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

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4
5 **§807.1. Title and Purpose.**

- 6
7 (a) This chapter may be cited as the Career Schools and Colleges rules.
8
9 (b) The purpose of this chapter is to implement and interpret the provisions of the Texas
10 Education Code, Chapter 132, Career Schools and Colleges (the Act). The Agency
11 shall evaluate each school according to the standards of practice set forth in the Act
12 and this chapter. The Agency will provide assistance, whenever possible, in
13 complying with this chapter.
14

15 *The provisions of this §807.1 adopted to be effective August 16, 1998, 23 TexReg 8479;*
16 *amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective November*
17 *28, 2022, 47 TexReg 7914*

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20
21 **§807.2. Definitions.**

22
23 In addition to the definitions contained in §800.2 of this title, the following words and
24 terms, when used in this chapter, shall have the following meanings unless the context
25 clearly indicates otherwise.

- 26
27 (1) Academic quarter--A period of instruction that includes at least ten weeks of
28 instruction, unless otherwise approved by the Agency.
29
30 (2) Academic semester--A period of instruction that includes at least 15 weeks of
31 instruction, unless otherwise approved by the Agency.
32
33 (3) Academic term--An academic quarter, academic semester, or other progress
34 evaluation period.
35
36 (4) Academically related activity--An exam, tutorial, computer-assisted
37 instruction, academic counseling, academic advisement, turning in a class
38 assignment, or attending a study group that is assigned by the institution, or
39 other activity as determined by the Agency.
40
41 (5) Accountant--An independent certified public accountant properly registered
42 with the appropriate state board of accountancy.
43
44 (6) Act--Texas Education Code, Chapter 132, Career Schools and Colleges.
45

- 1 (7) Address of record--In addition to the mailing address contained in the
2 application for a certificate of approval, each career school or college shall
3 establish an email address of record for a distribution list that consistently
4 maintains a minimum of two current subscribers, with the format of the
5 address to be "School#Director@xdomain," for example,
6 S1111Director@gmail.com.
7
- 8 (8) Advertising--Any affirmative act designed to call attention to a school or
9 program for the purpose of encouraging enrollment.
10
- 11 (9) Agency--The unit of state government established under Texas Labor Code,
12 Chapter 301, that is presided over by the Commission and administered by the
13 executive director to operate the integrated workforce development system and
14 administer the unemployment compensation insurance program in this state as
15 established under the Texas Unemployment Compensation Act, Texas Labor
16 Code Annotated, Title 4, Subtitle A, as amended. The definition of Agency
17 applies to all uses of the term in this chapter.
18
- 19 (10) Appellant--The party or the party's authorized hearing representative who files
20 an appeal from an appealable determination or decision.
21
- 22 (11) Asynchronous distance education--Distance education training that the Agency
23 determines is not synchronous.
24
- 25 (12) Class, course, or course of instruction--An identifiable unit of organized
26 instruction that is part of a program of instruction.
27
- 28 (13) Commission--The body of governance of the Texas Workforce Commission
29 composed of three members appointed by the governor as established under
30 Texas Labor Code, §301.002 that includes one representative of labor, one
31 representative of employers, and one representative of the public. The
32 definition of Commission applies to all uses of the term in this chapter.
33
- 34 (14) Coordinating Board--The Texas Higher Education Coordinating Board.
35
- 36 (15) Course time or course time hour--A class period that is:
37
- 38 (A) a 50-minute to 60-minute lecture, recitation, or class, including a
39 laboratory class or shop training, in a 60-minute period;
40
- 41 (B) a 50-minute to 60-minute externship in a 60-minute period; or
42
- 43 (C) 60 minutes of preparation in asynchronous distance education.
44
- 45 (16) Date of notice--The date the notice is mailed, unless good cause exists for the
46 hearing officer to determine otherwise.

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- (17) Date of request of hearing--The date on which the appellant or the hearing representative filed a written notice of appeal with the Agency by hand delivery, facsimile, or mail. If an appeal is mailed to the Agency, then the appeal is perfected as of the postmark date on the envelope containing the appeal request unless good cause exists for the hearing officer to determine otherwise. If an appeal is delivered by hand or facsimile after 5:00 p.m., the date of request shall be the next day.
- (18) Distance education course--Either a seminar or a program that is offered to nonresidence school students delivered either synchronously or asynchronously to the student from a remote site.
- (19) Distance education school--A school that offers only distance education courses.
- (20) Employment--A graduating or graduate student's employment in the same or substantially similar occupation for which the student was trained.
- (21) Good reputation--The possession of honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the educational process and the training or preparing of a person for a field of endeavor in a business, trade, technical, or industrial occupation, as well as the condition of being regarded as possessing such qualities. In determining whether a person is of good reputation, the Agency is not limited to the following acts or omissions. The Agency may consider similar acts or omissions and rehabilitation efforts in response to prior convictions in making its determination. A person may be considered to lack good reputation if the person:
 - (A) has been convicted of a felony or any other crime that would constitute risk of harm to the school or students as determined by the Agency;
 - (B) has been successfully sued for fraud or deceptive trade practices, or breach of contract, within the last 10 years;
 - (C) owns or administers a school currently in violation of legal requirements, has owned or administered a school with repeated violations, or has owned or administered a school that closed with violations including, but not limited to, unpaid refunds or administrative penalties; or
 - (D) has falsified or withheld information from the Agency.
- (22) Hearing--An informal, orderly, and readily available proceeding held before an impartial hearing officer. A party or hearing representative may present evidence to show that the Agency's determination should be reversed, affirmed, or modified.

