions offering only religious certificates, diplomas, or courses are exempt from oversight by DPL in accordance with M.G.L. c. 112, s. 263(c). Religious institutions offering religious degrees should contact the Massachusetts Department of Higher Education www.mass.gov [8].

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

No

4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence ("operating") standard:

Yes

4B2. Clarifying comments:

In accordance with M.G.L. c. 112, s. 263(c), institutions with a "place of business" within the Commonwealth may need to be licensed by DPL in order to provide occupational training to Massachusetts students.

5. Physical Presence Policy – Common "Triggers"

INSTRUCTIONAL ACTIVITIES

PROPERTY IN THE STATE

RECRUITING ACTIVITIES

THIRD PARTY AGREEMENTS/CONTRACTS

ADVERTISING

EMPLOYMENT IN THE STATE

OTHER

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

Schools subject to DPL licensure must first satisfy the [Office of the State Auditor](#) [9] (OSA) that they are financially qualified to operate. If the OSA finds that a school is financially qualified to operate, then the school is eligible to apply to DPL for licensure.

The law and regulations require applicants to submit to DPL information regarding instructors, facilities and equipment, courses, and fields of instruction, as well as the form of any contract or agreement to be executed by a prospective student. DPL will review license applications and conduct criminal background checks of principals, administrators, employees, and other individuals who are related to private occupational schools. Schools also must furnish a bond with surety or a form of indemnification acceptable to DPL in an amount determined by the OSA of not less than \$5,000. A decision to deny a license is subject to administrative and judicial review. The DPL license application form for schools is available [here](#) [10].

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

The licensing process, exclusive of the OSA's financial review and determination, typically takes two to four months to complete.

6C. Duration - What is the authorization duration:

Occupational school licenses are valid for two years.

6D. Maintenance - What does an institution need to do to maintain authorization:

Maintain current building and fire inspections, current surety in an amount determined by the Office of the State Auditor, and annual reporting requirements.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

Annual reporting requirements as determined by DPL.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

An institution can have its occupational school license suspended or revoked if in violation of Massachusetts laws M.G.L. c. 112, s. 263 and 603 CMR 3.00.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

No

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit

institutions:

DPL does not oversee public institutions.

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

No

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Fees for initial and renewal applications for schools and sales representatives are published on

<http://license.reg.state.ma.us/public/schools/PoliciesFormsFees899f.html...> [11]

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

As a condition of licensure, schools must hold current surety (bond, certificate of deposit, letter of credit) in an amount set by the Office of the State Auditor.

7C. Renewal Costs - What are the costs, if any, to renew authorization:

Fees for initial and renewal applications for schools and sales representatives are published on

<http://license.reg.state.ma.us/public/schools/PoliciesFormsFees899f.html...> [11]

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:

None at this time.

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

No

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

None

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

None

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs?:

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

Occupational school complaint forms may be downloaded at <http://mass.gov/ocabr/docs/dpl/complaint.pdf> [12]

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

Yes

9A3b. Clarifying comments:

The complaint process does not extend to those institutions with no place of business within the Commonwealth. However, the complaint process does extend to students of certain exempt institutions.

Students may also file complaints with the Office of the Attorney General www.mass.gov/ago [13]

9A4. If available, please provide a web link to the complaint form:

[DPL Occupational School Complaint Form](#) [14]

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

Enforcement is in accordance with M.G.L. c. 112, s. 263(l-m).

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

Yes

11A2. If yes, please provide a brief description of the anticipated change:

New regulations have been proposed.

11A3. If yes, when does the agency expect the change to be fully implemented:

New regulations may be in effect by 2015.

11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

No

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Links

- [1] <http://www.mass.gov/dpl/schools>
- [2] <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter112/Section263>
- [3] <http://www.mass.gov/hhs>
- [4] <http://www.mass.gov/dpl/electrical>
- [5] <http://www.mass.gov/dpl/plumbing>
- [6] <http://www.mass.gov/dph>
- [7] <http://www.mass.gov/rmv>
- [8] <http://www.mass.gov>
- [9] <http://www.mass.gov/auditor/about-the-state-auditors-office/occupational-schools.html>
- [10] <http://license.reg.state.ma.us/public/schools/PoliciesFormsFees7c48.html>
- [11] <http://license.reg.state.ma.us/public/schools/PoliciesFormsFees899f.html?section=fees>
- [12] <http://mass.gov/ocabr/docs/dpl/complaint.pdf>
- [13] <http://www.mass.gov/ago>
- [14] <http://mass.gov/ocabr/docs/dpl/complaint.pdf>