

1 **CHAPTER 807. CAREER SCHOOLS AND COLLEGES**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
6

7 The Texas Workforce Commission (Commission) adopts the repeal of the following sections of
8 Chapter 807 relating to Career Schools and Colleges, without changes, as published in the May
9 26, 2006, issue of the *Texas Register* (31 TexReg 4382):

- 10
- 11 Subchapter G. Courses of Instruction, §§807.91 - 807.104
- 12 Subchapter H. Application Fees and Other Charges, §§807.111 - 807.113
- 13 Subchapter I. Advertising, §§807.121 - 807.126
- 14 Subchapter J. Admission, §§807.141 - 807.147
- 15 Subchapter K. Progress, §§807.161 - 807.164
- 16 Subchapter L. Attendance Standards, §§807.171 - 807.175
- 17 Subchapter M. Cancellation and Refund Policy, §§807.191 - 807.194
- 18 Subchapter N. Records, §§807.211 - 807.214
- 19 Subchapter O. Complaints, §807.221 and §807.222
- 20 Subchapter P. Truck Driver Training Programs, §§807.231 - 807.235
- 21 Subchapter Q. Closed Schools, §807.251 and §807.252
- 22 Subchapter R. Cease and Desist Orders, §§807.271 - 807.282

23
24 The Commission adopts the following new sections to Chapter 807 relating to Career Schools
25 and Colleges, without changes, as published in the May 26, 2006, issue of the *Texas Register* (31
26 TexReg 4382):

- 27
- 28 Subchapter E. School Director and Administrative Staff, §807.66
- 29 Subchapter G. Staff Education Requirements, §§807.101 - 807.103
- 30 Subchapter H. Courses of Instruction, §§807.121 - 807.134
- 31 Subchapter I. Application Fees and Other Charges, §§807.151 - 807.153
- 32 Subchapter J. Advertising, §§807.171 - 807.176
- 33 Subchapter K. Admission, §§807.191 - 807.197
- 34 Subchapter L. Progress Standards, §§807.221 - 807.224
- 35 Subchapter M. Attendance Standards, §§807.241 - 807.245
- 36 Subchapter N. Cancellation and Refund Policy, §807.261, §807.262, and §807.264
- 37 Subchapter O. Records, §§807.281 - 807.284
- 38 Subchapter P. Complaints, §807.301 and §807.302
- 39 Subchapter Q. Truck Driver Training Programs, §§807.321 - 807.325
- 40 Subchapter R. Closed Schools, §807.341 and §807.342
- 41 Subchapter S. Cease and Desist Orders, §§807.361 - 807.366

1 The Commission adopts the following new section to Chapter 807 relating to Career Schools and
2 Colleges, with changes, as published in the May 26, 2006, issue of the *Texas Register* (31
3 TexReg 4382):

4
5 Subchapter N. Cancellation and Refund Policy, §807.263
6

7 The Commission adopts amendments to the following sections of Chapter 807 relating to Career
8 Schools and Colleges, without changes, as published in the May 26, 2006, issue of the *Texas*
9 *Register* (31 TexReg 4382):

10
11 Subchapter B. Certificates of Approval, §807.14

12 Subchapter E. School Director and Administrative Staff, §807.62 and §807.64

13 Subchapter F. Instructors, §§807.81 - 807.84
14

15 The Commission adopts amendments to the following section of Chapter 807 relating to Career
16 Schools and Colleges, with changes, as published in the May 26, 2006, issue of the *Texas*
17 *Register* (31 TexReg 4382):

18
19 Subchapter A. General Provisions, §807.2
20
21

22 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

23 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**
24 **RESPONSES**

25
26 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
27

28 The purpose of the rule amendment is to address statutory changes directed in House Bills (HB)
29 2333 and 2806, enacted by the 79th Texas Legislature, Regular Session (2005), which revise and
30 amend Chapter 132 of the Texas Education Code.

31
32 HB 2333 directs initial and annual continuing education of six hours per year for directors of
33 admissions, instructors, and chief administrative officers, or owners with supervisory authority,
34 in career schools and colleges. The bill charges the Commission with establishing the minimum
35 qualifications and training requirements in rule.

36
37 In addition to adding and amending several definitions, HB 2806 amends Texas Education Code,
38 Chapter 132 by:

- 39 1. deleting the requirement to provide cost comparisons with exempt schools;
- 40 2. removing references to some of the currently required information on the certificate of
41 approval, but leaving the final form to the Commission's discretion;
- 42 3. removing the reference to a bond from the section listing prohibitions; and
- 43 4. expanding the Commission's authority to arrange a teach-out (an arrangement with another
44 school or college to provide for completion of the training of students of a closed school)
45 to include any school or college, not only career schools or colleges as currently allowed.
46

1 More significantly, HB 2806 states that a career school or college that is eligible to participate in
2 student financial aid programs under Title IV, Higher Education Act of 1965 (20 U.S.C.
3 §1070 et seq.) is not required to take attendance. The bill deletes all references to "attendance"
4 in Texas Education Code, Chapter 132, and also directs schools:

- 5 1. to provide written notice to students of all policies related to program interruption, including
6 the student's responsibility to inform the school of his or her withdrawal; and
- 7 2. to verify the student's enrollment by documenting the student's participation in an
8 academically related activity at the end of the first week, at the end of the first month, at
9 the midpoint, and at the end of each semester or other academic term of the program.

10
11 Further, HB 2806 authorizes the Commission to adopt rules governing records necessary to make
12 refunds.

13
14 Texas Education Code, Chapter 132, Subchapter J, regarding Cease and Desist Orders, allows
15 the Commission to take action against career schools that are operating without a certificate of
16 authority issued by the Commission. The Commission has had several hearings under
17 Subchapter J, with two appeals to the Commission. The Commission's experiences with the
18 hearings indicate that modifications of the process are necessary.

19
20 Through Texas Education Code, Chapter 132 and this chapter, the Agency licenses and regulates
21 most private postsecondary career schools that offer vocational training or continuing education.
22 The Agency also investigates complaints about schools, monitors schools to ensure regulatory
23 compliance, arranges for the disposition of students affected by a school closure and administers
24 the tuition trust account to pay tuition refunds to students when a school closes.
25 In carrying out its regulatory duties, the Agency seeks to provide customer protection for Texas
26 students as well as ensure quality training of the labor force to meet the needs of Texas
27 employers.

28 29 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND** 30 **RESPONSES**

31
32 **(Note: Minor, nonsubstantive, editorial changes are made throughout Chapter 807 that do**
33 **not change the meaning of the rules and, therefore, are not discussed in the Explanation of**
34 **Individual Provisions.)**

35 36 **SUBCHAPTER A. GENERAL PROVISIONS**

37 **The Commission adopts the following amendments:**

38 39 **§807.2. Definitions**

40 Section 807.2(3) adds a definition of "academic term." Neither Texas Education Code, Chapter
41 132 nor this chapter currently defines the term.

42
43 Section 807.2(4) adds a definition of "academically related activity." Neither Texas Education
44 Code, Chapter 132 nor this chapter currently defines the term.

1 **Comment:** The commenter stated that this section needed additional language indicating the
2 activities could be either residential or online. In addition, the commenter stated the section
3 should include online activities such as logging on the Internet to participate in class
4 communications and activities, including, but not limited to, threaded discussions or chat
5 rooms.
6

7 **Response:** The Commission notes that, consistent with the other definitions contained in HB
8 2806, the definition of "academically related activity" aligns with the definition used in the
9 Federal Financial Aid regulations. It is the intent of the Commission to provide for a variety
10 of appropriately documented online activities, not only those listed in the definition. The
11 Commission believes the definition provides schools with broad flexibility to adopt new
12 technologies. At the same time, the definition allows the Commission to maintain a level of
13 control that will minimize the potential for contested attendance records.
14

15 Section 807.2(7), the definition of "Board" is deleted because it is defined in Chapter 800.2 of
16 this title; therefore, it is unnecessary to redefine the term in this chapter.
17

18 Section 807.2(8), the definition of "clock hour" is deleted because it is obsolete. Throughout the
19 chapter, the term "clock hour" is replaced by the term "course time," which is defined in new
20 §807.2(12).
21

22 Section 807.2(9), the definition of "Commission" is deleted because it is defined in Chapter
23 800.2 of this title; therefore, it is unnecessary to redefine the term in this chapter.
24

25 Section 807.2(9) adds a definition of "class or course." Adding the Texas Education Code
26 definition of "class" or "course"; replacing the term "subject" with the terms "class" or "course"
27 throughout the chapter, as appropriate; and deleting the §807.2(28) definition of "subject"
28 implements the provisions of HB 2806, which amends §132.001(1-a) of the Texas Education
29 Code. Generally, "class" refers to a single period of instruction that is part of a "course."
30

31 Section 807.2(11), the definition of "Course of Instruction" is unchanged, but renumbered from
32 §807.2(13), in order to be listed in alphabetical order.
33

34 **Comment:** The commenter indicated that the terms "class" and "course" are not necessarily
35 the same and stated that a course is clearly a unit of a program of instruction while a class
36 could be a single session of a multiple-session course.
37

38 **Response:** The Commission agrees and notes that the rules refer to a class as a single period
39 of instruction that is part of a course.
40

41 Section 807.2(12) adds a definition of "course time." Adding the Texas Education Code
42 definition of "course time"; replacing the term "clock hour" with the term "course time"
43 throughout the chapter; and deleting the §807.2(8) definition of "clock hour" implements the
44 provisions of HB 2806, which amends §132.001(1-b) of the Texas Education Code.
45

1 Section 807.2(19) adds a definition of "program or program of instruction." Adding the Texas
2 Education Code definition of "program or program of instruction"; replacing "program" with the
3 term "program or program of instruction" throughout the chapter, as appropriate; and deleting the
4 §807.2(18) definition of "program" implements the provisions of HB 2806, which amends
5 §132.001(14) of the Texas Education Code.

6
7 Section 807.2(31) adds a definition of "Title IV school." Neither Texas Education Code,
8 Chapter 132 nor this chapter currently defines the term.

9
10 **Comment:** The commenter stated that while it is not clear why it was necessary to change
11 §132.065 of the Texas Education Code by referencing participation in student financial aid
12 programs under Title IV, the fact that the Title IV reference has been adopted means that a
13 definition would be appropriate.

14
15 **Response:** The Commission appreciates the commenter's support.

16
17 Certain paragraphs in §807.2 have been renumbered to accommodate additions or deletions.

18
19
20 **SUBCHAPTER B. CERTIFICATES OF APPROVAL**

21 **The Commission adopts the following amendments:**

22
23 **§807.14. Locations**

24 The term "clock hour" is changed to "course time."

25
26
27 **SUBCHAPTER E. SCHOOL DIRECTOR AND ADMINISTRATIVE STAFF**

28 **The Commission adopts the following amendments:**

29
30 **§807.62. School Director Qualifications and Duties**

31 Section 807.62(a) removes the exemption for initial training for the school director of a small
32 school. The school director is considered to be the chief administrative officer of or an owner
33 with supervisory authority over a career school or college. The Commission adopts this revision
34 in order to ensure that school directors meet the requirements of HB 2333. Additionally, the
35 requirement to attend a workshop has been replaced with online training, set forth in new
36 §807.101(a), which eliminates the cost and time associated with travel.

37
38 Section 807.62(d) is deleted and the information moved to new Subchapter G. Staff Education
39 Requirements.

40
41 Section 807.62(i) is deleted because the provision is obsolete.

42
43 Certain subsections in §807.62 have been relettered to accommodate additions or deletions.

44
45
46 **§807.64. Director of Education Requirements**

1 Section 807.64(a) eliminates the grandfather clause, which is obsolete because of the passage of
2 time.

3
4 **§807.66. Director of Admissions Requirements**

5 Section 807.66 is added to establish the minimum qualifications for the director of admissions
6 position as directed in HB 2333.

7
8 **Comment:** The commenter asked what a director of admissions is and what activities that
9 individual oversees. The commenter stated that it is important that the term be defined given
10 that the title is interchangeable among institutions with respect to the management of
11 recruiting, financial aid, and enrollment-related activity. Further, the commenter stated that
12 historically the proprietary school sector has been required to separate the
13 admissions/recruitment activities from financial aid in order to avoid the possibility of
14 misrepresenting financial aid information and using it as an inducement for enrollment. The
15 commenter stressed that many large institutions separate the admissions or enrollment
16 process into distinct and discrete activities, e.g., recruitment, enrollment, admissions, and
17 financial aid, and that depending on the organization, a director of admissions could have
18 very different responsibilities and duties. The commenter added that §807.66(b)(1), which
19 requires one year of management or administrative experience, should be eliminated
20 regardless of the duties the Commission envisions to fall under this job title. The commenter
21 contended that the requirement effectively means that an institution could not promote an
22 individual who has shown the skills and knowledge and acquired sufficient experience in a
23 subordinate position.

24
25 **Response:** The Commission disagrees with the comment that institutions' potentially
26 disparate approaches to defining the job of director of admissions require the Commission to
27 narrowly define this term. In amending §132.0551 of the Texas Education Code to include
28 minimum qualification and training requirements, HB 2333 provides flexibility to institutions
29 to develop individual job descriptions for this position, while ensuring that minimum
30 standards are met. The statute also specifically tasks the Commission with establishing
31 "minimum qualification and training requirements." Therefore, the Commission has limited
32 its rulemaking to establishing certain minimum, basic qualification criteria for a director of
33 admissions—without dictating a particular job description for that position. The Commission
34 believes that a general requirement of one year of management or administrative experience
35 to qualify for a director of admissions position is reasonable and in harmony with the
36 legislative framework.

37
38
39 **SUBCHAPTER F. INSTRUCTORS**

40 **The Commission adopts the following amendments:**

41
42 **§807.81. Instructor Qualifications**

43 The term "subject" is changed to "course" or "class" and the term "clock hour" is changed to
44 "course time."

45
46 Section 807.81(e) is deleted because the provision is obsolete.

1
2 Certain subsections in §807.81 have been relettered to accommodate additions or deletions.

3
4 **§807.82. Temporary Instructors**

5 The term "subject" is changed to "course" or "class."

6
7 **§807.83. Instructor Application**

8 The term "subjects" is changed to "classes."

9
10 **§807.84. School Responsibilities Regarding Instructors**

11 Section 807.84(c), §807.84(f), and §807.84(g) are deleted and the information contained in each
12 is moved to new Subchapter G, Staff Education Requirements.

13
14 Certain subsections in §807.84 have been relettered to accommodate additions or deletions.

15
16
17 **SUBCHAPTER G. STAFF EDUCATION REQUIREMENTS**

18 **The Commission adopts new Subchapter G, Staff Education Requirements, as follows:**

19
20 HB 2333 amends Texas Education Code by adding §132.0551(a) and §132.0551(b), which
21 require each director of admissions, each full-time instructor, and the chief administrative officer
22 or owner with supervisory authority in a career school or college to meet minimum qualifications
23 and training requirements established by Commission rule. Currently, Chapter 807 identifies the
24 position of "chief administrative officer or owner with supervisory authority" as the school
25 director. Furthermore, Chapter 807 contains minimum qualifications and training requirements
26 for these two positions. This new subchapter establishes the minimum qualifications and
27 training requirements for the director of admissions position and consolidates the training
28 requirements for the three positions.

29
30 **§807.101. Initial Training**

31 Section 807.101 consolidates initial training requirements previously set forth in repealed
32 §807.62(d), §807.84(c), §807.84(f), and §807.84(g). Additionally, new §807.101(a) adds an
33 option for online training to meet the initial training requirement for school directors.

34
35 **§807.102. Continuing Education**

36 HB 2333 amends Texas Education Code by adding §132.0551(g), which establishes that the
37 requirements of the new subsections do not take effect until September 1, 2006. The bill directs
38 the Commission to prescribe by rule procedures that will allow an individual to meet the
39 requirements prior to that date.

40
41 Section 807.102(a) sets forth the requirement that providers must submit an application for
42 approval of continuing education training to the Commission, unless they are exempt.

43
44 Section 807.102(b) provides for approval of any training conducted after January 1, 2006, but
45 prior to September 1, 2006.

1 Section 807.102(c) sets forth the training requirements previously located in §807.84(c).

2
3 Section 807.102(d) requires that each school director, full-time instructor, and director of
4 admissions must complete a minimum of six hours of course time of continuing education
5 applicable to the position within 12 months of employment in the position and each calendar
6 year thereafter.

7
8 Section 807.102(e) states that the school must provide and document in-service training that
9 provides updates on skills, knowledge, and technology required by business and industry for
10 those instructors who have taught for two years, but have not gained relevant work experience
11 during the two-year period.

12
13 **§807.103. Record Keeping**

14 Section 807.103 establishes the requirements for record keeping to document accomplishment of
15 training and continuing education in accordance with the direction of HB 2333.

16
17 **Comment:** The commenter agreed with the recommendation to consolidate these related
18 rules in one location.

19
20 However, the commenter stated that the aspects of the new §132.0551(c) - (d) of the Texas
21 Education Code need clarification in the rules. For instance, what is a director of admissions,
22 is it the individual who manages recruitment or is it the person who coordinates the
23 admissions process, such as a registrar.

