§ 5006. Teachout plans. 1. A school may submit a teachout plan to the commissioner for approval pursuant to regulations established by the commissioner. A teachout plan shall consist of a contract between a licensed private career school, with another school, hereinafter called the teachout school, so that in the event that the licensed private career school ceases instruction, the teachout school will provide the necessary instruction specified in a student's original enrollment agreement with the school ceasing instruction. A teachout plan may employ more than one teachout school to provide instruction to students in the school ceasing instruction. Schools under common ownership but having separate licenses may, subject to the approval of the commissioner, enter into teachout agreements. A teachout plan may be contracted between the commissioner and one or more teachout schools in the event that the closing school is unable or unwilling to do so.

2. A teachout plan shall include the following provisions: (a) the teachout school must offer courses of study that are substantially similar to those offered in the school ceasing instruction;

(b) teachout schools must be located in the geographic area in which the school ceasing instruction was located unless the school ceasing instruction provided distance learning or online training;

(c) all provisions for a teachout plan must be included in the enrollment agreement signed by the student; and

(d) the teachout school shall agree to fulfill the enrollment agreement signed by the student at the school ceasing instruction.

3. The licensed school shall provide to the teachout school and to the department the following information prior to closure:

(a) Copies of the academic and financial records for all students in attendance at the school at the projected time of closure;

(b) A listing of all such students presently in attendance including their names, addresses, social security numbers, curriculum that each student is enrolled in and the number of hours the students will have completed at the time of the school closure.

4. The department will provide to the teachout school, immediately upon notification of a school closing, a copy of each approved

curriculum that the closing school is presently offering.

5. The commissioner shall require all teachout schools to address the following issues:

(a) Integration of students into a curriculum which may be different from the curriculum in which they are currently receiving instruction;

(b) Assessments of students' progress so that they may be placed into an appropriate course;

(c) Provision of remedial instruction to students who are found to be deficient in one or more course areas upon their initial assessment;

(d) Provision by the teachout school to adhere to the required student/teacher ratios and room capacities; and

(e) Compliance with statutory and regulatory requirements during the teachout.

6. The student shall not be subject to any costs beyond the total costs identified in the original enrollment agreement.

7. A student may decline to pursue instruction at the teachout school and may instead seek a refund pursuant to section five thousand seven of this article.