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- (23) Hearing officer--An Agency employee designated to conduct impartial hearings and issue final administrative decisions.
 - (24) Hearing representative--Any individual authorized by a party to assist the party in presenting the party's appeal. A hearing representative may be legal counsel or another individual. Each party may have a hearing representative to assist in presenting the party's appeal.
 - (25) Human trafficking--The action or practice of illegally transporting people for the purposes of forced labor or commercial sexual exploitation, including all offenses referred to in Texas Penal Code, Chapter 20A.
 - (26) Hybrid program or blended program--A program that has any combination of residence and synchronous distance education offerings.
 - (27) Job placement--An active effort by the school to assist the student in obtaining employment in the same or substantially similar stated occupation for which the student was trained. Active efforts include, but are not limited to, the school:
 - (A) arranging an interview;
 - (B) contacting potential employers; and/or
 - (C) bringing potential employers to the school to assist the student.
 - (28) Master Student Registration List (MSRL)--A comprehensive list with an entry made for any person who signs an enrollment agreement, makes a payment to attend the school, or attends a class. The entry shall be made on the date the first of these events occurs.
 - (29) Military service--Service as a member of the armed forces of the United States, including service in the National Guard or Reserves.
 - (30) Owner--
 - (A) In the case of a career school or college owned by an individual or married couple, that individual or married couple;
 - (B) In the case of a career school or college owned by a partnership, all full, silent, and limited partners;
 - (C) In the case of a limited liability company, all members and managers;

- 1 (D) In the case of professional associations, the members and governing
2 persons;
3
- 4 (E) In the case of a career school or college owned by a corporation, the
5 corporation, its directors, officers, and each shareholder owning shares of
6 issued and outstanding stock aggregating at least 10 percent of the total of
7 the issued and outstanding shares;
8
- 9 (F) In the case of a career school or college in which the ownership interest is
10 held in trust, the beneficiary of that trust;
11
- 12 (G) In the case of a career school or college owned by another legal entity, a
13 person who owns at least 10 percent ownership interest in the entity; or
14
- 15 (H) In all instances, for any entity owned by a parent or holding entity,
16 whether in whole or part, the definition of an owner shall extend to those
17 entities and corresponding person.
18
- 19 (31) Owner designee--A person designated in writing by an owner to act on behalf
20 of the ownership, including having signatory authority.
21
- 22 (32) Party--The person or entity with the right to participate in a hearing authorized
23 in applicable statute or rule.
24
- 25 (33) Program or program of instruction--A postsecondary sequence of organized
26 instruction or study that may lead to an academic, professional, or vocational
27 degree, certificate, or other recognized educational credential.
28
- 29 (34) Refund--The completed payment of a refund such that the refund instrument
30 has been negotiated or credited into the proper account(s).
31
- 32 (35) Reimbursement contract basis--A school operating, or proposing to operate,
33 under a contract with a state or federal entity in which the school receives
34 payment upon completion of the training.
35
- 36 (36) Residence school--A school that offers at least one program that includes
37 classroom instruction or synchronous distance education.
38
- 39 (37) Response deadline--Deadlines that fall on a weekend, an official state holiday,
40 a state holiday for which minimal staffing is required, or a federal holiday are
41 extended one working day.
42
- 43 (38) Sanctions--Administrative or civil actions, including, but not limited to,
44 penalties, revocation of approvals, or cease and desist orders taken by the
45 Agency against an entity in response to violations of the Act or this chapter.
46

- 1 (39) School authorized official--Any identified owner, director, or owner designee
2 of a school.
3
- 4 (40) School, educational institution, or training program--A "career school or career
5 college," as defined in the Act, that includes each location where courses of
6 instruction shall be offered.
7
- 8 (41) Secondary education--Successful completion of public, private, or home
9 schooling at the high school level or obtainment of a recognized high school
10 equivalency credential, recognized by an institution of higher education or a
11 private or independent institution of higher education, as defined by Texas
12 Education Code, §61.003.
13
- 14 (42) Seminar or workshop--A type of program that enhances a student's career, as
15 opposed to a program that teaches the skills and fundamental knowledge
16 required for a stated occupation. A seminar may include a workshop, an
17 introduction to an occupation or cluster of occupations, a short course that
18 teaches part of the skills and knowledge for a particular occupation, language
19 training, continuing professional education, and review for postsecondary
20 examination.
21
- 22 (43) Seminar school--A school that offers only seminars.
23
- 24 (44) Small school--A "small career school or college" as defined in the Act.
25
- 26 (45) Stated occupation--An occupation for which a program is offered that:
27
- 28 (A) is recognized by a state or federal law or by a state or federal agency as
29 existing or emerging;
30
- 31 (B) is in demand; and
32
- 33 (C) requires training to achieve entry-level proficiencies.
34
- 35 (46) Student--Any individual solicited, enrolled, or trained in Texas by a school.
36
- 37 (47) Subject--An identifiable unit of instruction or study that imparts specific
38 knowledge or skills, which is a subpart of a program or seminar.
39
- 40 (48) Suspension of enrollments--A sanction that requires the school to suspend
41 enrollments, re-enrollments, advertising, and solicitation, and to cease, in any
42 way, advising prospective students, either directly or indirectly, of the
43 available courses of instruction.
44
- 45 (49) Synchronous distance education--The Agency may determine distance
46 education to be synchronous under the following conditions:

- 1
2 (A) the training is conducted simultaneously in real time, or the training is
3 conducted so that the manner of delivery ensures that even if the
4 instructor and student are separated by time, the course time of
5 instruction that the student experiences can be determined; and
6
7 (B) there is consistent interaction between the student(s) and the instructor on
8 a schedule that includes a definite time for completion of the program
9 and periodic verifiable student completion/performance measures that
10 allow the application of the progress standards of Subchapter L of this
11 chapter and attendance standards of Subchapter M of this chapter.
12
13 (50) Title IV school--A career school or college that participates in student financial
14 aid programs under Title IV, Higher Education Act of 1965 (20 United States
15 Code Section 1070 et seq.).
16
17 (51) Tour--A required, in-person inspection of the facilities and equipment
18 pertaining to a course of instruction.
19
20 (52) Week--Seven consecutive calendar days.

21
22 *The provisions of this §807.2 adopted to be effective August 16, 1998, 23 TexReg 8479;*
23 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective April*
24 *26, 2004, 29 TexReg 3970; amended to be effective August 28, 2006, 31 TexReg 6803;*
25 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective*
26 *November 14, 2016, 41 TexReg 9020; amended to be effective December 5, 2017, 42 TexReg*
27 *6812; amended to be effective November 28, 2022, 47 TexReg 7914*

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30
31 **§807.3. Memorandum of Understanding for Regulation of Schools.**

32
33 The Act requires the Agency to execute a memorandum of understanding with Trellis
34 Company, formerly known as the Texas Guaranteed Student Loan Corporation, and each
35 state agency regulating schools to reduce default rates at the regulated schools and to
36 improve the overall quality of the programs. Copies of the required memoranda of
37 understanding shall be maintained and made available upon request.
38

39 *The provisions of this §807.3 adopted to be effective August 16, 1998, 23 TexReg 8479;*
40 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
41 *November 28, 2022, 47 TexReg 7914*

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1
2 **§807.4. Waivers.**
3

4 (a) Upon a showing of extreme extenuating circumstances, a school governed by this
5 chapter may request a waiver from one or more requirements of this chapter. The
6 Commission shall grant a waiver only upon a specific finding of good cause
7 establishing that:

- 8
9 (1) the imposition of the rule requirement from which the waiver is sought would
10 cause undue economic hardship to the school and have a negative impact on
11 the ability of the school to provide the students with the skills and knowledge
12 required for employment;
13
14 (2) the quality of education shall in no way be diminished or sacrificed by the
15 granting of the waiver; and
16
17 (3) the granting of the waiver will in no way limit the statutorily required
18 application approval criteria contained in §132.055 of the Act.
19

20 (b) The Commission may revoke a waiver in the same manner as a revocation of a
21 certificate of approval, if the Commission determines that the criteria contained in
22 this section for a waiver no longer exists.
23

24 (c) A school may appeal a requested waiver denial or revocation in accordance with the
25 provisions of Subchapter D of the Act.
26

27 *The provisions of this §807.4 adopted to be effective August 16, 1998, 23 TexReg 8479*
28

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30

31 **§807.5. Suspensions.**
32

33 The executive director may suspend the operation of one or more of the provisions in this
34 chapter, not statutorily imposed, if he or she finds that a public emergency or imperative
35 public necessity exists, and that the suspension will best serve the public health, safety, or
36 welfare.
37

38 *The provisions of this §807.5 adopted to be effective November 28, 2022, 47 TexReg 7914*
39

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42 **§807.6. Application Processing Periods.**
43

44 (a) The time periods for processing applications from schools, including small
45 businesses, for certificates of approval shall be in accordance with the following time
46 periods:

- 1
2 (1) Initial notification of acceptance or return of original application, to include the
3 reason for the return is 10 days;
4
5 (2) original certificate of approval--90 days;
6
7 (3) renewed certificate of approval--45 days from the expiration of the current
8 certificate;
9
10 (b) In the event the application is not processed in the time periods as stated in this
11 section, the applicant has the right to request of the Commission full reimbursement
12 of all filing fees paid in that particular application process. If the Commission does
13 not agree that the established time periods have been violated or finds that good
14 cause existed for exceeding the established periods, the request will be denied.
15