24
25 The commenter pointed out that with respect to instructors, §132.0551 references "full-time"
26 instructors. The commenter asked if it is expected that any full-time staff who teaches
27 (including the dean or program chair) will be subject to the requirement or only individuals
28 with the job title of instructor and who teach full time.

29
30 The commenter also stated that §132.0551 indicates that these individuals must complete not
31 less than six hours each year. The commenter inquired whether these are six clock hours,
32 credit hours, or continuing education units, and whether per year means a calendar year or a
33 12-month period.

34
35 **Response:** The Commission appreciates the commenter's support for the consolidation of
36 the related rules.

37
38 As previously stated, in amending §132.0551 of the Texas Education Code to include
39 minimum qualification and training requirements, HB 2333 provides flexibility to institutions
40 to develop individual job descriptions for the position of director of admissions, while
41 ensuring that minimum standards are met. The statute also specifically tasks the Commission
42 with establishing "minimum qualification and training requirements." Therefore, the
43 Commission has limited its rulemaking to establishing certain minimum, basic qualification
44 criteria for a director of admissions, without dictating a particular job description for that
45 position. The Commission believes that a general requirement of one year of management or

1 administrative experience to qualify for a director of admissions position is reasonable and in
2 harmony with the legislative framework.

3
4 The Commission believes that §132.0551 of the Texas Education Code applies to individuals
5 who are instructors on a full-time basis. Therefore, only a full-time staff member who
6 teaches on a full-time basis will be subject to the training requirement.

7
8 The Commission notes that new §807.102(d) of the rules explicitly specifies that the phrase
9 "six hours each year of continuing education" referenced in §132.0551 of the Texas
10 Education Code means six hours of course time. Moreover, subsection (d) specifies that the
11 hours must be completed "within 12 months of employment in the position and each calendar
12 year thereafter."

13 14 15 **SUBCHAPTER H. COURSES OF INSTRUCTION**

16 **The Commission adopts new Subchapter H, Courses of Instruction, as follows:**

17 18 **§807.121. Definitions Relating to Courses of Instruction**

19 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."

20
21 Otherwise, §807.121 has no changes to the text of repealed §807.91; however, it is renumbered
22 to accommodate additions or deletions throughout the chapter.

23 24 **§807.122. General Information for Courses of Instruction**

25 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."
26 Otherwise, §807.122 has no changes to the text of repealed §807.92; however, it is renumbered
27 to accommodate additions or deletions throughout the chapter.

28 29 **§807.123. Applications for Additional Courses of Instruction**

30 Section 807.123 has no changes to the text of repealed §807.93; however, it is renumbered to
31 accommodate additions or deletions throughout the chapter.

32 33 **§807.124. Stated Occupation**

34 Section 807.124 has no changes to the text of repealed §807.94; however, it is renumbered to
35 accommodate additions or deletions throughout the chapter.

36 37 **§807.125. Curriculum Content**

38 The term "subject" is changed to "class" in the section. Otherwise, §807.125 has no changes to
39 the text of repealed §807.95; however, it is renumbered to accommodate additions or deletions
40 throughout the chapter.

41 42 **§807.126. Curriculum Length**

43 The term "subject" is changed to "class." Otherwise, §807.126 has no changes to the text of
44 repealed 807.96; however, it is renumbered to accommodate additions or deletions throughout
45 the chapter.

1 **§807.127. Program Title**

2 Section 807.127 has no changes to the text of repealed §807.97; however, it is renumbered to
3 accommodate additions or deletions throughout the chapter.

4
5 **§807.128. Equipment**

6 Section 807.128 has no changes to the text of repealed §807.98; however, it is renumbered to
7 accommodate additions or deletions throughout the chapter.

8
9 **§807.129. Facilities**

10 Section 807.129 has no changes to the text of repealed §807.99; however, it is renumbered to
11 accommodate additions or deletions throughout the chapter.

12
13 **§807.130. Admission Requirements Relating to Programs**

14 Section 807.130 has no changes to the text of repealed §807.100; however, it is renumbered to
15 accommodate additions or deletions throughout the chapter.

16
17 **§807.131. School Responsibilities Regarding Programs**

18 The term "subject" is changed to "class." Otherwise, §807.131 has no changes to the text of
19 repealed §807.101; however, it is renumbered to accommodate additions or deletions throughout
20 the chapter.

21
22 **§807.132. Program Revisions**

23 Section 807.132 has no changes to the text of repealed §807.102; however, it is renumbered to
24 accommodate additions or deletions throughout the chapter.

25
26 **§807.133. Program Requirements for Degree Granting Schools**

27 Section 807.133 has no changes to the text of repealed §807.103; however, it is renumbered to
28 accommodate additions or deletions throughout the chapter.

29
30 **§807.134. Penalties Relating to Courses of Instruction**

31 Section 807.134 has no changes to the text of repealed §807.104; however, it is renumbered to
32 accommodate additions or deletions throughout the chapter.

33
34
35
36 **SUBCHAPTER I. APPLICATION FEES AND OTHER CHARGES**

37 **The Commission adopts new Subchapter I, Application Fees and Other Charges, as
38 follows:**

39
40 **§807.151. Fee Schedule**

41 Section 807.151 has no changes to the text of repealed §807.111; however, it is renumbered to
42 accommodate additions or deletions throughout the chapter.

43
44 **§807.152. Renewal Fees**

45 Section 807.152 has no changes to the text of repealed §807.112; however, it is renumbered to
46 accommodate additions or deletions throughout the chapter.

1
2 **§807.153. Installment Payments**

3 Section 807.153 has no changes to the text of repealed §807.113; however, it is renumbered to
4 accommodate additions or deletions throughout the chapter.
5
6

7 **SUBCHAPTER J. ADVERTISING**

8 **The Commission adopts new Subchapter J, Advertising, as follows:**
9

10 **§807.171. General Information for Advertising**

11 Section 807.171 has no changes to the text of repealed §807.121; however, it is renumbered to
12 accommodate additions or deletions throughout the chapter.
13

14 **§807.172. Advertisement Method**

15 Section 807.172 has no changes to the text of repealed §807.122; however, it is renumbered to
16 accommodate additions or deletions throughout the chapter.
17

18 **§807.173. Advertisement Content**

19 The term "subjects" is changed to "classes." Otherwise, §807.173 has no changes to the text of
20 repealed §807.123; however, it is renumbered to accommodate additions or deletions throughout
21 the chapter.
22

23 **§807.174. Financial Incentives**

24 Section 807.174 has no changes to the text of repealed §807.124; however, it is renumbered to
25 accommodate additions or deletions throughout the chapter.
26

27 **§807.175. Catalog**

28 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."
29 Otherwise, §807.175 has no changes to the text of repealed §807.125; however, it is renumbered
30 to accommodate additions or deletions throughout the chapter.
31

32 **§807.176. Advertisement Monitoring**

33 Section 807.176 has no changes to the text of repealed §807.126; however, it is renumbered to
34 accommodate additions or deletions throughout the chapter.
35
36

37 **SUBCHAPTER K. ADMISSION**

38 **The Commission adopts new Subchapter K, Admission, as follows:**
39

40 **§807.191. General Information for Admission**

41 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."
42 Otherwise, §807.191 has no changes to the text of repealed §807.141; however, it is renumbered
43 to accommodate additions or deletions throughout the chapter.
44

45 **§807.192. Admission Requirements**

1 The term "subjects" is changed to "classes." Otherwise, §807.192 has no changes to the text of
2 repealed §807.142; however, it is renumbered to accommodate additions or deletions throughout
3 the chapter.

4
5 **§807.193. Receipt of Enrollment Policies**

6 HB 2806 amends Texas Education Code §132.055(5) by deleting the requirements to provide
7 students with regulations pertaining to absences and with notice of the availability of the cost
8 comparison information for exempt schools. (Although Title IV schools are no longer required
9 to take attendance, the requirement remains for non-Title IV schools.) Therefore, new
10 §807.193(b)(4) specifies that attendance is a requirement for non-Title IV schools.

11
12 HB 2806 amends Texas Education Code by adding §132.065(b), which requires schools
13 participating in Title IV programs to provide written notice of all policies related to program
14 interruption prior to completion and to notify each student in writing that if the student
15 withdraws, it is the student's responsibility to inform the school or college. Therefore, in
16 addition to written notice to be provided to the student prior to enrollment, §807.193(b)(12) adds
17 a requirement to provide written notice of all policies related to program interruption prior to
18 completion and written notice of the student's responsibility to inform the school if the student
19 withdraws.

20
21 **Comment:** The commenter stated that §807.193 involves receipt of enrollment policies and
22 subsection (b) relates to the catalog and inquired whether the catalog will meet the
23 expectation for "providing notice of all policies." The commenter also stated that the
24 proposed amendment is vague as to what events might constitute program interruption ;
25 whether it is up to the institution to define program interruption; or whether the Commission
26 expects to see certain events included.

27
28 The commenter also asked whether the catalog meets the expectation of notifying "each
29 student in writing"; whether the Commission intends for the student to inform the school or
30 college if he or she withdraws; and what the impact might be on a school if a student fails to
31 provide notification of withdrawal.

32
33 **Response:** The Commission agrees that a catalog containing the information required in
34 §807.193 satisfies this requirement. Section 807.193 requires the use of a form prescribed by
35 the Commission to provide the listed items and information to each student prior to
36 enrollment and requires signed acknowledgement of receipt of the items by the student. One
37 of the items is a catalog. The form also will contain written notice that if students withdraw,
38 it is their responsibility to notify the school or college, as well as provide written notice to the
39 students that they are entitled to be provided written notice of all policies related to program
40 interruption prior to completion. The school representative will have to provide the written
41 notice to the student, which could be accomplished in a number of ways—most likely by
42 handing the student the written policies or directing the student to the location of the policies
43 in the catalog.

44
45 The Commission considers program interruption to occur when the student fails to enter the
46 course of instruction, withdraws, or is discontinued from the course of instruction at any time

1 prior to completion. The Commission's intent in adding this section is to foster two-way
2 communication. While a school cannot be responsible for students' failure to provide notice
3 of withdrawal, the Commission believes that by putting students on notice of their
4 responsibility to notify the school of their withdrawal, the impact of withdrawal on both the
5 students and the school will be minimized. If a school complies with §807.243, relating to
6 Termination of Enrollment, the Commission believes there will be no substantial negative
7 impact on a school if a student fails to provide notification of withdrawal.
8

9 Additionally, the term "subjects" is changed to "classes" and the term "clock hour" is changed to
10 "course time."
11

12 Otherwise, §807.193 has no changes to the text of repealed §807.143; however, it is renumbered
13 to accommodate additions or deletions throughout the chapter.
14

15 **§807.194. Enrollment Agreement**

16 HB 2806 requires Title IV schools to terminate the enrollment of a student if the student's
17 participation in an academically related activity cannot be documented at certain points during a
18 term. The statute also authorizes the Commission to adopt rules necessary to make refunds.
19 Section 807.194(e)(5) adds that the executed enrollment agreement must include a student's
20 e-mail address if any part of the instruction or academically related activity is Web based.
21

22 Otherwise, §807.194 has no changes to the text of repealed §807.144; however, it is renumbered
23 to accommodate additions or deletions throughout the chapter.
24

25 **§807.195. Conduct Policy**

26 Section 807.195 has no changes to the text of repealed §807.145; however, it is renumbered to
27 accommodate additions or deletions throughout the chapter.
28

29 **§807.196. Tuition and Fees**

30 The term "subjects" is changed to "classes." Otherwise, §807.196 has no changes to the text of
31 repealed §807.146; however, it is renumbered to accommodate additions or deletions throughout
32 the chapter.
33

34 **§807.197. Admission Requirements for Degree Granting Schools**

35 Section 807.197 has no changes to the text of repealed §807.147; however, it is renumbered to
36 accommodate additions or deletions throughout the chapter.
37

38 **SUBCHAPTER L. PROGRESS STANDARDS**

39 **The Commission adopts new Subchapter L, Progress Standards, as follows:**
40

41 **§807.221. General Requirements for Progress Standards**

42 The term "subject" is changed to "class." Otherwise, §807.221 has no changes to the text of
43 repealed §807.161; however, it is renumbered to accommodate additions or deletions throughout
44 the chapter.
45
46

1 **§807.222. Progress Requirements for Residence Schools**

2 The term "clock hour" is changed to "course time." Otherwise, §807.222 has no changes to the
3 text of repealed §807.162; however, it is renumbered to accommodate additions or deletions
4 throughout the chapter.

5
6 **§807.223. Progress Requirements for Distance Education Schools**

7 Section 807.223 has no changes to the text of repealed §807.163; however, it is renumbered to
8 accommodate additions or deletions throughout the chapter.

9
10 **§807.224. Progress Requirements for Degree Granting Schools**

11 The term "subjects" is changed to "classes." Otherwise, §807.224 has no changes to the text of
12 repealed §807.164; however, it is renumbered to accommodate additions or deletions throughout
13 the chapter.

14
15
16 **SUBCHAPTER M. ATTENDANCE STANDARDS**

17 **The Commission adopts new Subchapter M, Attendance Standards, as follows:**

18
19 **§807.241. General Requirements for Attendance**

20 Section 807.241(b) adds that Title IV schools are not required to take attendance. Otherwise,
21 §807.241 has no changes to the text of repealed §807.171; however, it is renumbered to
22 accommodate additions or deletions throughout the chapter.

23
24 **§807.242. Attendance Requirements for Degree Granting Schools**

25 Section 807.242(a) clarifies that the requirements are for non-Title IV schools and Title IV
26 schools that voluntarily take attendance. Additionally, the term "clock hour" is changed to
27 "course time." Otherwise, §807.242 has no changes to the text of repealed §807.172; however, it
28 is renumbered to accommodate additions or deletions throughout the chapter.

29
30
31
32
33 **§807.243. Termination of Enrollment**

34 Section 807.243(b)(1) - 807.243(b)(4) adds the requirement that a Title IV school that does not
35 voluntarily take attendance must terminate enrollment for a student whose participation in an
36 academically related activity cannot be documented at specified points during the academic term.

37
38 **Comment:** The commenter inquired whether verification is intended to occur at the end of
39 each period and, if so, does this establish the withdrawal date for refunds; if the verification
40 indicates that academically related activity ceased prior to the end of a period, is that the
41 effective withdrawal date; and what constitutes verification and documentation. The
42 commenter stated that there is an existing subsection (c) in §807.173(a)(1) that conflicts with
43 the proposed §807.243(b)(3) and §807.243(b)(4). Section 807.173(a)(1) requires institutions
44 to terminate students at 10 consecutive days of absence. Verifying at the end of these points
45 could mean that a student could have exceeded the 10-consecutive-day requirement for
46 residential students. The commenter asked if Title IV schools are not required to take

1 attendance, does that mean that they are exempt from the attendance requirements detailed in
2 §807.173 (a)(1) as well as §807.172 and §807.173(a). If so, that condition should be stated.
3 If not, those sections need to be revised to eliminate conflicts and confusion.
4

5 **Response:** The Commission appreciates the commenter's request for guidance. If a Title IV
6 school does not voluntarily take attendance, §807.263(d) requires that the school calculate
7 refunds based on the scheduled hours of classes through the last documented day of an
8 academically related activity. Section 807.283 addresses record keeping requirements for
9 both Title IV and non - Title IV schools.
10

11 The Commission disagrees that there are conflicts in §807.172 and §807.173 as these
12 sections have been repealed. Section 807.243 sets out separate requirements for Title IV
13 schools.
14

15 Section 807.243(c) specifies that for purposes of §807.243, the definition of "month" is four
16 weeks.
17

18 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."
19 Otherwise, §807.243 has no changes to the text of repealed §807.173; however, it is renumbered
20 to accommodate additions or deletions throughout the chapter.
21

22 **§807.244. Make-up Work**

23 The term "clock hour" is changed to "course time." Otherwise, §807.244 has no changes to the
24 text of repealed §807.174; however, it is renumbered to accommodate additions or deletions
25 throughout the chapter.
26

27 **§807.245. Leaves of Absence**

28 The term "subject" is changed to "class" and the term "clock hour" is changed to "course time."
29 Otherwise, §807.245 has no changes to the text of repealed §807.175; however, it is renumbered
30 to accommodate additions or deletions throughout the chapter.
31

32 **SUBCHAPTER N. CANCELLATION AND REFUND POLICY**

33 **The Commission adopts new Subchapter N, Cancellation and Refund Policy, as follows:**
34
35

36 **§807.261. Right to Cancel after Tour**

37 Section 807.261 has no changes to the text of repealed §807.191; however, it is renumbered to
38 accommodate additions or deletions throughout the chapter.
39

40 **§807.262. Consummation of Refund**

41 Section 807.262 has no changes to the text of repealed §807.192; however, it is renumbered to
42 accommodate additions or deletions throughout the chapter.
43

44 **§807.263. Refund Requirements for Residence Schools**

1 Section 807.263(d) adds instruction on the calculation of refunds for Title IV and non -Title IV
2 schools. Otherwise, §807.263 has no changes to the text of repealed §807.193; however, it is
3 renumbered to accommodate additions or deletions throughout the chapter.

