

# STATE OF COLORADO

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Department of Higher Education  
DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS

Jim Parker  
Director

Department of Regulatory Agencies  
DIVISION OF REGISTRATIONS

Rosemary McCool  
Director



Bill Ritter, Jr.  
Governor

## IMPORTANT NOTICE TO PRIVATE OCCUPATIONAL SCHOOLS ISSUED BY DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE DIVISION OF REGISTRATIONS

DATE: March 10, 2009  
TO: All Private Occupational School Directors  
FROM: Jim Parker, Director, Division of Private Occupational Schools and  
Rosemary McCool, Director, Division of Registrations

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It has been brought to the recent attention of the Colorado Department of Higher Education - Division of Private Occupational Schools ("DPOS") and the Department of Regulatory Agencies - Division of Registrations ("Registrations") that some private occupational/training schools may not yet be aware; may still be unclear; or knowingly not fully compliant in respect to a recent policy (Policy 80-15) amendment issued effective January 1, 2009, by the Division of Registrations in further implementation of the statutory requirements for professional licensure/registration, as set forth in §24-34-107(I) of the Colorado Revised Statutes ("statute"). This statute requires that *every* applicant for a license/registration issued pursuant to the authority set forth in title 12, C.R.S., by the Department of Regulatory Agencies (DORA) or its designee (Division of Registrations) **shall** require the applicant's social security number if that individual is physically present in the United States **and** regardless of alien status.

The Division of Private Occupational Schools regulates the minimum standards by which an occupational school may recruit, enroll students and operate. DPOS does not have the statutory authority to set or otherwise influence the criteria under which a person may be eligible to sit for professional licensure and/or legally be professionally employed in Colorado. The Division of Registrations is the appropriate state agency empowered by law to determine particular professional licensure eligibility standards. In the spirit of interagency cooperation, the Division of Private Occupational Schools and the Division of Registrations issue this joint notice about the legally mandated **circumstances under which an applicant seeking licensure/registration through Registrations must have a valid Social Security number** in order to be accepted as an applicant for licensing examination purposes.

This notice is to further ensure that all Private Occupational Schools regulated by §12-59-101, et seq., of the Colorado Revised Statutes, known as the “Private Occupational Education Act of 1981” are fully informed from this date forward about such eligibility requirements for occupational licensing/registration, and those schools’ obligation to timely and adequately disclose to all students (prospective and current) that a valid Social Security number is required should those students desire to seek professional licensure/registration with Colorado in a particular occupational field of training offered by your school.

**WHAT THIS MEANS FOR YOU IF YOU ARE A SCHOOL:** In respect to the **necessary disclosure by private occupational schools** to prospective and current students concerning the requirement to have a valid Social Security number to seek/hold licensure/registration issued by Registrations, please be advised that pursuant to Colorado Revised Statutes §12-59-117 – “Deceptive trade or sales practice” - (1) It is a deceptive trade or sales practice for: (i) A school or agent to enroll a student when it is reasonably obvious that the student is unlikely to...qualify for employment in the field for which the education is designed, *unless this fact is affirmatively disclosed to the student* (emphasis added).”.

You must exercise due diligence to **timely and adequately inform all prospective and current students** that if that individual is **physically present in the United States, regardless of alien status**, he or she **must have a valid Social Security number** if that student intends to seek Colorado occupational licensure or registration.

Currently **the only circumstance** under which a person may seek licensure/registration by DORA/ Division of Registrations, without having a valid Social Security number is if the applicant is a **foreign resident who was not trained in the United States and is not physically present in the United States**. Under this case the applicant must present the “Affidavit of Social Security Number” as part of the Division of Registrations application process.

**NOTE IMPORTANT CHANGE as of January 1, 2009:** The “Affidavit of Eligibility” previously used by non-resident individuals, legally and *physically present in the United States* is **no longer solely used to determine** eligibility to have an examination application accepted by the Division of Registrations and /or its third party examiner, Pearson VUE. **This “Affidavit of Eligibility” will not be accepted by the Division of Registrations in lieu of a valid Social Security number to determine licensing exam/registrations eligibility.**

Be further advised that regardless of the current exam restriction, under the laws regulated by **DPOS, a school may still enroll students not having a valid Social Security number, as those individuals may just desire to take what is normally occupational training, for their “future use” elsewhere or as personal self-growth with no intention of ever working in Colorado in that particular occupational field.** However, your obligation is to make sure prospective students *know prior to enrolling* and that currently enrolled students *know* of the current Division of Registrations professional application eligibility criteria and state law so the individual may make their *own* informed decision whether to take or continue training through your school, even if that individual has no intention to use this professionally, and regardless of alien/residential status.

**Again your obligation is to reasonably inform prospective and current students that currently unless he/she has a valid Social Security number and is able to prove lawful presence, he/she**

**will not be eligible upon completion of your training to sit for the licensing examination or become registered, as state law may otherwise dictate.**

**WHAT THIS MAY MEAN FOR YOUR PROSPECTIVE AND CURRENT STUDENTS:**

Your students upon successful completion of their selective occupational training, who are U.S. residents **or** non-U.S. residents, *physically present in the United States, and regardless of alien status, work eligibility, and other qualifications, etc.*, will not be accepted by the Division of Registrations as an applicant for the examination process unless they have a valid Social Security Number. In this respect the former "Affidavit of Eligibility" according to Division of Registrations current policy (number 80-15, revised effective January 1, 2009) and interpretation of state law is no longer an accepted form of application eligibility documentation.

All U.S. residents must have a valid Social Security number, and meet all other eligibility requirements, in order to have an examination application accepted.

All non-U.S. residents who are lawfully, *physically present in the United States, regardless of alien status* must also have a valid Social Security number and meet all other eligibility requirements, in order to have an examination application accepted.

**For complete information regarding the requirements to sit for and/or continued licensure/registration in Colorado visit the Division of Registrations web page at <http://www.dora.state.co.us/registrations/Affidavit.htm>**

Should you have questions regarding your obligations as a private occupational school in Colorado please contact your assigned Program Specialist and/or Director Jim Parker at: (303) 866-2723.



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Jim Parker, Director  
Division of Private Occupational Schools  
Department of Higher Education



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Rosemary McCool, Director  
Division of Registrations  
Department of Regulatory Agencies

Issued jointly this 10th day of March, 2009