16 *The provisions of this §807.6 adopted to be effective August 16, 1998, 23 TexReg 8479;*
17 *amended to be effective November 28, 2022, 47 TexReg 7914*

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20
21 **§807.7. Exemptions.**

- 22
23 (a) A school seeking an exemption must apply for approval to the Agency under
24 §132.002 or §132.003 of the Act.
25
26 (b) A school may appeal the denial or revocation of an exemption in accordance with
27 the provisions of Subchapter D of the Act.
28
29 (c) Schools shall be required to provide documentation and additional information, as
30 requested by the Agency, to facilitate the determination of whether a school meets
31 the requirements of an exemption set out in the Act. All requests for exemption must
32 provide:
33
34 (1) the school's legal name, physical address, telephone number, and website, if
35 applicable, along with the name and phone number of the ownership and
36 owner partners; and
37
38 (2) the name, objective, length, and cost of the course(s) offered.
39

40 *The provisions of this §807.7 adopted to be effective September 17, 2007, 32 TexReg 6378;*
41 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
42 *November 28, 2022, 47 TexReg 7914*

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1
2 **§807.8. Confidentiality of Information.**
3

4 All student-specific information obtained from or about any school by the Agency,
5 including, but not limited to, data submitted under §807.284(a) of this chapter, is
6 confidential information and not releasable, and is not public information under Texas
7 Government Code, Chapter 552, but may be compiled and reported to the public at a
8 summary level of information that does not include the personally identifiable
9 information of any student or allow for the identification of any student through
10 combination with other publicly available information.
11

12 *The provisions of this §807.8 adopted to be January 23, 2012, 37 TexReg 200; amended to*
13 *be effective November 28, 2022, 47 TexReg 7914*
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17 **SUBCHAPTER B. CERTIFICATES OF APPROVAL**
18

19 **§807.11. Original Approvals.**
20

- 21 (a) A complete application for an original certificate of approval shall consist of the
22 following:
23
24 (1) a completed application form provided by the Agency;
25
26 (2) complete and correct financial statements, as specified in this chapter,
27 demonstrating the school is financially stable and capable of fulfilling its
28 commitments for training;
29
30 (3) the application fee as specified in this chapter; and
31
32 (4) any other revisions or evidence necessary to bring the school's application for
33 approval to a current and accurate status as requested by the Agency.
34
35 (b) Schools shall fully satisfy the Agency application requirements within 90 days of
36 receipt of the original application, or else the application may be considered
37 withdrawn.
38
39 (c) If a school fails to respond to a request for additional information within 21 days, the
40 Agency may withdraw the application.
41
42 (d) To reapply, a school shall submit:
43
44 (1) a complete application as required in subsection (a) of this section, including
45 applicable fees; and
46

- 1 (2) an affidavit stating that the school will not reopen until it has been issued a
2 Certificate of Approval.
3

4 *The provisions of this §807.11 adopted to be effective August 16, 1998, 23 TexReg 8479;*
5 *amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective December*
6 *20, 2010, 35 TexReg 11392; amended to be effective November 14, 2016, 41 TexReg 9020;*
7 *amended to be effective November 28, 202, 47 TexReg 7914*
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10
11 **§807.12. Renewal.**
12

- 13 (a) For small schools holding a multiyear certificate, the certificate of approval shall be
14 renewed at least every three years, or more frequently as determined by the Agency.
15 A complete application for renewal of a certificate of approval shall consist of the
16 following:
17
- 18 (1) complete and correct annual financial statements, as specified in this chapter,
19 demonstrating the school is financially stable and capable of fulfilling its
20 commitments for training;
21
 - 22 (2) the renewal fee specified in this chapter; and
23
 - 24 (3) any other revisions or evidence necessary to bring the school's application for
25 approval to a current and accurate status as requested by the Agency.
26
- 27 (b) For all other schools, the certificate of approval shall be renewed annually. A
28 complete application for renewal of a certificate of approval shall consist of the
29 following:
30
- 31 (1) a completed application for renewal form provided by the Agency;
32
 - 33 (2) complete and correct annual financial statements for the most recent fiscal year
34 demonstrating the school is financially stable and capable of fulfilling its
35 commitments for training;
36
 - 37 (3) the renewal fee specified by this chapter; and
38
 - 39 (4) any other revisions or evidence necessary to bring the school's application for
40 approval to a current and accurate status as requested by the Agency.
41
- 42 (c) The effective, expiration, and issuance dates are indicated on the certificate of
43 approval. The Agency may reflect the date of renewal as the date following the date
44 of expiration of the prior certificate of approval, if the school submitted a timely
45 request for renewal and met all of the requirements contained in this chapter for
46 renewal.