4
5 **§807.264. Penalties Relating to Refunds**

6 Section 807.264 has no changes to the text of repealed §807.194; however, it is renumbered to
7 accommodate additions or deletions throughout the chapter.

8
9
10 **SUBCHAPTER O. RECORDS**

11 **The Commission adopts new Subchapter O, Records, as follows:**

12
13 **§807.281. General Information for Records**

14 Section 807.281 has no changes to the text of repealed §807.211; however, it is renumbered to
15 accommodate additions or deletions throughout the chapter.

16
17 **§807.282. Student Records**

18 Section 807.282 has no changes to the text of repealed §807.212; however, it is renumbered to
19 accommodate additions or deletions throughout the chapter.

20
21
22 **§807.283. Attendance Record Keeping**

23 Section 807.283(a) states that the requirements in this subsection apply only to non-Title IV
24 schools.

25
26 Section 807.283(a)(1) provides that no separate master record of attendance is required of a
27 school that offers seminars or other programs in which students do not change instructors during
28 the school day.

29
30 Section 807.283(a)(2) specifies that schools must maintain a master record of attendance for each
31 student that clearly reflects the number of scheduled hours each day and the hours of absence.

32
33 Section 807.283(a)(3) details the required manner in which each instructor must maintain a
34 record of attendance for each student.

35
36 Section 807.283(b)(1) adds the requirement for Title IV schools to maintain a form signed and
37 dated by the student to document participation in an academically related activity. An e-mail
38 sent from the student's e-mail account of record will meet this requirement.

39
40 Section 807.283(b)(2) adds the requirement that Title IV schools maintain a class schedule,
41 including the number of hours for each class day or the number of scheduled hours for each
42 week for synchronous distance education for each student.

43
44 Section 807.283(c) adds that a Title IV school may voluntarily take attendance to meet the
45 requirements of Texas Education Code, Chapter 132 and this chapter.

1 **Comment:** The commenter asked whether this amendment applies to all Title IV schools,
2 regardless of whether they take attendance. The commenter stated that a school can maintain
3 these records, but it is not clear how these amendments to the Attendance Record Keeping
4 section contribute in a meaningful way to making refunds relative to the amendments to
5 §807.263.
6

7 The commenter also stated that the proposed rule amendments cannot be reasonably applied
8 to distance education activities. With respect to §807.283(b)(1), the commenter inquired
9 what TWC would expect for students participating in synchronous or asynchronous distance
10 education activities; whether the form is signed and dated at the beginning of the term or in
11 conjunction with each "academically related activity" for either the residential or distance
12 education activity; and, if the latter, would simple proof suffice, such as submission of
13 assignments, participating in class communications and activities, including but not limited
14 to threaded discussions and/or chat rooms, or even taking attendance in a residential setting.
15

16 The commenter further stated that §807.283(b)(2) does not appear to accommodate
17 asynchronous distance education delivery, the most common method of delivery, because
18 students do not have "class days" and are not "scheduled." Finally, courses that combine
19 residential and distance education activity are becoming increasingly common. The
20 commenter asked what TWC's expectation is with respect to this delivery model because, as
21 written, these requirements are administratively burdensome and are an impediment for
22 institutions that wish to offer courses via asynchronous distance education separately or in
23 combination with residential courses.
24

25 **Response:** The Commission intends that if a Title IV school uses attendance to fulfill the
26 requirements, §807.283(b) would not apply. The Commission believes that maintaining
27 documents evidencing a student's participation is essential in resolving any refund conflicts
28 that may arise between students and schools. Paragraph 807.283(b)(1) requires a form for
29 each activity—not just at the beginning of the term because that would document the
30 student's presence only at the beginning of the term. Also, this subsection provides for
31 verification by e-mail for distance education. Additionally, a signed test or certain other
32 signed documents generated through defined academically related activities will meet the
33 requirements. Furthermore, §807.283(c) provides for voluntary taking of attendance to fulfill
34 the requirements.
35

36 Texas Education Code, Chapter 132 requires a different refund policy based on completed
37 lessons rather than scheduled hours of attendance; therefore, the Commission does not
38 address asynchronous distance education in §807.283(b)(2).
39

40 The Commission recognizes that there are courses that combine residence and distance
41 education instruction. If the distance education portion is synchronous, the entire course is
42 treated as a residence course. If the distance education is asynchronous, appropriate policies
43 are applied to each part of the course.
44

45 **§807.284. Employment Records**

1 Section 807.284 has no changes to the text of repealed §807.214; however, it is renumbered to
2 accommodate additions or deletions throughout the chapter.

3
4
5 **SUBCHAPTER P. COMPLAINTS**

6 **The Commission adopts new Subchapter P, Complaints, as follows:**

7
8 **§807.301. School Policy Regarding Complaints**

9 Section 807.301 has no changes to the text of repealed §807.221; however, it is renumbered to
10 accommodate additions or deletions throughout the chapter.

11
12 **§807.302. Complaints and Investigations**

13 Section 807.302 has no changes to the text of repealed §807.222; however, it is renumbered to
14 accommodate additions or deletions throughout the chapter.

15
16 **SUBCHAPTER Q. TRUCK DRIVER TRAINING PROGRAMS**

17 **The Commission adopts new Subchapter Q, Truck Driver Training Programs, as follows:**

18
19 **§807.321. General Information Regarding Truck Driver Training**

20 Section 807.321 specifies that truck driver instructors complete a "truck driver instructor
21 development course with at least 40 hours of course time."

22
23 **§807.322. Truck Driver Instructor Development Course**

24 The term "clock hours" is changed to "course time." Otherwise, §807.322 has no changes to the
25 text of repealed §807.232; however, it is renumbered to accommodate additions or deletions
26 throughout the chapter.

27
28 **§807.323. Behind-the-Wheel Instruction**

29 Section 807.323 has no changes to the text of repealed §807.233; however, it is renumbered to
30 accommodate additions or deletions throughout the chapter.

31
32 **§807.324. Motor Vehicle Insurance**

33 Section 807.324 has no changes to the text of repealed §807.234; however, it is renumbered to
34 accommodate additions or deletions throughout the chapter.

35
36 **§807.325. Prohibited Activities Regarding Truck Driver Training.**

37 Section 807.325 has no changes to the text of repealed §807.235; however, it is renumbered to
38 accommodate additions or deletions throughout the chapter.

39
40
41 **SUBCHAPTER R. CLOSED SCHOOLS**

42 **The Commission adopts new Subchapter R, Closed Schools, as follows:**

43
44 **§807.341. School Closures**

45 Section 807.341 has no changes to the text of repealed §807.251; however, it is renumbered to
46 accommodate additions or deletions throughout the chapter.

1
2 **§807.342. Tuition Trust Account**

3 Section 807.342 has no changes to the text of repealed §807.252; however, it is renumbered to
4 accommodate additions or deletions throughout the chapter.
5

6 **SUBCHAPTER S. CEASE AND DESIST ORDERS**

7 **The Commission adopts new Subchapter S, Cease and Desist Orders, as follows:**
8

9 **§807.361. Statement of Charges and Notice of Hearing on Cease and Desist Orders**

10 Section 807.361 provides that the Agency may issue a statement of charges and notice of hearing
11 to consider issuance of a cease and desist order, if the Agency believes a person is operating a
12 career school or college without a certificate of approval.
13

14 **§807.362. Contents of Statement of Charges and Notice of Hearing**

15 Section 807.362 changes the reference to "Executive Director" to "Agency."
16

17 Section 807.362(2) changes the reference to "Commission" to "Agency."
18

19 Otherwise, §807.362 has no changes to the text of repealed §807.273; however, it is renumbered
20 to accommodate additions or deletions throughout the chapter.
21

22 **§807.363. Service of Statement of Charges and Hearing Notice for the Issuance of Cease**
23 **and Desist Orders**

24 Section 807.363 has no changes to the text of repealed §807.274; however, it is renumbered to
25 accommodate additions or deletions throughout the chapter.
26

27 **§807.364. Ex Parte Consultations**

28 Section 807.364 adds requirements to ensure that the Agency and all parties comply with
29 standard prohibitions against ex parte contacts.
30

31 **§807.365. Hearing Decision and Final Review by the Commission**

32 Section 807.365(a) clarifies that the hearing officer's decision becomes final on the 15th day after
33 receipt in order to be consistent with §807.365(b).
34

35 Section 807.365(c) specifies that the Commission must consider a written appeal and promptly
36 issue a decision. Additionally, if oral argument is requested and approved, the Commission must
37 schedule and hold an oral argument not later than 90 days after the receipt of the written appeal.
38

39 Otherwise, §807.365 has no changes to the text of repealed §807.281; however, it is renumbered
40 to accommodate additions or deletions throughout the chapter.
41

42 **§807.366. Cease and Desist Order**

43 Section 807.366(a) changes the reference to "Executive Director" to "hearing officer," and
44 specifies that a cease and desist order also must be issued against the person operating a career
45 school or college without a certificate of approval.
46

1 Otherwise, §807.366 has no changes to the text of repealed §807.282; however, it is renumbered
2 to accommodate additions or deletions throughout the chapter.
3

4 **General Comments**

5

6 **Comment:** The commenter contended that the amendments do not address one of the more
7 problematic areas of the rules, specifically refund policies. Texas Education Code §132.061
8 historically has required refunds for resident programs and synchronous distance education
9 courses to be based on the period of enrollment. TWC has interpreted the period of
10 enrollment to mean the entire program of study computed on the basis of course time. The
11 recent amendments to §132.061(b)(4)(A) through (F) have now added "program," indicating
12 that the refund time frame can be applied to either a "program or course." The commenter
13 stated that it is not clear under which conditions either applies and asked whether an
14 institution that offers degree programs can make refunds based on the course, which is
15 generally delivered over an academic quarter. The commenter asserted that the period of
16 enrollment should mean a course/academic quarter because this is the period for which a
17 student is actually enrolled and charged, which is how the U.S. Department of Education
18 defines "period of enrollment" and is the most commonly accepted practice in other states.
19

20 The commenter further stated that §132.061 of the Texas Education Code requires that
21 refunds for resident and synchronous distance education programs be based on the period of
22 enrollment computed as course time, while refunds for asynchronous programs must be
23 based on lessons. It is common practice today for institutions to utilize a combined
24 residential and asynchronous delivery model for some courses. The commenter maintained
25 that the existing statute and rules make it virtually impossible for institutions to offer this
26 "hybrid" model in Texas because a refund policy would be difficult to formulate. An
27 institution would effectively have to establish a separate refund policy for each activity,
28 which is complicated, cumbersome, and confusing for the institution and students.
29

30 **Response:** The Commission recognizes that "hybrid" courses combining asynchronous and
31 synchronous components are subject to two different refund policies. Texas Education Code
32 §132.061(b) establishes different refund policies for asynchronous and synchronous distance
33 education courses based upon differences in how each type of course is defined. Under
34 §132.061(b)(8), refunds for asynchronous distance education courses are computed on the
35 basis of the number of lessons in the course, whereas refunds for resident courses and
36 synchronous distance education courses are based on the period of enrollment computed on
37 the basis of course time expressed in clock hours. The rules parallel the statutory
38 requirements. Accordingly, while establishing a separate refund policy for each activity may
39 be burdensome, the rule is consistent with statutory requirements.
40

41 **COMMENTS WERE RECEIVED FROM:**

42

43 David Luce, ITT Educational Services
44
45

1 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
2 be within the Agency's legal authority to adopt.

3
4 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the
5 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
6 deems necessary for the effective administration of Agency services and activities.

7
8 The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302, as well as
9 Texas Education Code, Chapter 132.

10
11

1
2 **Chapter 807. CAREER SCHOOLS AND COLLEGES**
3

4 **SUBCHAPTER A. GENERAL PROVISIONS**
5

6 **§807.2. Definitions.**
7

8 In addition to the definitions contained in §800.2 of this title, the following words and
9 terms, when used in this chapter, shall have the following meanings unless the context
10 clearly indicates otherwise.
11

- 12 (1) Academic quarter -- A period of instruction that includes at least ten weeks of
13 instruction, unless otherwise approved by the Commission.
14
- 15 (2) Academic semester -- A period of instruction that includes at least 15 weeks of
16 instruction, unless otherwise approved by the Commission.
17
- 18 (3) Academic term -- An academic quarter, academic semester, or other progress
19 evaluation period.
20
- 21 (4) Academically related activity -- An exam, tutorial, computer-assisted
22 instruction, academic counseling, academic advisement, turning in a class
23 assignment, or attending a study group that is assigned by the institution, or
24 other activity as determined by the Commission.
25
- 26 (5) Accountant -- An independent certified public accountant properly registered
27 with the appropriate state board of accountancy.
28
- 29 (6) Act -- Texas Education Code, Chapter 132, Career Schools and Colleges.
30
- 31 (7) Advertising -- Any affirmative act designed to call attention to a school or
32 program for the purpose of encouraging enrollment.
33
- 34 (8) Asynchronous distance education -- Distance education training that the
35 Commission determines is not synchronous.
36
- 37 (9) Class or course -- An identifiable unit of instruction that is part of a program of
38 instruction.
39
- 40 (10) Coordinating Board -- The Texas Higher Education Coordinating Board.
41
- 42 (11) Course of instruction -- A program or seminar.
43
- 44 (12) Course time -- A course or class period that is:
45

- 1 (A) a 50-minute to 60-minute lecture, recitation, or class, including a
2 laboratory class or shop training, in a 60-minute period;
3
4 (B) a 50-minute to 60-minute internship in a 60-minute period; or
5
6 (C) 60 minutes of preparation in asynchronous distance education.
7
8 (13) Distance education course -- Either a seminar or a program that is offered to
9 non-residence school students via correspondence or other media from a
10 remote site on a self-paced schedule, excluding programs using interactive
11 instruction.
12
13 (14) Distance education school -- A school that offers only distance education
14 courses.
15
16
17 (15) Employment -- A graduating or graduate student's employment in the same or
18 substantially similar occupation for which the student was trained.
19
20 (16) Good reputation -- A person is considered to be of good reputation if the
21 person:
22
23 (A) has never been convicted of a felony related to the operation of a school,
24 and the person has been rehabilitated, including completion of parole or
25 probation, from any other convictions that would constitute risk of harm to
26 the school or students as determined by the Commission;
27
28 (B) has never been successfully sued for fraud or deceptive trade practices
29 within the last 10 years;
30
31 (C) does not own a school currently in violation of legal requirements, has
32 never owned a school with repeated violations, and has never owned a
33 school that closed with violations including, but not limited to, unpaid
34 refunds; and
35
36 (D) has not knowingly falsified or withheld information from the Commission.
37
38 (17) Job placement -- An affirmative effort by the school to assist the student in
39 obtaining employment in the same or substantially similar stated occupation
40 for which the student was trained.
41
42 (18) Master student registration list -- A comprehensive list with an entry made for
43 any person who signs an enrollment agreement, makes a payment to attend the
44 school, or attends a class. The entry shall be made on the date the first of these
45 events occurs.
46

- 1 (19) Program or program of instruction -- A postsecondary program of organized
2 instruction or study that may lead to an academic, professional, or vocational
3 degree, certificate, or other recognized educational credential.
4
- 5 (20) Reimbursement contract basis -- A school operating, or proposing to operate,
6 under a contract with a state or federal entity in which the school receives
7 payment upon completion of the training.
8
- 9 (21) Residence school -- A school that offers at least one program that includes
10 classroom instruction or synchronous distance education.
11
- 12 (22) School -- A "career school or career college," as defined in the Act, that
13 includes each location where courses of instruction shall be offered.
14
- 15 (23) Secondary education -- Successful completion of public, private, or home
16 schooling at the high school level or obtainment of a recognized high school
17 equivalency credential.
18
- 19 (24) Seminar -- A course of instruction that enhances a student's career, as opposed
20 to a program that teaches skills and fundamental knowledge required for a
21 stated occupation. A seminar may include a workshop, an introduction to an
22 occupation or cluster of occupations, a short course that teaches part of the
23 skills and knowledge for a particular occupation, language training, continuing
24 professional education, and review for postsecondary examination.
25
- 26 (25) Seminar school -- A school that offers only seminars.
27
- 28 (26) Small school -- A "small career school or college" as defined in the Act.
29
- 30 (27) Stated occupation -- An occupation for which a program is offered that:
31
- 32 (A) is recognized by a state or federal law or by a state or federal agency as
33 existing or emerging;
34
- 35 (B) is in demand; and
36
- 37 (C) requires training to achieve entry-level proficiencies.
38
- 39 (28) Student -- Any individual solicited, enrolled, or trained in Texas by a school.
40
- 41
- 42 (29) Suspension of enrollments -- A Commission sanction that requires the school
43 to suspend enrollments, re-enrollments, advertising, and solicitation, and to
44 cease, in any way, advising prospective students, either directly or indirectly,
45 of the available courses of instruction.
46

