

1 **In-Person Career Schools and Colleges Hearings**  
2 **Conducted by the TWC Commission Appeals Hearings Unit**  
3 **Discussion Paper**

4 **Background**

5 Texas Education Code §132.152 establishes the right of a career school or college to have a  
6 hearing to contest administrative penalties assessed by the Texas Workforce Commission  
7 (TWC). Texas Administrative Code (TAC) Chapter 807 Career Schools and Colleges rule  
8 §807.387(a) states that all hearings “. . . shall be conducted in person in Austin, Texas, unless the  
9 parties agree to a telephonic hearing or request a different location.”

10 **Issue**

11 As a result of the COVID-19 pandemic and the measures put in place to ensure public safety,  
12 TWC’s Commission Appeals Hearings Unit has been unable to accommodate in-person hearings  
13 as requested by several schools. The inability to conduct in-person hearings is leaving  
14 administrative actions unresolved and, in some cases, preventing or delaying students from  
15 receiving refunds of tuition and fees. Additionally, Texas Education Code §132.101(b) requires  
16 that hearings be held within 30 days from the receipt of the request for a hearing.

17 **Decision Point**

18 40 TAC §800.8 authorizes the Commission to suspend the operation of an agency rule, if the  
19 Commission finds a public emergency or imperative public necessity exists, and the Commission  
20 finds that the suspension will best serve the public health, safety, or welfare.

21 COVID-19 safety measures established in early spring 2020 continue to be observed and remain  
22 in place to ensure public safety. Staff seeks direction on the temporary suspension of 40 TAC  
23 §807.387(a), which requires TWC to accommodate in-person hearing requests. The suspension  
24 will allow the Commission Appeals Hearings Unit to schedule telephonic hearings and  
25 adjudicate appeals in a timely manner. This action will assist the Commission Appeals Hearings  
26 Unit and the Career Schools and Colleges program in developing contingency plans for  
27 conducting hearings throughout the duration of the COVID-19 pandemic. A draft declaration is  
28 included with this discussion paper.

29 If approved, the temporary suspension for 40 TAC §807.387(a) will remain in effect until the  
30 TWC Commission Appeals Hearing Unit resumes in-person hearings. Staff will ensure that all  
31 CSC representatives are aware of the temporary suspension. Likewise, staff will notify all CSC  
32 representatives when in-person hearings resume.