- 1
2 (d) The complete renewal application shall be postmarked on or before the due date as
3 indicated in the Act.
4

5 *The provisions of this §807.12 adopted to be effective August 16, 1998, 23 TexReg 8479;*
6 *amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective November*
7 *28, 202, 47 TexReg 7914*

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10
11 **§807.13. Change in Ownership.**

- 12
13 (a) The Agency may consider the addition or deletion of any person defined as an owner
14 under the Act as a change in school ownership. The school may notify the Agency of
15 the change in ownership a minimum of 45 days before the change in ownership to
16 request that the Agency in lieu of a full application accept a partial application.
17
18 (b) The Agency may require submission of a full application for approval for a change
19 in ownership if:
20
21 (1) the Agency has a reasonable basis to believe the change in ownership of the
22 school may significantly affect the school's continued ability to meet the
23 criteria for approval; or
24
25 (2) the school fails to file notice of the change of ownership at least 45 days prior
26 to the ownership transfer.
27
28 (c) The Agency may require a partial application for approval for a change in ownership
29 if the Agency reasonably believes the change in ownership will not significantly
30 affect the school's continued ability to meet the criteria for approval.
31
32 (d) The purchaser of a school shall accept responsibility for all refund liabilities.
33
34 (e) Management Agreements must be disclosed to the Agency. Parties to a management
35 agreement shall be of good reputation and character.
36

37 *The provisions of this §807.13 adopted to be effective August 16, 1998, 23 TexReg 8479;*
38 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective*
39 *November 28, 202, 47 TexReg 7914*

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1
2 **§807.14. Locations.**
3

- 4 (a) A school shall obtain a certificate of approval for each location where courses of
5 instruction will be offered, unless the school has a certificate of approval and meets
6 one of the exceptions in this section.
7
- 8 (b) The Agency may approve the following as exempt from applying for approval for a
9 new or additional location, if requested at least 30 days in advance:
10
- 11 (1) seminars, including preparation for licensing examinations, educational
12 institution entrance examinations, and reading improvement;
13
- 14 (2) classes at facilities used for additional classrooms for instructional services
15 only, which are within a one-mile radius of the main campus and are
16 dependent on the main campus for administration, supervision, fiscal control,
17 and student services; or
18
- 19 (3) short-term programs. Short term programs:
20
- 21 (A) include course time of 200 hours or less of instruction; and
22
- 23 (B) are conducted with at least a 90-day interval between cessation of one
24 program and the beginning of the next.
25
- 26 (c) The school shall file an application for a certificate of approval to reflect a new or
27 additional location, including all documents deemed necessary by the Agency, and
28 the appropriate fee. The Agency may issue the certificate of approval after inspection
29 of the new facilities.
30
- 31 (d) If the Agency determines that a move of the school presents an unreasonable
32 transportation hardship which would prevent a student from completing the training
33 at the new location, the school shall provide a full refund of all monies paid and a
34 release from all obligations to the student.
35

36 *The provisions of this §807.14 adopted to be effective August 16, 1998, 23 TexReg 8479;*
37 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective August*
38 *28, 2006, 31 TexReg 6803; amended to be effective November 28, 202, 47 TexReg 7914*
39

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41

42 **§807.15. Notification of Actions.**
43

- 44 (a) Unless otherwise instructed by the Agency, a school shall notify the Agency in
45 writing of any legal action to which the school, any of its owners, representatives, or
46 management employees is a party.

- 1
2 (b) A school shall notify the Agency in writing of any legal action described in this
3 section no later than five business days after the action is known to be filed or the
4 school, owner, representative, or management employee is served.
5
6 (c) An owner shall notify the Agency in writing no later than five business days of each
7 instance of:
8
9 (1) lease or mortgage default; or
10
11 (2) lease or mortgage payment(s) being past due greater than 30 days.
12
13 (d) A school shall include, with the notice required in this section, a file-marked copy of
14 the legal notice, petition, complaint, or other legal instrument, including copies of
15 any judgments.
16
17 (e) A school shall notify the Agency in writing no later than five business days after
18 receiving notice of any change in accreditation status or Title IV status, including but
19 not limited to, Heightened Cash Monitoring 1 or 2, loss of eligibility, composite
20 score, 90/10 ratio or default rate problems, or other similar changes.
21

22 *The provisions of this §807.15 adopted to be effective August 16, 1998, 23 TexReg 8479;*
23 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
24 *November 28, 202, 47 TexReg 7914*

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27

28 **§807.16. Degrees.**

- 29
30 (a) For approval to grant degrees, the school shall make application to the Coordinating
31 Board.
32
33 (b) The Agency may recognize the approval to grant degrees upon receipt of notice
34 issued by the Coordinating Board and the school's accreditor.
35

36 *The provisions of this §807.16 adopted to be effective August 16, 1998, 23 TexReg 8479;*
37 *amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective December*
38 *20, 2010, 35 TexReg 11392; amended to be effective November 28, 202, 47 TexReg 7914*

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41

42 **§807.17. Unlicensed Schools.**

43
44 If a career school or college, as defined in the Act, operates, solicits, or enrolls students,
45 or conducts any course of instruction before receiving a certificate of approval or an
46 exemption from the Agency, the Agency may take one or more of the following actions:

- (1) assess a penalty;
- (2) require full refunds to all students; or
- (3) issue a cease and desist order.