- 1 (30) Synchronous distance education -- The Commission may determine distance
2 education to be synchronous under the following conditions:
3
4 (A) The training is conducted simultaneously in real time, or the training is
5 conducted so that the manner of delivery ensures that even if the instructor
6 and student are separated by time, the course time of instruction that the
7 student experiences can be determined; and
8
9 (B) There is consistent interaction between the student(s) and the instructor
10 on a schedule that includes a definite time for completion of the program
11 and periodic verifiable student completion/performance measures that
12 allow the application of the progress standards of Subchapter L and
13 attendance standards of Subchapter M of this chapter.
14
15 (31) Title IV school -- A career school or college that participates in student
16 financial aid programs under Title IV, Higher Education Act of 1965 (20
17 U.S.C. Section 1070 et seq.).
18
19 (32) Tour -- An inspection of the facilities and equipment pertaining to a course of
20 instruction.
21
22 (33) Week -- Seven consecutive calendar days.
23

24 **SUBCHAPTER B. CERTIFICATES OF APPROVAL**

25 **§807.14. Locations.**

- 26
27
28
29 (a) A school shall obtain a certificate of approval for each location where courses of
30 instruction will be offered, unless the school has a certificate of approval and meets
31 one of the exceptions in this section.
32
33 (b) The Commission may approve the following as exempt from applying for approval
34 for a new or additional location, if requested at least 30 days in advance:
35
36 (1) seminars, including preparation for licensing examinations, educational
37 institution entrance examinations, and reading improvement;
38
39 (2) classes in no more than one location at a time as an itinerant school;
40
41 (3) classes at facilities used for additional classrooms for instructional services
42 only, which are within a one-mile radius of the main campus and are dependent
43 on the main campus for administration, supervision, fiscal control, and student
44 services; or
45
46 (4) short-term programs. Short term programs:

1
2 (A) include course time of 200 hours or less of instruction; and

3
4 (B) are conducted with at least a 90-day interval between cessation of one
5 program and the beginning of the next.
6

7 (c) The school shall file an application for a certificate of approval to reflect a new or
8 additional location, including all documents deemed necessary by the Commission,
9 and the appropriate fee. The Commission may issue the certificate of approval after
10 inspection of the new facilities.
11

12 (d) If the Commission determines that a move of the school presents an unreasonable
13 transportation hardship which would prevent a student from completing the training
14 at the new location, the school shall provide a full refund of all monies paid and a
15 release from all obligations to the student.
16

17 **SUBCHAPTER E. SCHOOL DIRECTOR AND ADMINISTRATIVE STAFF**

18 **§807.62. School Director Qualifications and Duties.**

19
20
21 (a) A school director of a small school shall have administrative or management
22 experience and shall be of good reputation.
23

24 (b) A school director of other than a small school shall be of good reputation and have a
25 total of five years of administrative or management experience. An equivalent
26 duration of higher education, college or university, may be substituted for each year
27 of experience.
28

29 (c) The school shall obtain Commission approval for the school director before
30 employment of the school director.
31

32
33 (d) The school director is responsible for the courses of instruction, organization of
34 classes, designation of a liaison for Commission compliance visits, maintenance of
35 the school facilities and proper administrative records, and all other matters related to
36 the administration of the school, as determined by the Commission.
37

38 (e) The school director shall sign and agree to the terms of the Director's Statement.
39

40 (f) The Commission may require the school director to attend additional training to
41 continue approved director status if a school has more than one substantiated
42 complaint from students during a one-year period. If the school has repeat violations
43 from a previous year under the same director, the Commission may revoke the
44 approval of the school director.
45

46 (g) The school director shall:

- 1
2 (1) ensure that all facilities, including housing endorsed by the school, comply
3 with local, city, county, municipal, state, and federal regulations such as, but
4 not limited to, fire, building, and sanitation codes; and
5
6 (2) inspect facilities, including housing, before endorsement.
7
8

9 **§807.64. Director of Education Requirements.**

- 10
11 (a) A school may have a director of education.
12
13 (b) If the school employs a director of education, the director shall meet the same
14 qualifications as an instructor and, in addition, shall have:
15
16 (1) one year of employment as a postsecondary instructor;
17
18 (2) one year of employment as a supervisor; and
19
20 (3) a bachelor's degree, appropriate for the skills required, as determined by the
21 Commission.
22
23

24 **§807.66. Director of Admissions Requirements.**

- 25
26 (a) A school may have a director of admissions. An individual employed by a school as
27 a director of admissions prior to the effective date of this section is not subject to
28 §807.66(b)(1) and §807.66(b)(2).
29
30 (b) If the school employs a director of admissions, the director shall be of good
31 reputation and, in addition, shall have:
32
33 (1) one year of management or administrative experience; and
34
35 (2) one year of admissions experience.
36
37

38 **SUBCHAPTER F. INSTRUCTORS**

39
40 **§807.81. Instructor Qualifications.**

- 41
42 (a) The instructor shall be of good reputation and shall not be a current student in the
43 same or similar program, as determined by the Commission, in which the instructor
44 teaches.
45

1 (b) Instructors shall possess and affirm on forms provided by the Commission that the
2 instructor has one of the following qualifications that applies to the course area to be
3 taught. In such cases where the practical experience is gained on a seasonal basis as
4 an industry standard, the season of at least three months of experience shall be
5 considered as one year of experience.
6

7 (1) The instructor has a master's degree or higher that:
8

9 (A) includes satisfactory completion of six semester credit hours or eight
10 quarter credit hours in the class to be taught;
11

12 (B) includes satisfactory completion of three semester credit hours or four
13 quarter credit hours in the course area and one year of related practical
14 experience within the ten years immediately preceding employment by the
15 school, if the class to be taught is in a technical field;
16

17 (C) includes satisfactory completion of three semester credit hours, or four
18 quarter credit hours in the course area to be taught, if the class to be taught
19 is in a non-technical field; or
20

21 (D) includes one year of related practical experience in the class to be taught
22 within the ten years immediately preceding employment by the school, if
23 the class to be taught is in a non-technical field.
24

25 (2) The instructor has a bachelor's degree that:
26

27 (A) includes nine semester hours or 12 quarter hours related to the course area
28 to be taught;
29

30 (B) includes satisfactory completion of six semester credit hours or eight
31 quarter credit hours in the course area to be taught and one year of related
32 practical experience within the ten years immediately preceding
33 employment by the school, if the class to be taught is in a technical field;
34

35 (C) includes satisfactory completion of three semester credit hours or four
36 quarter credit hours in the course area and one year of related practical
37 experience within the ten years immediately preceding employment by the
38 school, if the class to be taught is in a non-technical field; or
39

40 (D) includes two years of related practical experience within the ten years
41 immediately preceding employment by the school.
42

43 (3) The instructor has an associate's degree that:
44

45 (A) includes satisfactory completion of nine semester credit hours or 12
46 quarter hours in the course area to be taught and two years of related

1 practical experience within the ten years immediately preceding
2 employment by the school; or
3

4 (B) includes three years of related practical experience within the ten years
5 immediately preceding employment by the school.
6

7 (4) The instructor has a secondary education if it includes a certificate of
8 completion from a recognized postsecondary school for a program with course
9 time of at least 900 hours in a relevant course area and four years of related
10 practical experience within the ten years immediately preceding employment
11 by the school; or
12

13 (5) The instructor has proof of satisfactory completion of secondary education if
14 accompanied by five years of related practical experience within the ten years
15 immediately preceding employment by the school.
16

17 (c) In addition to the other applicable requirements for instructors, including the good
18 reputation requirement, the following qualifications apply to the specific instructors
19 listed in this subsection.
20

21 (1) The Commission requires that a court reporting instructor of only machine
22 shorthand theory and speedbuilding shall have:
23

24 (A) an associate's degree or higher and certificate of completion of machine
25 shorthand theory requirements in an accredited court reporting program;
26

27 (B) an associate's degree in court reporting from any state-recognized school;
28

29 (C) a Registered Professional Reporter or Certified Shorthand Reporter
30 certification from any state; or
31

32 (D) a certificate of completion of a court reporting program from a state-
33 certified school.
34

35 (2) The Commission requires that a court procedures and technology instructor
36 shall have:
37

38 (A) a Registered Professional Reporter or Certified Shorthand Reporter
39 certification; and
40

41 (B) one year of court reporting experience.
42

43 (3) The Commission requires that a modeling instructor shall have, at a minimum:
44

45 (A) a secondary education and certificate of completion from a modeling
46 program of at least 45 hours of course time from a state recognized school

1 and at least five verifiable paid modeling jobs completed within the past
2 five years; or

3
4 (B) a secondary education and at least ten verifiable paid modeling jobs
5 completed within the past five years.

6
7 (4) The Commission requires that a truck driving instructor shall have, at a
8 minimum:

9
10 (A) a secondary education;

11
12 (B) certified proof of successful completion of course time of 40 hours in
13 safety education and driver training as required by this chapter; and

14
15 (C) three years of full-time tractor trailer driving experience within the ten
16 years immediately preceding employment by the school.

17
18 (5) The Commission requires that a bartending instructor shall be certified by the
19 Texas Alcoholic Beverage Commission as having completed the required
20 awareness course.

21
22 (d) The director shall ensure that an instructor applicant demonstrates sufficient
23 language to teach the class for which the instructor is applying to teach.

24
25 (e) For those instructors who return to the school prior to one full year of absence, and
26 who will be teaching the same classes as previously approved, the school shall
27 document the leave and reinstatement dates in the instructor's personnel file. When
28 an instructor begins teaching new classes or the absence was more than one year, the
29 school shall submit a new application to the Commission.

30
31 **§807.82. Temporary Instructors.**

32
33 (a) The Commission may allow a school to use a previously unapproved instructor to
34 teach temporarily for a reasonable amount of time in the case of an emergency, as
35 determined by the Commission.

36
37 (b) In such circumstances, the school shall provide written notice to the Commission
38 delivered no later than the first day the temporary instructor begins teaching. The
39 notice shall include:

40
41 (1) the class to be taught;

42
43 (2) the name of the approved instructor;

44
45 (3) the name of the temporary instructor; and
46

1 (4) the reason for the temporary instructor.
2

3 (c) Failure to properly notify the Commission shall result in penalties for the use of an
4 unapproved instructor.
5

6 (d) The temporary instructor shall have practical experience or education in the course
7 area to be taught, and shall not have been previously disapproved to teach the class.
8

9 (e) There shall be no more than one temporary instructor per grading period in an
10 individual class, unless specifically approved in advance by the Commission.
11

12 (f) Failure to comply with this section shall result in penalties, up to and including, a full
13 refund to all students attending such classes.
14

15 **§807.83. Instructor Application.**
16

17 (a) A school that has been licensed for at least one year and is accredited by an agency
18 recognized by the U. S. Secretary of Education is not required to submit instructor
19 applications to the Commission for approval. Documentation that the instructor
20 meets the requirements of this chapter must be kept on file at the school and
21 available for review immediately upon request.
22

23 (b) The school shall file an application for approval of an instructor on forms provided
24 by the Commission in accordance with the following criteria and ensure that the
25 instructor is of good reputation.
26

27 (1) The application shall be postmarked within five calendar days of employment
28 as an instructor subject to the conditions outlined in this subchapter. A school
29 may employ an instructor pending approval by the Commission.
30

31 (2) Depending upon the qualifications indicated on the application, the application
32 shall include one or more of the following:
33

34 (A) a legible copy of the postsecondary certificate or degree, or a transcript
35 indicating appropriate coursework completed, as applicable;
36

37 (B) proof of a current occupational license; and
38

39 (C) proof of secondary education.
40

41 (c) A school with degree programs shall ensure that instructors are of good reputation
42 and meet all the qualifications required by the Coordinating Board.
43

44 (d) The Commission may approve a variance from the specific qualifications contained
45 in Section 807.81 of this subchapter with sufficient justification and an assurance
46 that the program quality will not be lessened.

- 1
2 (e) The Commission may consider current approvals of instructors by other Texas state
3 agencies responsible for approval and regulation of the program, or any professional
4 certifications held by the instructor when submitted with the Commission's instructor
5 application. The Commission will accept notification, in lieu of a new instructor
6 application, for any instructor that has a current approval by the Commission to teach
7 the same classes at other schools that have the same owners.
8
9 (f) The Commission may require the school director of an accredited school to file
10 applications for instructors if there have been two substantiated complaints regarding
11 instructors in the previous year, or if the school is unable to produce, when
12 requested, documentation that all instructors meet the requirements of this
13 subchapter.
14
15 (g) The Commission may require a school director to submit and receive approvals for
16 instructor applications in advance of employing the instructors for a period of one
17 year if the school has had three instructor applications finally disapproved within the
18 previous two years.
19

20 **§807.84. School Responsibilities Regarding Instructors.**
21

- 22 (a) The school shall ensure that an appropriate number of instructors, as determined by
23 the Commission, have proper licensure or certificates required for the stated
24 occupation's objective. The holder of the license or certificate shall actively
25 participate in program development and revisions.
26
27 (b) The school shall ensure continuity of instruction through reasonable retention of
28 instructors to provide students with a quality education.
29
30 (c) The school director or director of education shall formally evaluate each instructor in
31 writing at least annually, subject to review by the Commission.
32
33 (d) The school director or director of education shall ensure that students are allowed the
34 opportunity to formally evaluate each instructor in writing at least annually and
35 incorporate said evaluation in the instructor's overall evaluation. These student
36 evaluations are subject to review by the Commission.
37
38
39

40 **SUBCHAPTER G. STAFF EDUCATION REQUIREMENTS**
41

42 **§807.101. Initial Training.**
43

- 44 (a) A school director shall complete the online training contained in the Director's
45 Resource Guide or attend a Commission-sponsored workshop and demonstrate a
46 proficiency of the knowledge required to operate a school before final Commission

1 approval may be granted. The Commission may require a school director to retrain
2 in order to maintain skills and continue as an approved school director.

- 3
- 4 (b) The school shall provide in-service training within the first three months of teaching
5 to those instructors hired lacking teaching experience. In-service training includes
6 planned professional development opportunities that enable inexperienced instructors
7 to learn and develop effective teaching strategies and skills. Topics shall include
8 competency-based training, instructional methods, adult learning styles, and student
9 learning and skills assessment. Competency-based training specifies the skills and
10 skill levels required to complete a training program, develops and organizes teaching
11 and learning methods to enable students to achieve the identified skills and levels of
12 proficiency, and uses criterion-referenced evaluation to measure achievement.

13

14

15 **§807.102. Continuing Education.**

- 16
- 17 (a) Except for exempt providers as defined in the Act, providers shall submit an
18 application for approval of continuing education training. In approving continuing
19 education training, the Commission shall consider the factors set out in §132.0551 of
20 the Act.
- 21
- 22 (b) If a continuing education training provider submits an application for approval prior
23 to September 1, 2006, and the application and courses are approved, all training
24 conducted on or after January 1, 2006, will be considered as approved continuing
25 education if the training is determined by the Commission to be substantially similar
26 to the application.
- 27
- 28 (c) The school shall implement, maintain, and update annually a written plan for staff
29 development, which includes at a minimum, continuing education, staff meetings,
30 attendance at trade and professional conferences, and observation of, or participation
31 in, on-the-job activities.
- 32
- 33 (d) Each school director, full-time instructor, and director of admissions shall complete a
34 minimum of six hours of course time of continuing education applicable to the
35 position within 12 months of employment in the position and each calendar year
36 thereafter.
- 37
- 38 (e) The school shall provide and document in-service training that provides updates on
39 skills, knowledge, and technology required by business and industry for those
40 instructors who have taught for two years, but have not gained relevant work
41 experience during the two-year period.

42

43 **§807.103. Record Keeping.**

44

45 The school shall:

- 1
- 2 (1) maintain records of any continuing education or training received by its
- 3 officials or personnel indicating for which position the training was received;
- 4
- 5 (2) maintain records of any continuing education or training for officials or
- 6 personnel for five years; and
- 7
- 8 (3) retain the records on the premises of the school or college so the records are
- 9 immediately available for review.

10 11 12 **SUBCHAPTER H. COURSES OF INSTRUCTION**

13 14 **§807.121. Definitions Relating to Courses of Instruction.**

15
16 The following words and terms, when used in this subchapter, shall have the following
17 meanings unless the context clearly indicates otherwise.

- 18
- 19 (1) Externship -- Practical, program-related, off-campus training under direct or
- 20 indirect instructor supervision, with a preplanned outline of experiences and
- 21 competencies.
- 22
- 23 (2) Laboratory experience -- A specific experience of observation,
- 24 experimentation, practice, study, technical investigation, analysis, and practical
- 25 application of theory or verbal instruction involving hands-on supervised study
- 26 in a selected vocation or class.
- 27
- 28 (3) Lecture -- A presentation of theories, concepts, procedures, or information
- 29 about a particular class.
- 30
- 31 (4) New program -- A program:
- 32
- 33 (A) not previously offered;
- 34
- 35 (B) previously offered and then discontinued;
- 36
- 37 (C) with a revised objective such that the program provides preparation for
- 38 different jobs than those for which the program was originally approved
- 39 (examples: legal secretary to paralegal; dental technician to medical
- 40 technician; computer operator to computer programmer); or
- 41
- 42 (D) with a 25 percent or more change within a 12-month period to the total
- 43 number of hours, content, or lessons (examples: course time from 1,000
- 44 hours to 750, 600 hours to 900, 20 lessons to 30, 60 semester credit hours
- 45 to 80).
- 46

- 1 (5) New seminar -- A seminar:
2
3 (A) not previously offered;
4
5 (B) previously offered and then discontinued;
6
7 (C) with a revised objective; or
8
9 (D) with a 25 percent or more change in a 12-month period to the total number
10 of hours of the approved seminar.
11
12 (6) Revised program or seminar -- Revisions include changes in admission
13 requirements, title, class title, objective description (but not the detailed
14 objective), class course time or credit hours, or class hours of lecture,
15 laboratory, or externship. Scheduling and price changes are catalog changes,
16 not revisions.
17

18 **§807.122. General Information for Courses of Instruction.**
19

- 20 (a) A school submitting applications for approval of seminars shall use abbreviated
21 forms provided by the Commission.
22
23 (b) No class or program shall be approved by the Commission unless the school
24 demonstrates that the program's quality, content, and length reasonably and
25 adequately imparts the job skills and knowledge necessary for the student to obtain
26 employment in the stated occupation.
27
28 (c) A school may not solicit students, otherwise advertise, or conduct classes for a
29 course of instruction prior to the Commission's approval of the course of instruction.
30 Any such activity by the school, prior to the Commission's approval of the course of
31 instruction, shall constitute a misrepresentation by the school and shall entitle each
32 student in the course of instruction to a full refund of all tuition and fees paid by the
33 student and release from all obligations.
34
35 (d) The school shall establish and maintain a formal advisory committee of at least five
36 members, unless the Commission approves a lesser number of persons in advance,
37 for each type of program with course time in excess of 200 hours in length. At least
38 annually, the committee shall evaluate the curriculum, instructional materials and
39 media, equipment, and facilities to ensure they meet the needs of the job market.
40 The school shall have written documentation of the evaluation available for review
41 by the Commission. If the school does not follow an advisory committee
42 recommendation, the school shall maintain written documentation of the justification
43 for not following the recommendation.
44
45 (e) If the applicant requests approval to measure programs in credit hours, the following
46 conversion table shall be used.

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46

- (1) One academic quarter credit hour equals a minimum course time of:
 - (A) 10 hours of classroom lecture;
 - (B) 20 hours of laboratory experience; or
 - (C) 30 hours of externship.

- (2) One academic semester credit hour is equal to a minimum course time of:
 - (A) 15 hours of classroom lecture;
 - (B) 30 hours of laboratory experience; or
 - (C) 45 hours of externship.

- (3) The school shall calculate lecture, laboratory, and externship credit hour conversions individually for each class, rounding down to the nearest half credit hour. The school shall add the total for the credit hours for lecture, laboratory, and externship to determine the total credit hours for a class.

§807.123. Applications for Additional Courses of Instruction.

- (a) A school applying for approval of an additional course of instruction, after receiving an original certificate of approval, shall submit a complete application that includes:
 - (1) the appropriate fee;
 - (2) a completed application for approval on forms provided by the Commission; and
 - (3) any other revisions or evidence as requested by the Commission.

- (b) The Commission may require an abbreviated program application if:
 - (1) the school has the exact program approved at another location;
 - (2) the program objective changes;
 - (3) the program length changes 25% or more; or
 - (4) the school's completion and employment rates are exemplary, as determined by the Commission.

- 1 (c) The Commission may deny an application for approval of an additional course of
2 instruction if the school is not in full compliance with the Act or this chapter.
3

4 **§807.124. Stated Occupation.**
5

- 6 (a) The school shall ensure that each program prepares the student for the stated
7 occupation.
8
- 9 (b) The school shall demonstrate that a student who successfully completes the program
10 is more likely to be employed in the stated occupation than an individual who does
11 not complete the program, all other things being equal.
12
- 13 (c) The school shall identify a demonstrable occupational demand for the stated
14 occupation. The Commission may consider the following in evaluating the school's
15 statement of occupational demand:
16
- 17 (1) publications of established relevant occupational associations;
18
 - 19 (2) targeted occupation lists of boards, if approved by the Commission, or other
20 local or state entities;
21
 - 22 (3) references to advertisements in media for employment;
23
 - 24 (4) occupation employment rate of students;
25
 - 26 (5) percentage of graduating students who have previously completed the same or
27 substantially similar program and who have obtained employment in the same
28 or substantially similar stated occupation for which they have been trained;
29
 - 30 (6) relative supply and demand for the stated occupation, including letters from
31 potential employers that describe their need for trained employees; and
32
 - 33 (7) reports or publications relating to the specific occupational demand.
34

35 **§807.125. Curriculum Content.**
36

- 37 (a) The school shall:
38
- 39 (1) provide competency-based programs;
40
 - 41 (2) assess skills using primarily performance-based methods;
42
 - 43 (3) use instructional media, methods, and materials appropriate for the program
44 content and students' knowledge and abilities;
45
 - 46 (4) offer programs in a logical sequence of knowledge and skills; and

1
2 (5) if deemed appropriate by the Commission, provide an externship or a
3 simulation of the workplace for the program.
4

5 (b) Each class in the program shall teach the practical skills and knowledge required for
6 employment in the stated occupation. The proportion of lecture, laboratory, and
7 externship hours for each class and for the program shall be reasonable for the skills
8 and knowledge to be learned for the stated occupation.
9

10 (c) The Commission may use or validate existing skill standards or competencies, or
11 develop statewide skill standards with the assistance of industry, schools, and other
12 relevant entities as determined by the Commission.
13

14 **§807.126. Curriculum Length.**
15

16 (a) Each class submitted for approval shall identify the course time or credit hours
17 allocated to that class. A class or program that exceeds a length reasonable to
18 prepare the student for the stated occupation shall not be approved.
19

20 (b) The Commission may establish minimum and maximum program lengths for stated
21 occupations consistent with the intent of the Act.
22

23 **§807.127. Program Title.**
24

25 (a) Each program submitted for approval shall be identified by a title.
26

27 (b) The title shall clearly identify the stated occupation and shall be a title commonly
28 used by business or industry.
29

30 (c) The Commission shall not approve false, misleading, or deceptive program titles.
31

32 **§807.128. Equipment.**
33

34 (a) Equipment required for instruction shall be comparable to that commonly found in
35 the stated occupation.
36

37 (b) The school shall remove equipment not in working order from the instructional area,
38 mark it as out-of-order, or properly identify it as awaiting repair.
39

40 (c) The school shall provide equipment of sufficient quality and quantity to meet the
41 maximum use requirements of the current students, as demanded by the activity
42 patterns of the training program.
43

44 **§807.129. Facilities.**
45

- 1 (a) In determining adequate space for lecture and laboratory experiences, the
2 Commission shall consider that the amount of lecture and laboratory space meets the
3 use requirements of the maximum number of current students in class with
4 appropriate seating facilities and/or workstations, as needed by the activity patterns
5 of the program.
6
7 (b) Enrollment shall not exceed the design characteristics of the available workstations.
8

9 **§807.130. Admission Requirements Relating to Programs.**

- 10
11 (a) The school shall submit, for approval by the Commission, its admission requirements
12 for each program with justification for the requirements.
13
14 (b) The school shall ensure that the student demonstrates to the school sufficient
15 proficiency in the language of instruction to successfully complete the training
16 program.
17

18 **§807.131. School Responsibilities Regarding Programs.**

- 19
20 (a) As a condition of program approval or renewal, the school shall identify any portion
21 of instruction that is self-paced or not conducted in English.
22
23 (b) To maintain program approval, the school shall demonstrate the following:
24
25 (1) a reasonable student completion rate for each program; and
26
27 (2) a minimum employment rate for program graduates in jobs related to the stated
28 occupation.
29
30 (c) When a school is approved to offer a program, the school shall maintain sufficient
31 instructors to teach all subjects for completing the program during the length of time
32 stipulated in the school catalog, regardless of the size of the class.
33
34 (d) The school shall schedule classes so that students will be able to complete the
35 program during the length of time stipulated in the school catalog.
36
37 (e) The school shall ensure that students receive the lecture and laboratory experience
38 hours with sufficient instructors and scheduling. An instructor may not be
39 simultaneously supervising a laboratory experience and a lecture even if they are in
40 the same room.
41
42 (f) A school shall provide course outlines to students at the beginning of each subject
43 which lists students' performance objectives, references and resources, and a general
44 content outline for the subject.
45
46 (g) A school shall have and use lesson plans for all subjects.

- 1
2 (h) A school may not use classes from one or more approved programs to create a new
3 program and award a certificate of completion without prior approval.
4
5 (i) The student-to-instructor ratio shall be sufficient for students to learn, practice, and
6 demonstrate the necessary knowledge and skills. These ratios may be varied at the
7 discretion of the Commission to conform to conditions in an individual school. The
8 following student-instructor ratios may be acceptable for single classes:
9
10 (1) business lecture or laboratory--30 to one;
11
12 (2) technical, vocational, or allied health lecture--30 to one;
13
14 (3) technical lab (examples: computer programming, data processing,
15 electronics)--20 to one;
16
17 (4) vocational lab (examples: auto mechanics, air conditioning and refrigeration,
18 drafting)--20 to one; and
19
20 (5) intensive language instruction (beginning)--15 to one; (intermediate to
21 advanced)--20 to one.
22

23 **§807.132. Program Revisions.**

- 24
25 (a) The school shall submit a revised program application for any proposed changes in
26 the program that shall be reflected in the school catalog's program information.
27
28 (b) The school shall receive approval of proposed program revisions in writing from the
29 Commission before implementing the revisions.
30
31 (c) The school shall work closely with employers in its job market to ensure that the
32 program meets employers' needs.
33

34 **§807.133. Program Requirements for Degree Granting Schools.**

35
36 A school shall provide evidence to the Commission that they are authorized by the
37 Coordinating Board to offer degree programs.
38

39 **§807.134. Penalties Relating to Courses of Instruction.**

- 40
41 (a) If an approved course of instruction is discontinued for any reason, the Commission
42 shall be notified within 72 hours of discontinuance and furnished with the names and
43 addresses of any students who were prevented from completion of the course of
44 instruction due to discontinuance. Should the school fail to make arrangements
45 satisfactory to the students and the Commission for the completion of the course of
46 instruction, the full amount of all tuition and fees paid by the students are then due

1 and refundable. Any course of instruction discontinued will be removed from the list
2 of approved courses of instruction.

- 3
- 4 (b) The Commission may suspend enrollments in a particular course of instruction at
5 any time the Commission finds cause. For purposes of this subsection, cause
6 includes, but is not limited to:
7
- 8 (1) inadequate instruction;
 - 9
 - 10 (2) unapproved or inadequate curriculum;
 - 11
 - 12 (3) inadequate equipment; or
 - 13
 - 14 (4) inadequate facilities.
 - 15
- 16 (c) If a school begins teaching a course of instruction or revised course of instruction
17 that has not been approved by the Commission, the Commission may require the
18 school to refund to the enrolled students all or a portion of the tuition fees.
19
- 20 (d) If upon review and consideration of an original, renewal, or revised application for
21 course of instruction approval, the Commission determines that the applicant fails to
22 meet the requirements in the Act or this chapter, the Commission shall notify the
23 school, setting forth in writing the reasons for the denial. This may include
24 summaries of peer evaluations from both educators and employers offering similar
25 courses of instruction.
26
- 27 (e) The Commission may revoke approval of a school's course of instruction at any time
28 the Commission finds cause. For purposes of this subsection, cause includes, but is
29 not limited to:
30
- 31 (1) any statement contained in the application for the course of instruction
32 approval which is untrue;
 - 33
 - 34 (2) the school's failure to maintain the instructors, facilities, equipment, or courses
35 of instruction, or course of instruction outcomes on the basis of which approval
36 was issued;
 - 37
 - 38 (3) advertising made on behalf of the school which is false, misleading, or
39 deceptive, including those that use the word "associate" to describe a degree
40 other than those approved by the Coordinating Board;
 - 41
 - 42 (4) courses of instruction without clearly stated limited transferability if there are
43 no articulation agreements with other postsecondary institutions in the same
44 geographic area;
 - 45
 - 46 (5) courses of instruction for which financial aid is advertised but is not available;

- 1
2 (6) repeated violations by the school that negatively impact the quality of a
3 particular course of instruction; or
4
5 (7) violations by the school of any applicable provision of the Act or this chapter.
6
7 (f) A school whose course of instruction approval is denied or revoked shall have the
8 right to appeal. The Commission will conduct hearings in accordance with
9 Commission policies and procedures applicable to the appeal.
10

11 **SUBCHAPTER I. APPLICATION FEES AND OTHER CHARGES**

12 **§807.151. Fee Schedule.**

13 The Commission shall collect fees according to the following schedule.
14

- 15
16 (1) The initial fee for a certificate of approval for a small school is \$1,001.
17
18 (2) The initial fee for any other school is \$3,000.
19
20 (3) In the event of a change in ownership of the school, the new owner shall pay
21 the same fee as that charged for an initial fee for a school.
22
23 (4) The initial registration fee for a representative is \$90.
24
25 (5) The annual renewal fee for a representative is \$45.
26
27 (6) The fee for a change of name of the school or owner is \$150.
28
29 (7) The fee for a change of address of a school is \$270.
30
31 (8) The fee for a change in the name or address of a representative or a change of
32 the name or address of a school that causes the reissuance of the notice of
33 permitted representative is \$15.
34
35 (9) The application fee for a course of instruction that is an additional program is
36 \$225.
37
38 (10) The application fee for a course of instruction that is a seminar program is \$35.
39
40 (11) The application fee for a school director, administrative staff member, or
41 instructor is \$20.
42
43 (12) The fee for an inspection of classroom facilities that are separate from the main
44 campus is \$375.
45
46

1 (13) The fee for an investigation of a complaint against a school is \$400, if
2 assessed.
3

4 **§807.152. Renewal Fees.**
5

6 (a) For small schools, if a certificate of approval is issued for more than one year, the
7 renewal fee is \$1,001, which may be paid with \$501 the first year and \$250 on the
8 anniversary date of the certificate for each subsequent year.
9

10 (b) For all other schools, the renewal fee is based on the gross amount minus refunds of
11 annual student tuition and fees. The renewal fee is the greater of:
12

13 (1) 0.31% of the school's gross tuition and fees, excluding refunds as provided by
14 the Act; or
15

16 (2) \$500.
17

18 (c) For all schools, the Commission shall assess a penalty of 10% of the renewal fee, not
19 less than \$200 or more than \$1,000, if the school fails to file a complete application
20 for renewal at least 30 days before the expiration date of the certificate of approval.
21

22 **§807.153. Installment Payments.**
23

24 (a) With the exception of the renewal installment schedule for small schools, a school
25 may elect to pay any single fee in excess of \$1,000 by quarterly installment. A
26 service charge of 10% of the fee shall be added, and the total divided into equal
27 quarterly installment payments. The first payment shall be due on the date the fee is
28 due. The successive payments shall be due in 90-day increments.
29

30 (b) Failure to pay any installment by the due date may result in one or more of the
31 following:
32

33 (1) a penalty being assessed in the amount of 50% of the total amount of the fee;
34

35 (2) full payment of the penalty and outstanding balance due within 30 days; or
36

37 (3) suspension of participation in the installment payment plan for the next
38 renewal period.
39

40
41 **SUBCHAPTER J. ADVERTISING**
42

43 **§807.171. General Information for Advertising.**
44

45 (a) A school shall not make deceptive statements in attempting to enroll students.
46

- 1 (b) The Commission may require a school to furnish proof to the Commission of any of
2 its advertising claims, when requested.
3

4 **§807.172. Advertisement Method.**
5

- 6 (a) A school may advertise for prospective students under "instruction," "education,"
7 "training," or a similarly titled classification.
8
9 (b) A school shall not be advertised under any "help wanted," "employment," or similar
10 classification.
11
12 (c) No school advertisements shall use the word "wanted," "help wanted," or "trainee,"
13 either in the headline or the body of the advertisement, nor shall any advertisement
14 indicate, in any manner, that the school has or knows of employment of any nature
15 available to prospective students; only "placement assistance," if offered, may be
16 advertised.
17
18 (d) A school shall not use terms to describe the significance of the approval that specify
19 or connote greater approval. Terms that schools may not use to connote greater
20 approval by the Commission include, but are not limited to, "accredited,"
21 "supervised," "endorsed," and "recommended." A school shall not use the words
22 "guarantee," "guaranteed," or "free" unless approved in writing by the Commission.
23
24 (e) Any advertisement that includes a reference to awarding of credit hours shall include
25 the statement, "limited transferability." Where a school has an arrangement with a
26 college or university to accept transfer hours, such information may be advertised,
27 but any limitations shall be included in the advertisement.
28

29 **§807.173. Advertisement Content.**
30

- 31 (a) Advertisement content shall include, and clearly indicate, the full and correct name
32 of the school and its address, including city, as they appear on the certificate of
33 approval.
34
35 (b) Advertisements shall not include:
36
37 (1) statements that the school or its programs are accredited unless the
38 accreditation is that of an agency recognized by the United States Department
39 of Education;
40 (2) statements that the school or its courses of instruction have been approved
41 unless the approval can be substantiated by an appropriate certificate of
42 approval issued by an agency of the state or federal government; or
43
44 (3) representation of the school as an employment agency under the same name, or
45 a confusingly similar name, or at the same location of the school.
46

- 1 (c) A school holding a franchise to offer specialized programs or classes not available to
2 other schools shall not advertise such programs in such a manner as to diminish the
3 value and scope of programs offered by other schools not holding such a franchise.
4 Advertising of special classes or programs offered under a franchise shall be limited
5 to the classes or programs offered.
6
- 7 (d) A school shall not use endorsements, commendations, or recommendations by
8 students in favor of a school except with the consent of the student and without any
9 offer of financial or other material compensation. Endorsements shall bear the legal
10 or professional name of the student.
11
- 12 (e) A school shall not use a photograph, cut, engraving, illustration or graphic in
13 advertising in such a manner as to:
14
- 15 (1) convey a false impression of size, importance, or location of the school,
16 equipment, or facilities associated with the school, or
17
- 18 (2) circumvent any of the requirements of this chapter regarding written or oral
19 statements.
20
- 21 (f) Every advertisement must clearly indicate that training is being offered, and shall
22 not, either by actual statement, omission, or intimation, imply that prospective
23 employees are being sought.
24

25 **§807.174. Financial Incentives.**
26

- 27 (a) Advertisements shall not:
28
- 29 (1) state that students shall be guaranteed employment while enrolled in the
30 school;
31
- 32 (2) state that employment shall be guaranteed for students after graduation; or
33
- 34 (3) misrepresent opportunities for employment upon completion of any program.
35
- 36 (b) Advertisements shall not contain dollar amounts as representative or indicative of the
37 earning potential of graduates unless those dollar amounts have been published by
38 the United States Department of Labor. This provision shall not be construed as
39 prohibiting the school from providing earning potential to the student individually on
40 the student's receipt of enrollment policies or other such Commission-approved
41 document.
42
- 43 (c) Advertisements for student tuition loans shall:
44
- 45 (1) contain the language "financial aid available, if qualified"; and
46

1 (2) appear in type no larger than the font used for the name of the school and in
2 similar color and style.