The provisions of this §807.17 adopted to be effective January 23, 2012, 37 TexReg 200; amended to be effective November 28, 2022, 47 TexReg 7914

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SUBCHAPTER C. FINANCIAL REQUIREMENTS

§807.31. Definitions Relating to Financial Requirements.

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

- (1) Attest services--An audit, review, compilation, or other assurance engagement that must be performed in accordance with standards promulgated by the American Institute of Certified Public Accountants or other Commission-recognized accountancy organization.
- (2) GAAP--Generally Accepted Accounting Principles.
- (3) GAAS--Generally Accepted Auditing Standards.
- (4) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."
- (5) Unearned tuition affidavit--A statement of the highest amount of unearned tuition at any time during the most recent fiscal year and the gross amount minus refunds of student tuition and fees earned during the fiscal year in all courses approved under the Act.

The provisions of this §807.31 adopted to be effective August 16, 1998, 23 TexReg 8479; amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective November 28, 2022, 47 TexReg 7914

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1 **§807.32. Financial Standards.**
2

- 3 (a) The balance sheet required in this subchapter shall, at a minimum, reflect the
4 following:
5
6 (1) positive equity or net worth balance;
7
8 (2) a current ratio of at least one-to-one; and
9
10 (3) stockholder's equity or net worth exceeding the amount shown for goodwill, if
11 applicable, under assets in the balance sheet.
12
13 (b) All financial statements shall be accompanied by the unearned tuition affidavit and
14 owner's sworn statement certifying that the unearned tuition affidavit and financial
15 statements are true and correct.
16
17 (c) All financial statements shall be prepared in accordance with GAAP.
18
19 (d) All financial statement attest services shall be completed in accordance with GAAS,
20 or other standards promulgated by the American Institute of Certified Public
21 Accountants, as applicable, and comply with jurisdictional laws.
22
23 (e) A school that maintains a financial responsibility composite score that meets the
24 general standards established in federal regulations by the United States Department
25 of Education for postsecondary institutions participating in student financial
26 assistance programs authorized under Title IV of the Higher Education Act of 1965,
27 as amended, shall be considered to have met the financial standards of this
28 subchapter. A school that qualifies under an alternative standard but not the general
29 standard of these federal regulations will not be considered to have met the financial
30 standards of this subchapter unless the school meets the other requirements stated in
31 this subchapter.
32

33 *The provisions of this §807.32 adopted to be effective August 16, 1998, 23 TexReg 8479;*
34 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective*
35 *November 28, 2022, 47 TexReg 7914*
36

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38

39 **§807.33. Financial Requirements for Original Approvals.**
40

- 41 (a) The prospective owner shall furnish the Agency with the following:
42
43 (1) for a school owned by a sole proprietor, a reviewed personal balance sheet
44 with notes that disclose the amount of payments for the next five years to meet
45 debt agreements as required by GAAP; or
46

1 (2) for all other ownership structures, an audited balance sheet consistent with
2 GAAP and GAAS.
3

4 (b) The school shall submit a balance sheet, a list of the expected school-related
5 expenses for the first three full calendar months of operation of the school, and a
6 sworn statement signed by the owner affirming the availability of sufficient cash to
7 cover projected expenses at the date of licensure. Projected expenses may include the
8 following:
9

10 (1) employee salaries, including withholding, unemployment taxes, and any other
11 related expenses;
12

13 (2) lease payments for equipment;
14

15 (3) lease payments for facilities;
16

17 (4) accounting, legal, and other specifically identified professional fees; and
18

19 (5) an estimate of other expenses such as advertising, travel, textbooks, office
20 supplies, classroom supplies, printing, telephone, utilities, taxes, and sales
21 commissions.
22

23 (c) The school shall submit a projection of the gross amount of tuition and fees to be
24 collected during each of the first two years of operation.
25

26 (d) The prospective owner shall also furnish such other evidence as may be deemed
27 appropriate by the Agency to establish financial stability.
28

29 *The provisions of this §807.33 adopted to be effective August 16, 1998, 23 TexReg 8479;*
30 *amended to be effective April 26, 2004, 29 TexReg 3970; amended to be effective November*
31 *28, 2022, 47 TexReg 7914*
32

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34

35 **§807.34. Financial Requirements for Changes in Ownership.** 36

37 Prior to a change in ownership of a school, the purchaser shall furnish the Agency a
38 balance sheet meeting the requirements outlined in this subchapter for original approvals,
39 excluding the sufficient cash requirement for initial expenses. The purchaser shall furnish
40 any other evidence deemed appropriate by the Agency to establish financial stability.
41

42 *The provisions of this §807.34 adopted to be effective August 16, 1998, 23 TexReg 8479;*
43 *amended to be effective November 28, 2022, 47 TexReg 7914*
44