3
4 (d) Advertising of student tuition loans as described in this section does not preclude
5 disclosure of the school's eligibility under the various state and federal loan
6 programs.

7
8 **§807.175. Catalog.**

9
10 (a) The catalog shall include the following:

11 (1) table of contents or index;

12 (2) name and complete street address of the school;

13 (3) volume number, date of publication, and effective dates;

14 (4) history of any accreditations or approvals, including statement of approval and
15 regulation by the Commission;

16 (5) description of space, facilities, and equipment;

17 (6) list of all trustees, directors, officers of the corporation, and owners;

18 (7) list of management staff and faculty, including education relating to the areas
19 of instruction;

20 (8) tuition, fees, other charges, and applicable scholarship terms;

21 (9) school calendar;

22 (10) school hours of operation and class schedule, including the amount of time
23 allocated for breaks and mealtimes;

24 (11) policies regarding enrollment, including entrance requirements, previous
25 education credit, cancellation and refund, progress, attendance, leave of
26 absence, and conduct;

27 (12) veterans administration refund policy, if applicable;

28 (13) description of courses of instruction, including the number of hours of course
29 time of a seminar, seminar topic, lecture, lab, and externship, as well as credit
30 hours in each class, if applicable;

31 (14) description of each class;

- 1 (15) description of the grading policy, including requirements for graduation;
- 2
- 3 (16) description of placement assistance, if available;
- 4
- 5 (17) statement of policies regarding grievances; and
- 6
- 7 (18) a statement signed by the owner or director indicating that all of the
- 8 information contained in the catalog is true and correct.
- 9

10 (b) Any classes defined as self-paced shall be noted as such in the catalog.

11
12 **§807.176. Advertisement Monitoring.**

- 13
- 14 (a) The Commission may order corrective action to counteract the effect of advertising
- 15 in violation of the Act or rules, including:
- 16
- 17 (1) retraction by the school of such advertising claims published in the same
- 18 manner as the claims themselves; and
- 19
- 20 (2) cancellation of telephone numbers without an automatic forwarding message.
- 21
- 22 (b) As corrective action for violations of the Act or rules, the Commission may require
- 23 schools to submit all advertisements to the Commission for pre-approval at least 30
- 24 days before proposed submission of the advertisements to the advertising medium.
- 25
- 26 (c) Nothing in these guidelines shall prohibit release of information to students as
- 27 required by a state or federal agency.
- 28

29 **SUBCHAPTER K. ADMISSION**

30
31 **§807.191. General Information for Admission.**

- 32
- 33 (a) The Commission may approve specific admission requirements for seminars and
- 34 small schools.
- 35
- 36 (b) Small schools with programs with course time of 40 hours or less, individual class
- 37 offerings, and seminars are not required to grant credit for previous education and
- 38 training.
- 39
- 40 (c) The school shall make appropriate adjustments to the program length and price based
- 41 upon credit granted for previous education and training, where warranted.
- 42
- 43 (d) For a school having specific term-beginning dates, a school may not start students
- 44 after the third day of classes during any given term, except in those cases where
- 45 appropriate credit for previous education and training has been given according to
- 46 the Act and this chapter.

- 1
2 (e) A continuously enrolled student has the right to graduate under the academic
3 requirements stated in the catalog in effect at the time of the student's enrollment.
4

5 **§807.192. Admission Requirements.**
6

- 7 (a) The school shall require for admission into its programs proof of one of the
8 following:
9

- 10 (1) secondary education;
11
12 (2) successful completion or the equivalent of one full-time academic semester
13 (12 academic semester hours) or academic quarter (18 academic quarter hours)
14 at an accredited college, university, or other postsecondary school; or
15
16 (3) for certificate programs only, proven ability -to-benefit by obtaining a
17 satisfactory score on the approved entrance test.
18

- 19 (b) Entrance test requirements shall be in accordance with the following provisions.
20

- 21 (1) Any entrance test shall be a nationally recognized standardized test or a
22 nonstandardized test developed by the appropriate industry and approved by
23 the Commission. A nonstandardized test shall be validated by a qualified third
24 party, such as an expert in tests and measurements, for both appropriateness
25 and the specific score level required for admission into the program. The name
26 of the test and its publisher, any time limitations, a minimum acceptable score,
27 and an explanation of score meanings, as referenced in the test material, shall
28 be provided to the student with a copy of the test, if the test is not already on
29 file with the Commission.
30
31 (2) If multiple opportunities are allowed for retaking the same entrance test, such
32 students shall wait a minimum of five calendar days prior to retaking the test.
33 A student may take a second entrance test on the same day provided a
34 substantially different test is administered. This shall be stated in the
35 admissions policy published in the school catalog.
36
37 (3) A representative is not allowed to administer the test, nor is anyone allowed to
38 assist the student in answering the questions.
39
40 (4) If the entrance test reveals the student to be ineligible as an ability -to-benefit
41 student, the student may be enrolled as a remedial student. The school shall
42 have an evaluation procedure approved by the Commission to determine
43 remedial needs and to determine when the required level of remediation has
44 been reached. The school shall also have a remediation plan for such students
45 consisting of classes approved by the Commission as a part of the program.
46 The students may be charged for the remedial portion of the program on an

1 hourly pro rata basis, but the student is not obligated for the tuition and fees of
2 the program until the entrance requirements are met.
3

- 4 (c) Evidence shall be maintained in each student's file to show the admissions
5 requirements have been met. A full refund of all monies paid and a full release from
6 all obligations shall be due, as determined by the Commission, to any student for
7 whom the school cannot establish that the admission requirements were met.
8
9

10
11 **§807.193. Receipt of Enrollment Policies.**
12

- 13 (a) For all enrollments other than for seminars, individual classes, and small schools
14 with programs of course time of 40 hours or less, each school shall use form
15 provided by the Commission to verify the prospective student's receipt of the
16 information required in this section.
17
- 18 (b) Unless otherwise required in this chapter, prior to enrollment the school shall furnish
19 the following to each prospective student:
20
- 21 (1) a school catalog and program outline, unless the prospective student enrolls in
22 a seminar;
 - 23
 - 24 (2) a schedule of tuition, fees, and other charges;
 - 25
 - 26 (3) the cancellation and refund policy;
 - 27
 - 28 (4) the progress and grievance policies and, for non-Title IV schools, attendance
29 policies;
 - 30
 - 31 (5) the rules of operation and conduct;
 - 32
 - 33 (6) if available, the average starting salary per pay period and annually for the
34 prospective student's stated occupation, and information regarding the number
35 of job openings in the program objective field in a specified area within the last
36 12 months, including the name of the information source;
 - 37
 - 38 (7) the regulations pertaining to incomplete grades;
 - 39
 - 40 (8) written and verbal information regarding loans and grants and their differences,
41 if the school participates in a loan or grant program;
 - 42
 - 43 (9) the requirements, if any, for any state or national licensing, certifications, or
44 registrations;
 - 45

- 1 (10) the exam passage rates for programs that prepare students for state licensing,
2 certification, or registration exams;
- 3
- 4 (11) the job placement and employment data for the stated occupation as required in
5 this chapter; and
- 6
- 7 (12) notice of all policies related to program interruption prior to completion and
8 written information informing the student that if the student withdraws, it is the
9 student's responsibility to inform the school or college.
- 10
- 11 (c) Any school that refers to the awarding of credit hours shall explain to each student
12 during the enrollment process that transferability of such hours may be limited. Each
13 student shall sign a statement indicating such an explanation has been provided.
- 14
- 15 (d) Should a school have an articulation agreement with an accredited college or
16 university, or other postsecondary school, such information shall be provided to the
17 student, including any known agreement limitations. Such schools shall also provide
18 a list of known Texas postsecondary schools that accept any or all of the credit hours
19 so earned.
- 20
- 21 (e) Students shall acknowledge receipt of each piece of information or documentation as
22 set forth in this section by initialing each page and providing a complete signature at
23 the end of the receipt of the enrollment policy form.
- 24
- 25 (f) A copy of the receipt of the enrollment policies form shall be given to the student
26 and a copy maintained as a part of the student's files.
- 27

28 **§807.194. Enrollment Agreement.**

- 29
- 30 (a) A school does not need an enrollment agreement to enroll a student in a seminar that
31 will be completed within three consecutive calendar days.
- 32
- 33 (b) For distance education schools, the enrollment agreement shall specify the amount of
34 time allotted to the student to complete the program.
- 35
- 36 (c) A school shall submit an enrollment agreement to the Commission for approval.
- 37
- 38 (d) A school shall use only an approved enrollment agreement to enroll students.
- 39
- 40 (e) The executed enrollment agreement shall include, but is not limited to, the following:
- 41
- 42 (1) full and correct name and location of the school;
- 43
- 44 (2) program title, tuition, fees, reasonable estimate cost of books and supplies, any
45 other expenses, total cost of the program, items subject to cost change, method
46 of payment and payment schedule, disclosure statement if interest is charged

1 on more than three payments, and detachable buyer's right to cancel if
2 enrollment is procured off campus;

3
4 (3) date training is to begin and program length;

5
6 (4) name, address, and signature of the student;

7
8 (5) student's e-mail address if any part of the instruction or academically related
9 activity is Web based;

10
11 (6) statement by the school that the student will receive a copy of the school
12 enrollment agreement and catalog at the time of signing by the student;

13
14 (7) cancellation and refund policy; and

15
16 (8) a Federal Trade Commission statement for holder in due course, unless no
17 loans, grants, or installment payments are involved.

18
19 (f) The school shall provide a notice of cancellation, attached to the enrollment
20 agreement, for any student enrolled off the school premises. The notice shall:

21
22 (1) be in duplicate;

23
24 (2) be easily detachable;

25
26 (3) be printed in boldface type, with a minimum font of 10 point;

27
28 (4) contain the date of the enrollment agreement, name and address of school, the
29 date on which the statutory 72-hour cancellation privilege will expire, and any
30 other provisions as determined by the Commission;

31
32 (5) be printed in the same language as used in the enrollment agreement; and

33
34 (6) be in such a form that can be used by the student to notify the school of the
35 student's desire to cancel by dating, signing, and mailing or otherwise
36 delivering the form to the school's address shown.

37
38 (g) A copy of the enrollment agreement form shall be given to the student and a copy
39 maintained as a part of the student's file.

40
41 (h) The Commission may permit a school to submit an abbreviated enrollment
42 agreement for students enrolled on a reimbursement contract basis.

43
44 **§807.195. Conduct Policy.**

1 The school shall submit for approval a copy of the rules and regulations pertaining to
2 conduct, which shall include statements regarding:

- 3
4 (1) conditions for dismissal; and
5
6 (2) conditions for reenrollment of those students dismissed for violating the conduct
7 policy.
8

9 **§807.196. Tuition and Fees.**

- 10
11 (a) A school shall disclose to potential students all tuition, fees, and other charges, and
12 state such information in the school's application for a certificate of approval. The
13 school may not use an estimated tuition amount, nor may the school increase the
14 student's tuition if the student remains continuously enrolled and completes the
15 training as approved at the time of admission. If the school charges to repeat classes,
16 the amount of the charges must be disclosed to the student.
17
18 (b) A school shall make available for review by the Commission upon request:
19
20 (1) a description of the methods of payment that are available to enrolling
21 students;
22
23 (2) the names and addresses of lending institutions used by the school for student
24 tuition loans; and
25
26 (3) the true annual percentage rate and any other fees or charges associated with
27 student tuition loans.
28
29 (c) A school shall refund or forfeit any tuition, fees, or other charges not previously
30 disclosed to the Commission.
31
32 (d) A school may offer scholarships providing the terms of scholarships are disclosed to
33 the Commission.
34
35 (e) The school shall maintain, in a permanent format that is acceptable and readily
36 accessible to the Commission, a record of any funds received from, or on behalf of,
37 the student. A school shall clearly identify the payor, the type of funding, and the
38 reason for the charges. These records shall be posted and kept current.
39
40 (f) A school shall issue written receipts of any charges or payments to the student and
41 maintain such records for review upon request by the Commission. Each separately
42 charged item shall be clearly itemized on a student-signed receipt.
43

44 **§807.197. Admission Requirements for Degree Granting Schools.**
45

- 1 (a) Students who transfer from other postsecondary schools shall complete at least 20
2 academic semester hours or 30 academic quarter hours in residency at the school that
3 will grant the degree. This does not apply to transfers within the same school
4 system.
5
- 6 (b) A school shall allow students attending at the time a school becomes a degree
7 granting school to earn a degree, providing the student:
8
- 9 (1) meets all the prerequisites for acceptance into the degree program; and
10
11 (2) satisfactorily completes all courses or equivalent courses of the degree
12 program.
13
- 14 (c) Former students shall meet all the prerequisites for acceptance into the degree
15 program and shall satisfactorily complete all courses or equivalent courses in the
16 approved degree program to qualify for a degree.
17
18

19 **SUBCHAPTER L. PROGRESS STANDARDS**

20 **§807.221. General Requirements for Progress Standards.**

- 21
22
- 23 (a) The Commission may approve specific progress standards for self-paced,
24 competency-based programs.
25
- 26 (b) Seminars, because of their nature and duration, are not required to have progress
27 standards.
28
- 29 (c) The progress evaluation records shall be of the type and nature to reflect whether the
30 student is making satisfactory progress to the point of being able to complete all
31 subject matter within the allotted time provided in the course curriculum.
32
- 33 (d) The school shall submit its policies pertaining to incomplete grades to the
34 Commission for approval and publish those policies in the school's catalog. The
35 policies shall address the possibility of the classes being discontinued when the
36 student returns and clarify options available to that student pursuant to the Act.
37
- 38 (e) Approved court reporting program students may receive one grade of "IP" (in
39 progress) in any speedbuilding class if they have not achieved the required speed at
40 the end of the grading period.
41

42 **§807.222. Progress Requirements for Residence Schools.**

- 43
44 (a) For programs with course time of 40 hours or less, the school is only required to give
45 a final exam at the end of the program to determine whether the student has

1 sufficient knowledge to warrant a certificate of completion, in lieu of a progress
2 evaluation.