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1
2 **§807.35. Financial Requirements for Annual Reporting.**
3

- 4 (a) A school shall submit annual financial statements as set forth in this section that
5 shall be:
6
7 (1) audited;
8
9 (2) reviewed (except for the first renewal, which must be audited or compiled); or
10
11 (3) compiled, containing at least one note disclosing the current and long-term
12 liabilities. This note shall be similar to that required by GAAP for reviewed
13 and audited statements. Compiled statements are acceptable under the
14 following conditions:
15
16 (A) the gross annual revenue from student tuition and fees, less refunds, is
17 less than or equal to \$100,000; or
18
19 (B) the programs are less than 30 consecutive calendar days in length.
20
21 (b) Each school shall furnish true and correct financial statements annually and not later
22 than 180 days from the close of the school's fiscal year. These statements shall
23 include the following:
24
25 (1) balance sheet;
26
27 (2) statement of results of operation, which includes a statement of income and
28 retained earnings;
29
30 (3) statement of cash flows; and
31
32 (4) the gross amount minus refunds of annual student tuition and fees for each
33 school, separated from other revenues unrelated to training.
34
35 (c) A school with a gross annual revenue from student tuition and fees, less refunds, less
36 than or equal to \$100,000 may submit all of the following in lieu of the financial
37 statements required in this section:
38
39 (1) an unearned tuition affidavit;
40
41 (2) a copy of the annual federal income tax form(s) filed specifically for the
42 business; and
43
44 (3) an owner's sworn statement certifying that the unearned tuition affidavit and
45 the copy of the annual federal income tax form(s) are true and correct.
46

1 (d) A school that is a subsidiary of a corporation may submit, in lieu of the statements
2 required in this section, the annual audited financial statements of the parent
3 corporation provided that:

4
5 (1) said statements are accompanied by an audited list of any student tuition
6 refunds payable by the subsidiary school at the close of its fiscal year. The
7 statements shall also be accompanied by an owner's sworn statement reflecting
8 the gross amount minus refunds of student tuition and fees earned during the
9 fiscal year on all programs approved under the Act; and

10
11 (2) the parent corporation ensures that each student enrolled in the subsidiary
12 school receives either the training agreed upon or a refund as provided in the
13 Act and submits either a certified resolution of its board of directors to this
14 effect or any other evidence as deemed appropriate by the Agency to establish
15 financial responsibility by the parent corporation.

16
17 (e) A school or college that fails to provide financial statements that comply with the
18 requirements in this section and the standards identified in §807.32 of this
19 subchapter, within 60 days of the date that they receive notice of any deficiencies,
20 may have their certificate of approval revoked.

21
22 *The provisions of this §807.35 adopted to be effective August 16, 1998, 23 TexReg 8479;*
23 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective April*
24 *26, 2004, 29 TexReg 3970; amended to be effective November 28, 2022, 47 TexReg 7914*

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27
28 **§807.36. Interim Financial Statements.**

29
30 If a school chooses to submit interim financial statements in addition to the annual
31 financial statements to establish financial stability, those interim statements shall meet the
32 minimum requirements of this subchapter.

33
34 *The provisions of this §807.36 adopted to be effective August 16, 1998, 23 TexReg 8479*

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37
38 **§807.37. Agency Ordered Audits.**

39
40 If the Agency determines that reasonable cause exists to question the validity of any
41 financial information submitted, or the financial stability of the school, the Agency may
42 order at the school's expense:

43
44 (1) an audit of a school's financial statements in accordance with this subchapter;
45 and
46

- 1 (2) the owner to furnish any other evidence deemed appropriate by the Agency to
2 establish financial stability. Failure of a career school or college to provide
3 compliant financial statements or other evidence required by the Agency, by
4 the date noted in such order, may result in revocation of its certificate of
5 approval.
6

7 *The provisions of this §807.37 adopted to be effective August 16, 1998, 23 TexReg 8479;*
8 *amended to be effective November 28, 2022, 47 TexReg 7914*
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11
12 **SUBCHAPTER D. REPRESENTATIVES**

13
14 **§807.51. Representative Requirements.**

- 15
16 (a) All school personnel soliciting or enrolling students must be registered as a
17 representative. This registration requirement does not apply to individuals owning
18 and operating a school in the capacity as a sole proprietor, joint venturer, or general
19 partner, due to their direct nature of ownership.
20
21 (b) The school shall apply annually to register representatives on forms provided by the
22 Agency and with the appropriate fee.
23
24 (c) A representative shall be of good reputation and under the control of the school and
25 is deemed to be the agent of the school. The school is responsible for any
26 representations or misrepresentations, expressed or implied, made by a
27 representative.
28
29 (d) Any student solicited or enrolled by an unregistered representative is entitled to a
30 refund of all monies paid and a release from all obligations to the school. Any
31 contract signed by a prospective student as a result of solicitation or enrollment by an
32 unregistered representative is null and void and unenforceable.
33
34 (e) Representatives shall participate in training approved by the Agency that covers the
35 Act and Commission rules relative to representatives, admissions, advertising, and
36 any other topics as required by the Agency to support the legal and ethical
37 solicitation and enrollment of students.
38