- 3
- 4 (b) For programs with course time of 41 to 200 hours, the school shall record a student's
5 grades at the midpoint and end of each progress evaluation period. A student not
6 making satisfactory progress at the midpoint shall be placed on academic probation
7 for the remainder of the progress evaluation period. If the student does not achieve
8 satisfactory progress by the end of the probationary period, the student's enrollment
9 shall be terminated.
- 10
- 11 (c) For schools approved on a course time basis and offering programs in excess of 200
12 hours, the school shall evaluate progress at least every eight weeks. A school
13 approved on a credit hour basis shall evaluate progress at the midpoint and end-of-
14 term for academic semester or academic quarter or at least every eight weeks. For
15 programs with course time in excess of 200 hours, the following shall apply.
- 16
- 17 (1) The school shall place a student making unsatisfactory progress for the
18 program at the end of a progress evaluation period on academic probation for
19 the next progress evaluation period. If the student on academic probation
20 achieves satisfactory progress for the subsequent progress evaluation period,
21 but does not achieve the required grades to meet overall satisfactory progress
22 for the program, the student may be continued on academic probation for one
23 more progress evaluation period.
- 24
- 25 (2) If a student on academic probation fails to achieve satisfactory progress for the
26 first probationary progress evaluation period, the student's enrollment shall be
27 terminated.
- 28
- 29 (3) The enrollment of a student who fails to achieve overall satisfactory progress
30 for the program at the end of two successive probationary progress evaluation
31 periods shall be terminated.
- 32
- 33 (d) When a student is placed on academic probation, the school shall counsel the student
34 prior to the student returning to class. The date, action taken, and terms of probation
35 shall be clearly indicated in the student's permanent file.
- 36
- 37 (e) The school may allow a student whose enrollment was terminated for unsatisfactory
38 progress to reenroll after a minimum of one progress evaluation period. Such
39 reenrollment does not circumvent the approved refund policy.
- 40
- 41 (f) The school shall place a student who returns after their enrollment was terminated
42 for unsatisfactory progress on academic probation for the next grading period. The
43 school shall advise the student of this action and document the student's file
44 accordingly. If the student does not demonstrate satisfactory progress at the end of
45 this probationary period, that student's enrollment shall be terminated.
- 46

1 **§807.223. Progress Requirements for Distance Education Schools.**
2

- 3 (a) Distance education schools shall evaluate progress as the school receives each lesson
4 assignment. The school shall maintain the record of progress on forms approved by
5 the Commission. Forms shall include:
6
7 (1) the date course materials are mailed to the student;
8
9 (2) the date the lesson assignment is received from the student;
10
11 (3) the grade on a per-lesson basis;
12
13 (4) the instructor's name;
14
15 (5) the date graded assignments are returned to the student; and
16
17 (6) the final grade for the program with completion date indicated.
18
19 (b) If at the end of the time period specified in the enrollment agreement, the student has
20 not completed the program, the student's enrollment shall be terminated.
21

22 **§807.224. Progress Requirements for Degree Granting Schools.**
23

24 For a school offering degree programs, the progress standards shall include the following:

- 25
26 (1) a student progress evaluation every academic semester, academic quarter, or at
27 least every eight weeks in block-time programs;
28
29 (2) a minimum grade point average for graduation from all degree programs of 2.0
30 based on a 4.0 scale, and that a student achieve a passing grade in all required
31 classes;
32
33 (3) a probationary period of one academic semester, academic quarter, or
34 approved grading period following the end of the academic semester, academic
35 quarter, or approved grading period in which the student's grades become
36 unsatisfactory; and
37
38 (4) provisions for termination at the end of not more than two consecutive
39 probationary periods if the student's cumulative grade point average does not
40 improve to the level required for graduation.
41
42

43 **SUBCHAPTER M. ATTENDANCE STANDARDS**
44

45 **§807.241. General Requirements for Attendance.**
46

- 1 (a) Seminar programs that begin and end during one day are not required to maintain an
2 attendance policy.
- 3
- 4 (b) Title IV schools are not required to take attendance.
- 5
- 6 (c) The Commission may approve specific attendance requirements for self-paced,
7 competency-based programs.
- 8
- 9 (d) No provision in this subchapter shall require a school to terminate the enrollment of
10 a student for lack of attendance at a point at which a refund would not be due.
- 11
- 12 (e) A school shall charge for a full day of absence when the student fails to attend all of
13 the scheduled classes on that day. The school shall charge for a partial day of
14 absence for any period of absence during the day.
- 15
- 16 (f) A school shall not consider school holidays, such as summer vacation and Christmas
17 holidays, etc., as days of absence.
- 18

19 **§807.242. Attendance Requirements for Degree Granting Schools.**

- 20
- 21 (a) The following requirements are for non-Title IV schools and Title IV schools that
22 voluntarily take attendance.
- 23
- 24 (b) For a school offering degree programs, the attendance standards shall include the
25 following:
 - 26
 - 27 (1) provisions for termination or probation during the next academic quarter,
28 academic semester, or approved term when a student is absent for more than
29 20% of the scheduled course time hours during an academic quarter, academic
30 semester, or approved term;
 - 31
 - 32 (2) provisions for termination when a student is absent for more than 20% of the
33 scheduled course time hours during the probationary academic quarter,
34 academic semester, or approved term; and
 - 35
 - 36 (3) provisions for termination prior to the last quarter, when a student is absent in
37 excess of 10 consecutive school days or 20% of the total course time hours in
38 the course, whichever occurs first.
 - 39

40 **§807.243. Termination of Enrollment.**

- 41
- 42 (a) A school shall terminate the enrollment of a student who accumulates the lesser of
43 the following amounts of absences:
 - 44
 - 45 (1) more than 10 consecutive school days;
 - 46

- 1 (2) more than 20% of the total course time hours in a program with course time of
2 more than 200 hours;
- 3
- 4 (3) more than 25% of the total course time hours in a program or individual class
5 with course time of 41 to 200 hours;
- 6
- 7 (4) more than 25% of the total course time hours for seminars, individual classes,
8 or programs with course time of 40 hours or less; or
- 9
- 10 (5) any number of days if the student fails to return as scheduled from an approved
11 leave of absence.
- 12

13 (b) A Title IV school that does not voluntarily take attendance shall terminate the
14 enrollment of a student if the student's participation in an academically related
15 activity cannot be documented:

16 (1) at the end of the first week of the academic term;

17 (2) at the end of the first month of the academic term;

18 (3) at the midpoint of each academic term; and

19 (4) at the end of each academic term.

20 (c) For purposes of this section, "month" is defined as four weeks.

21 (d) Students whose enrollments are terminated for violation of the attendance policy
22 may not reenroll before the start of the next progress evaluation period. This
23 provision does not circumvent the approved refund policy.

24
25
26
27
28
29
30
31 **§807.244. Make-up Work.**

32 (a) No more than 5% of the total course time hours for a program may be made up.

33 (b) The school shall submit make-up work policies to the Commission for approval.

34 (c) Make-up work shall:

35 (1) be supervised by an instructor approved for the class being made up;

36 (2) require the student to demonstrate substantially the same level of knowledge or
37 competence expected of a student who attended the scheduled class session;

38 (3) be completed within two weeks of the end of the grading period during which
39 the absence occurred;

1 (4) be documented by the school as being completed, recording the date, time,
2 duration of the make-up session, and the name of the supervising instructor;
3 and

4
5 (5) be signed and dated by the student to acknowledge the make-up session.
6

7 **§807.245. Leaves of Absence.**
8

9 (a) Seminars and small schools with programs with course time of 40 hours or less shall
10 not grant leaves of absence.

11
12 (b) A school director may grant a leave of absence after determining that good cause is
13 shown.

14
15 (c) In a 12-month calendar period, a student may have no more than two leaves of
16 absence. For a program with course time of 200 hours or less, a student may be on
17 leave of absence for a total of 30 calendar days. For programs with course time of
18 more than 200 hours, a student may be on leave of absence for a total of 60 calendar
19 days.
20

21 (d) School attendance records shall clearly define the dates of the leave of absence. A
22 written statement as to why the leave of absence was granted, signed by both the
23 student and the school director indicating approval, shall be placed in the student's
24 permanent file.
25

26 (e) In addition to the requirements concerning leaves of absence in this subchapter, a
27 school offering degree programs that schedules their courses on an academic quarter
28 or academic semester basis may include in their attendance policies provisions for
29 summer leaves of absence. These leaves of absence shall not exceed the lesser of
30 120 days or the interval between the end of the spring academic quarter or academic
31 semester and the start of the fall academic quarter or academic semester.
32

33 **SUBCHAPTER N. CANCELLATION AND REFUND POLICY**
34

35 **§807.261. Right to Cancel after Tour.**
36

37 (a) Distance education, combination distance education-residence, and seminars are not
38 required to provide the student a tour.
39

40 (b) Any potential student who has not been provided the opportunity to tour the school
41 facilities and inspect the equipment before signing an enrollment contract has an
42 additional three days, excluding Saturdays, Sundays, and legal holidays, following a
43 tour and inspection to cancel enrollment and request a full refund of any money paid
44 to the school and release from all obligations. The student shall sign and date an
45 acknowledgement form certifying the completion of the tour.
46

1 **§807.262. Consummation of Refund.**
2

- 3 (a) A school shall document refunds by written record indicating the date of the refund
4 transaction, the name of the student receiving the refund, the total amount refunded,
5 and the specific reason for the refund. Proof of consummation shall be on file within
6 120 days of the effective date of termination and shall include:
7
8 (1) copies of both sides of the cancelled check;
9
10 (2) printed proof of completed transaction of electronic funds transfer or other
11 similar electronic means; or
12
13 (3) documentation of an awarded credit to a credit card or other similar account.
14
15 (b) To ensure a school's good faith effort to timely consummate a refund owed directly
16 to a student, the student's file shall contain evidence of the following proof of a
17 certified mailing of the refund to the:
18
19 (1) student's last known address;
20
21 (2) student's permanent address, if different from the student's last known address;
22 or
23
24 (3) address of the student's parent or legal guardian, if different from the student's
25 last known and permanent addresses.
26
27 (c) If after making a good faith effort to timely consummate a refund, the school is
28 unable to consummate the refund, the school shall forward to the Commission the
29 appropriate refund amount and any pertinent student information to assist the
30 Commission in locating the student.
31

32 **§807.263. Refund Requirements for Residence Schools.**
33

- 34 (a) Students are entitled to a full refund for classes attended if the school does not
35 provide a class with:
36
37 (1) an approved instructor;
38
39 (2) an instructor for whom an application has been properly submitted to the
40 Commission; or
41
42 (3) a temporary instructor for whom the school submitted notice to the
43 Commission.
44
45 (b) If a class has no instructor for more than one class period, students are entitled to a
46 full refund for each such class attended.

- 1
2 (c) The length of a program, for purposes of calculating refunds owed, is the shortest
3 scheduled time period in which the program may be completed by continuous
4 attendance of a full-time student.
5
6 (d) A non-Title IV school, or a Title IV school voluntarily taking attendance, shall
7 calculate refunds for students based upon scheduled hours of classes through the last
8 date of attendance. A Title IV school shall calculate refunds for students based upon
9 scheduled hours of classes through the last documented day of an academically
10 related activity. Neither type of school shall count leaves of absence, suspensions,
11 school holidays, days when classes are not offered, and summer vacations for
12 purposes of calculating a student's refund.
13
14 (e) For all schools other than distance education, combination distance education -
15 residence, and seminars, a student may cancel enrollment, request a full refund, and
16 request a release from any obligations to the school within three days, excluding
17 Saturdays, Sundays, and legal holidays following:
18
19 (1) the first day of the student's scheduled classes if the student is not provided an
20 opportunity to tour the school facilities, which includes inspection of
21 equipment, before signing an enrollment contract; or
22
23 (2) the day the tour of the school facilities, including inspection of the equipment,
24 is completed, when provided before the first day of the student's scheduled
25 classes.
26

27 **§807.264. Penalties Relating to Refunds.**
28

- 29 (a) A penalty shall be paid on any refund not consummated in a timely manner as
30 required by the Act. The penalty assessment shall begin on the first day following
31 the expiration of the statutorily defined refund period and end on the day preceding
32 the date the refund is consummated.
33
34 (b) Penalties assessed on late refunds for grants shall be paid to the tuition trust account
35 if the amount is \$15 or less. Any other penalty assessed on a school's late payment
36 of student refunds shall be disbursed in the following order of priority:
37
38 (1) to the student's account at a lending institution for the balance of principal and
39 interest on the student loan;
40
41 (2) to the student for tuition and fees paid directly by the student; and
42
43 (3) to the tuition trust account for any remaining balance of assessed penalty.
44
45 (c) If the Commission determines that the method used by the school to calculate
46 refunds is in error or the school does not routinely pay refunds within the time

1 required by the Act, the school shall submit an audited report conducted by an
2 accountant of the refunds due former students that includes any penalty due as
3 specified in the Act. An audit opinion letter shall accompany a schedule of student
4 refunds due, which discloses the following information for the four years prior to the
5 date of the Commission's request:
6

- 7 (1) student information, including name, address, and social security number;
- 8
- 9 (2) pertinent dates, including last date of attendance and date of termination; and
- 10
- 11 (3) refund information, including amount of refund with principal, penalty, and
12 any balance due separately stated, payee, and date and check number of
13 payment if payment has been made.
14

15 **SUBCHAPTER O. RECORDS**

16 **§807.281. General Information for Records.**

- 17
- 18
- 19 (a) A school shall permanently maintain a master student registration list (MSRL). If
20 the school maintains the MSRL in electronic form, the school must be able to
21 produce a printed copy immediately upon request. The MSRL must contain at least
22 the following information:
23
 - 24 (1) date of applicable entry;
 - 25
 - 26 (2) name of student;
 - 27
 - 28 (3) address of student including city, state, and zip code;
 - 29
 - 30 (4) telephone number;
 - 31
 - 32 (5) social security number;
 - 33
 - 34 (6) date of birth; and
 - 35
 - 36 (7) name of program.
- 37
- 38 (b) A school shall maintain current records and necessary data for each student required
39 to be on the master student registration list to show compliance with the Act and this
40 chapter. These records shall be:
41
 - 42 (1) maintained on-site; and
 - 43
 - 44 (2) made available to the Commission for inspection.
45

- 1 (c) If applicable, the school shall maintain and ensure that copies of the accreditation
2 authorization and letter of eligibility from the United States Department of Education
3 are available for Commission review.
4
- 5 (d) Degree granting schools shall maintain a copy of the certificate of authorization from
6 the Coordinating Board for each authorized degree program.
7
- 8 (e) The Commission may conduct unannounced compliance inspections.
9
- 10 (f) A school shall maintain complete records of all advertising, sales, and enrollment
11 materials used by or on behalf of the school for a five-year period. Materials
12 maintained shall include, but not be limited to, direct mail pieces, brochures, printed
13 literature, films, leaflets, handbills, fliers, video and audiotapes disseminated through
14 the broadcast media, materials disseminated through the print media or Internet, and
15 sales and recruitment manuals used to instruct sales personnel.
16

17 **§807.282. Student Records.**
18

- 19 (a) A school shall permanently maintain student transcripts of academic records. A
20 school shall provide such transcripts to students and prospective employers at a
21 reasonable charge if the student has fulfilled the financial obligation to the school
22 and is neither in default nor owes a refund to any federal or state student financial aid
23 program.
24
- 25 (b) A school shall retain financial records in accordance with federal retention
26 requirements.
27
- 28 (c) A school shall retain all student records for at least a five-year period and these
29 records shall include:
30
- 31 (1) a written record of previous education and training on a form provided by the
32 Commission; and
33
- 34 (2) official transcripts from all previous postsecondary schools attended by the
35 student.
36

37 **§807.283. Attendance Record Keeping.**
38

- 39 (a) The following requirements are for non-Title IV schools:
40
- 41 (1) A school offering seminars or other programs where students do not change
42 instructors during the school day is not required to maintain a separate master
43 record of attendance.
44

1 (2) A school shall maintain a master record of attendance on each student that
2 clearly indicates the number of scheduled hours each day and the hours of
3 absence.

4
5 (3) Each instructor shall maintain a record of attendance, which shall indicate a
6 positive record of each student's attendance. Entries in the record of attendance
7 shall be made in ink or other permanent medium, including other permanent
8 computer records, and shall not be changed in a manner that precludes reading
9 the original entry.

10
11 (b) The following requirements are for Title IV schools:

12
13 (1) The school shall maintain a form signed and dated by the student to document
14 the student's participation in an academically related activity. An e-mail sent
15 from the student's e-mail account listed on the enrollment agreement fulfills
16 this requirement.

17
18 (2) The school shall maintain a master record for each student that clearly
19 indicates the student's class schedule as well as the number of scheduled hours
20 for each class day. For synchronous distance education students, the record
21 shall indicate the number of scheduled hours for each week.

22
23 (c) Nothing in this chapter prevents a Title IV school from voluntarily using attendance
24 as a manner of fulfilling the requirements of this chapter.

25
26 **§807.284. Employment Records.**

27
28 (a) A school offering programs approved for an occupational objective shall complete
29 the labor market information survey on forms provided by the Commission and
30 submit them on or before the date provided in the survey packet as requested by the
31 Commission.

32
33 (b) A school shall report program completion, job placement, and employment data on
34 an annual basis in each program approved for an occupational objective.

35
36 (1) The school shall provide the data in a form acceptable to the Commission.

37
38 (2) Verifiable documentation shall be made available for review to support data
39 reported. The documentation shall include the names of graduates and the
40 names, addresses, and telephone numbers of their employers.

41
42 **SUBCHAPTER P. COMPLAINTS**

43
44 **§807.301. School Policy Regarding Complaints.**

45
46 The school shall:

- (1) submit a written grievance procedure designed to resolve disputes between current and former students and the school for Commission approval;
- (2) provide a copy of the grievance procedure to each student and maintain proof of such delivery;
- (3) maintain records regarding grievance filings and resolutions; and
- (4) diligently work to resolve all complaints at the local school level.

§807.302. Complaints and Investigations.

- (a) The Commission may investigate a complaint about a school and may determine the extent of investigation needed by considering various factors, such as:
 - (1) the seriousness of the alleged violation;
 - (2) the source of the complaint;
 - (3) the school's history of compliance and complaints;
 - (4) the timeliness of the complaint; and
 - (5) any other reasonable matter deemed appropriate.
- (b) The Commission may require documentation or other evidence of the violation before initiating a complaint investigation.
- (c) The investigation fee authorized by the Act is based on a per site visit. The school director shall be notified that an on-site visit was conducted when the investigation results in assessment of a fee.

SUBCHAPTER Q. TRUCK DRIVER TRAINING PROGRAMS

§807.321. General Information Regarding Truck Driver Training.

A school providing truck driver training shall ensure that the truck driver instructors complete a truck driver instructor development course with at least 40 hours of course time.

§807.322. Truck Driver Instructor Development Course.

- (a) A school shall apply to the Commission for approval to provide a truck driver instructor development course.

1 (b) The instructor development course shall consist of 40 hours of course time, which
2 includes at least the following topics.

3
4 (1) Five hours shall cover techniques of instruction including: qualities of a
5 competent instructor, the learning process, methods of teaching, development
6 of efficient teaching habits, demonstration teaching, the use of instruction
7 material and training aids, course preparation, lesson plans, testing and
8 evaluation, and the duration and frequency of lessons.

9
10 (2) Two hours shall cover personality factors affecting the driver and pedestrian
11 including: natural abilities; senses; mind and nerves; bones and muscles;
12 knowledge of vehicle, road, traffic, and self; attitudes and emotions; reaction
13 time; and reactions to alcohol, carbon monoxide, over-the-counter drugs,
14 prescription drugs, illegal drugs, heart ailments, epilepsy, diabetes, insanity,
15 exhaustion, tension, and monotony.

16
17 (3) Six hours shall cover state laws as located in the Texas Motor Vehicle Law
18 book relating to the operation of motor vehicles including: driver's license,
19 vehicle registration, certificate of title, operation of vehicles, uniform act,
20 miscellaneous offenses, and safety responsibility.

21
22 (4) Eight hours shall cover driving procedures including: handling--city, rural,
23 night, mountain, and freeway driving; fog, rain, sandstorms, and other
24 hazardous weather conditions; road hazards and recovery procedures for slick
25 roads; blowout hazards and running off the road; traffic signs, markings, and
26 signals; use of rearview mirrors; vehicle braking and stopping distances;
27 following distances; right-of-way, when and how to yield it; vehicle
28 acceleration and deceleration; yielding right-of-way to emergency vehicles;
29 driver signals; proper passing procedures; procedures and problems for passing
30 on two and three-lane roadways; and super-size motorized equipment.

31
32 (5) Three hours shall cover physical forces affecting the motor vehicle in motion
33 including: forces of gravity; friction; acceleration, mass, and force; inertia and
34 centrifugal force; kinetic energy and momentum; kinetic energy and braking;
35 and horsepower and acceleration.

36
37 (6) Two hours shall cover highway characteristics including: primary, secondary,
38 expressway, freeway, farm or ranch road, two-way two-lane, two-way three-
39 lane, two-way multilane, two-way multilane divided, one-way multilane,
40 parking, and traffic controls. Traffic control topics consist of the following:

41
42 (A) sign topics including shape, color, location and importance;

43
44 (B) traffic marking topics including center and lane lines, no passing zone,
45 transition markings, turn lane marking, stop lines, crosswalk lines, etc.;
46 and

1
2 (C) signal topics including classification, location, type, timing.
3

- 4 (7) Two hours shall cover automobile systems and maintenance including:
5 electrical system--generator, alternator, battery, lighting, and electric-powered
6 equipment; cooling system--lubrication and fuel systems; power train--engine,
7 transmission, and differential; brake system--wheels and tires, caster, camber,
8 toe-in, balance, inflation, tire condition, and care; exhaust system; instruments
9 and gauges; compartment adjustments--seat, ventilation, mirrors, headrests,
10 seat belts, and shoulder harness; starting the engine and warm-up procedures;
11 safety devices--door locks, headrests; and miscellaneous features--windshield
12 wipers, heater, and defroster.
13
- 14 (8) Two hours shall cover behind-the-wheel elementary lessons with
15 demonstration in an appropriate vehicle and practice to be performed in the
16 presence of the instructor including: starting; steering; stopping; shifting gears;
17 backing; turning--right and left; and parking and starting on grade.
18
- 19 (9) Six hours shall cover behind-the-wheel driving safety lessons with
20 demonstration in an appropriate vehicle and practice to be performed in the
21 presence of the instructor including: developing good seeing habits; speed
22 control; safe following; lane driving and lane changing; intersections and right-
23 of-way; proper signaling; correct turn procedures; detecting of and handling
24 problems--vehicle, cycle, pedestrian; freeway driving--ramp use, entering,
25 exiting, lane use, emergency stopping; parking procedures; entering traffic
26 from parked position; and night driving.
27
- 28 (10) Two hours shall cover school and instructor approval requirements including
29 the following: school approval requirements, instructor approval requirements,
30 classroom and automotive equipment requirements, required student records,
31 contract requirements, and department of instructors.
32
- 33 (11) Two hours shall cover specialized training regarding the following: students
34 with physical, mental, or emotional handicaps; illiterate students; non-English-
35 speaking students; and habitual violators and problem drivers.
36

37 **§807.323. Behind-the-Wheel Instruction.**
38

39 A school providing behind-the-wheel instruction shall ensure that the instruction
40 includes:
41

- 42 (1) actual driving practice while the motor vehicle is in motion;
43
44 (2) no more than four persons, excluding the instructor, occupying any motor
45 vehicle during the behind-the-wheel instruction;
46

- 1 (3) notice in all contracts and advertisements of behind-the-wheel instruction
2 being conducted with groups of students, if applicable; and
3
4 (4) credit toward satisfying minimum standards for behind-the-wheel instruction
5 for only actual time spent behind the wheel in vehicle operation.
6

7 **§807.324. Motor Vehicle Insurance.**

8
9 A school providing truck driver training shall ensure that:

- 10
11 (1) a current list of vehicles used in truck driver training is filed with the
12 Commission on a form provided by the Commission;
13
14 (2) an insurance certificate accompanies each motor vehicle used in training and is
15 filed with the Commission on or before the date the school files an original or
16 renewal application for approval of the program with the Commission;
17
18 (3) an insuring company or carrier issues an insurance certificate on a form
19 furnished by the Commission directly to the Commission, which states the
20 insurance company or carrier has issued a policy or policies of insurance, and
21 the amounts of insurance for each vehicle listed on the list of vehicles used in
22 truck driver training;
23
24 (4) a written notice is provided to the Commission by registered or certified mail
25 at least 10 days prior to the expiration date of insurance coverage of a listed
26 vehicle; and
27
28 (5) a copy of the written notice of cancellation of insurance on any listed vehicle is
29 provided to the Commission by registered or certified mail immediately upon
30 receipt of notice by the school.
31

32 **§807.325. Prohibited Activities Regarding Truck Driver Training.**

33
34 (a) A school, a trainer of truck driver instructors, or a truck driver instructor shall not:

- 35
36 (1) allow an instructor to give instruction or allow a student to secure instruction in
37 the classroom or in a motor vehicle if that instructor or student is using or
38 exhibits any evidence or effect of an alcoholic beverage, controlled substance,
39 or other such impairment;
40
41 (2) permit a student to operate a motor vehicle without a valid driver's license or
42 instruction permit in the student's possession during behind-the-wheel
43 instruction;
44
45 (3) permit more than a ratio of four students per vehicle and three vehicles per
46 instructor on truck driving ranges;

- 1
2 (4) permit more than four students per vehicle per instructor during street
3 instruction for truck driver training; or
4
5 (5) advertise or otherwise state or imply that a driver's license or permit is
6 guaranteed or assured to any student or individual who may take or complete
7 any instruction or course of instruction, enroll, or otherwise receive instruction
8 in any truck driver training school.
9

10 (b) The Commission may suspend, revoke, or refuse to renew approval of a truck driver
11 instructor or a trainer of truck driver instructors, upon determining that the applicant
12 or instructor has been:

- 13
14 (1) convicted under the laws of this state, another state, or the United States of any
15 felony; of an offense of criminally negligent homicide committed as a result of
16 the person's operation of a motor vehicle; of an offense involving driving while
17 intoxicated or under the influence; or of an offense involving tampering with a
18 governmental record; or
19
20 (2) found incompetent or is incompetent to:
21
22 (A) safely operate a motor vehicle; or
23
24 (B) properly conduct classroom or behind-the-wheel instruction.
25
26

27 **SUBCHAPTER R. CLOSED SCHOOLS**

28
29 **§807.341. School Closures.**

- 30
31 (a) The Commission may declare a school to be closed when:
32
33 (1) written notification is received by the Commission from the school owner
34 stating the school will close;
35
36 (2) Commission determines that the school facility has been vacated without prior
37 notification of a change of address given to the Commission;
38
39 (3) an owner with multiple school locations transfers all students from one school
40 location to another school location;
41
42 (4) the school dismisses all students, contrary to the school's class schedule as
43 printed in the school catalog; or
44
45 (5) the school fails to maintain the faculty, facilities, equipment, or courses of
46 instruction on the basis for which approval was issued.

- 1
2 (b) After the Commission determines that a school will close or is closed, the
3 Commission will attempt to notify students concerning their options to accept a
4 teach-out or to receive a proportional tuition refund based on available funds.
5 Notification to students may include constructive notice in news media, student
6 meetings, or mailings to students.
7
8 (c) Each teach-out requires approval of the Commission to determine whether the course
9 of instruction is available, reasonable, and comparable with the course of instruction
10 of the closed school. The teach-out is subject to the following conditions:
11
12 (1) Transfers of students from a closed school to another school under the same
13 ownership shall not constitute a teach-out.
14
15 (2) In order to be eligible for a teach-out, students shall submit a signed statement
16 of acceptance to the teach-out school by the deadline as established by the
17 Commission.
18
19 (3) The school offering the teach-out shall give credit for all comparable training
20 received at the closed school, as determined by the Commission.
21

22 **§807.342. Tuition Trust Account.**
23

- 24 (a) In a year in which the Commission determines it is necessary to charge a fee under
25 §132.2415(b) of the Act, each school shall make a payment to the tuition trust
26 account at the time the school renewal fee is paid.
27
28 (b) The amount in the tuition trust account, as provided in the Act, is an accrued balance.
29 The accrued balance is the cash balance of the tuition trust account less the sum of
30 the accrued liabilities from unpaid student refunds and teach-out claims.
31
32 (c) Disbursements shall be made from the tuition trust account for student refunds and
33 reimbursable teach-out expenses incurred during each 12-month period ending
34 August 31, and shall be:
35
36 (1) made first for student refunds in accordance with §132.2415(d) of the Act;
37
38 (2) disbursed for reimbursable teach-out expenses based upon remaining funds;
39 and
40
41 (3) calculated after other funding sources have been determined.
42
43 (d) Following the graduation or termination of the students from the teach-out school,
44 the teach-out school shall determine actual expenses and submit a claim for
45 reimbursement to the Commission on or before the date provided in the application
46 packet. The teach-out school shall:

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- (1) not claim expenses for facilities, equipment, utilities, or other items which were owned, rented, used, or otherwise obligated by the school prior to the Commission's approval of the teach-out program, even though such items may be used for the teach-out program;
- (2) be limited to expenses for tuition and fees that are non-recoverable from all financial resources, including grants and loans; and
- (3) ensure that the sum of the tuition and fees paid to the student's account at the closed school and the teach-out school is the lesser amount the student would have been charged for the complete program at the closed school or the teach-out school.

(e) For schools in their first two years of operation that have not been required to furnish financial statements to comply with §807.35(b), the payment to the tuition trust account shall be calculated at the rate determined by the Commission using the projected gross amount of tuition and fees, as required in §807.33(c), to be charged by the school for the year in which the payment is collected. Once the school has submitted the actual amount of tuition and fees collected by the school in compliance with §807.35(b), the Commission shall reconcile the projected and actual amounts of tuition and fees collected. Upon reconciliation, the Commission shall determine if the school is entitled to a refund or must pay an additional amount to the tuition trust account.

SUBCHAPTERS. CEASE AND DESIST ORDERS

§807.361. Statement of Charges and Notice of Hearing on Cease and Desist Orders.

If the Agency believes a person is operating a career school or college without a certificate of approval in violation of §132.151 of the Act, the Agency may issue a statement of charges and notice of hearing to consider the issuance of a cease and desist order.

§807.362. Contents of Statement of Charges and Notice of Hearing.

The statement of charges and notice of hearing issued by the Agency shall contain the following information:

- (1) The name and last known address of the person against whom the order may be entered;
- (2) A short and plain statement of the reasons the Agency believes the person is operating a career school or college without a certificate of approval;

- 1 (3) A copy of the Commission's Career Schools and Colleges rules, Title 40,
2 Chapter 807 of the Texas Administrative Code; and
3
- 4 (4) The date, time, and location of the hearing.
5

6 **§807.363. Service of Statement and Charges and Hearing Notice for the Issuance of**
7 **Cease and Desist Orders.**
8

9 The statement of charges and notice of hearing to consider a cease and desist order shall
10 be served by certified mail, return receipt requested, on the person against whom the
11 order is entered. Notice is presumed received five days from the date it is mailed by the
12 Agency.
13

14 **§807.364. Ex Parte Consultations.**
15

- 16 (a) A Commissioner or employee of the Agency assigned to render a decision or to
17 make findings of fact and conclusions of law in a cease and desist proceeding shall
18 not directly or indirectly communicate in connection with an issue of fact or law with
19 the Commission, a person, a party, or a representative of those entities, except on
20 notice and opportunity for each party to participate.
21
- 22 (b) A Commissioner or employee of the Agency assigned to render a decision or to
23 make findings of fact and conclusions of law in a cease and desist hearing may
24 communicate ex parte with an Agency employee who has not participated in a
25 hearing in the case for the purpose of using the special skills or knowledge of the
26 agency and its staff in evaluating the evidence.
27
- 28 (c) This section shall be construed liberally to promote the effectiveness and efficiency
29 of issuance of cease and desist orders.
30

31 **§807.365. Hearing Decision and Final Review by the Commission.**
32

- 33 (a) Within 10 days after the hearing is held, the hearing officer shall issue a written
34 decision granting or denying the request for the issuance of a cease and desist order
35 that includes findings of fact and conclusions of law. The hearing decision shall be
36 mailed by certified mail, return receipt requested, and is presumed received five days
37 from the date it is mailed. The hearing officer's decision becomes final the 15th day
38 after receipt of the hearing decision unless an appeal is filed under subsection (b) of
39 this section.
40
- 41 (b) A party that is not satisfied with the decision of the hearing officer may file a written
42 appeal of the decision to the Commission for a final review no later than the 15th day
43 after receipt of the hearing decision. The written appeal shall contain the party's
44 arguments as to why the decision of the hearing officer should be reversed. A party
45 may request oral argument on the written appeal before the Commission. If oral

1 argument is approved, each party or its hearing representative may present argument
2 in support of its position.
3

- 4 (c) Upon receipt of the written appeal of the hearing officer's decision, the Commission
5 shall consider the appeal and issue a decision promptly. If in the written appeal, oral
6 argument is requested by a party and approved, the Commission shall schedule and
7 hold oral argument not later than 90 days of receipt of the written appeal. The
8 Commission shall consider the appeal on the basis of the record made before the
9 hearing officer. The decision of the Commission shall be mailed by certified mail,
10 return receipt requested, and is presumed received 5 days from the date it is mailed.
11

12 **§807.366. Cease and Desist Order.**
13

- 14 (a) If the request for the issuance of a cease and desist order becomes final under the
15 provisions of §807.365(a) or, if after an appeal the decision under §807.365(c)
16 upholds the issuance of a cease and desist order by the Commission, the hearing
17 officer shall issue a cease and desist order against the person that is found operating a
18 career school or college without a certificate of approval in violation of §132.151 of
19 the Act.
20
- 21 (b) The cease and desist order shall be delivered by certified mail, return receipt
22 requested, and is presumed received five days from the date it is mailed.
23
- 24 (c) From the date of receipt of the issuance of the cease and desist order, the person must
25 completely cease and desist operating the career school or college.
26
- 27 (d) The cease and desist order shall remain in effect until the person comes into
28 complete compliance with the Act as determined by the Commission, or unless
29 otherwise provided by the order of the Commission.
30
31