39 *The provisions of this §807.51 adopted to be effective August 16, 1998, 23 TexReg 8479;*
40 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective*
41 *November 28, 2022, 47 TexReg 7914*
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44
45 **§807.52. Representative Standards.**
46

1 A representative shall:
2

- 3 (1) have sufficient knowledge of the school to provide complete and accurate
4 information regarding the school to prospective students;
5
6 (2) refer questions about financial aid and entrance testing to the appropriate
7 school officials; and
8
9 (3) invite the student applicant to tour the school's facilities, inspect equipment,
10 and speak with students.
11

12 *The provisions of this §807.52 adopted to be effective August 16, 1998, 23 TexReg 8479*
13

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15

16 **§807.53. Representative Limitations.**
17

- 18 (a) The representative shall not begin solicitation of students until the school receives
19 notice of approval for the school and registration of the representative from the
20 Agency.
21
22 (b) Employees and other agents of recruiting firms shall not serve as representatives.
23
24 (c) A representative shall not:
25
26 (1) offer as an inducement or enticement any material consideration to a
27 prospective student prior to enrollment, such as cash, food, housing, or gifts;
28
29 (2) administer the entrance test;
30
31 (3) advise students about financial aid, other than informing the students of the
32 general availability of financial aid;
33
34 (4) give false, misleading, or deceptive information about any aspect of the
35 school's operation, courses, programs, completion or employment rates,
36 examination success rates, job placement, or salary potential;
37
38 (5) concurrently solicit for or represent more than one school, unless the owner of
39 each school being represented is informed that the representative is also
40 soliciting for or representing other schools;
41
42 (6) engage in acts or practices that have a tendency to intimidate, coerce, or
43 mislead a prospective student into accepting an enrollment;
44

- 1 (7) represent that a school, course, or program has sponsorship, credentials,
2 approval, characteristics, credit transferability, uses, benefits, or qualities that it
3 does not have;
- 4
- 5 (8) discredit another school or its courses or programs by false or misleading
6 representation of facts;
- 7
- 8 (9) solicit enrollments in a course or program that has not been approved by the
9 Agency;
- 10
- 11 (10) solicit students for a school through an employment agency;
- 12
- 13 (11) omit advising students on the school's policies and procedures regarding
14 granting of credit; or
- 15
- 16 (12) violate any legal requirement or prohibition contained in the Act or this
17 chapter.
- 18

19 *The provisions of this §807.53 adopted to be effective August 16, 1998, 23 TexReg 8479;*
20 *amended to be effective November 28, 2022, 47 TexReg 7914*

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22 **§807.54. Representative Compliance.**

23

24 The Agency may hold representatives liable for violations of statute, Commission rules,
25 policies, and procedures notwithstanding §807.51(c) of this subchapter. Violations may
26 result in sanctions up to and including revocation of approval to serve as a representative
27 in Texas, in accordance with the matrix in this section.

GRADUATED CORRECTIVE ACTIONS	
	<i>Sanction to Representative</i> (to serve as a representative in a school licensed in Texas)
Initial Violation	Conditional registration and retraining
Multiple Violations	Suspension of registration and retraining
Repeat Violation	Revocation or denial of registration
Felony Conviction	Denial, suspension, or revocation of registration
VIOLATIONS	
<i>Representative Approval</i>	
Soliciting or enrolling students without registration as a representative	
Failure to provide required or accurate information in the representative registration application	
Soliciting or enrolling students for multiple schools, without agreement of all school owners	
Soliciting or enrolling students without taking required training	

<i>Representative Behavior</i>
Misrepresentation of the school's courses or programs
Providing incomplete or inaccurate information about the school (such as employment outcomes, extent of transferability of credits)
Discrediting other schools
Soliciting or enrolling students into unapproved courses or programs
Soliciting students in disallowed locations
Soliciting or enrolling students into unapproved courses or programs
Offering students financial inducements to enroll
Coercing students to enroll
Administering entrance tests
Advising students on financial aid
Soliciting as, or on behalf of, an employment agency
Failing to invite students to tour the school's facility and inspect the equipment
Omitting advising students on the school's policies and procedures regarding granting of credit
Violating any other provision of statute or rule relating to career schools and colleges

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The provisions of this §807.54 adopted to be effective January 23, 2012, 37 TexReg 200; amended to be effective November 28, 2022, 47 TexReg 7914

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SUBCHAPTER E. SCHOOL DIRECTOR AND ADMINISTRATIVE STAFF

§807.61. School Director Requirements.

- (a) Each school shall designate one person as the school director.
- (b) A person may not concurrently serve as a school director for more than one school.
- (c) A school director must be physically present at the school's location for a majority of the time the school is open for regular operation.

The provisions of this §807.61 adopted to be effective August 16, 1998, 23 TexReg 8479; amended to be effective April 26, 2004, 29 TexReg 3970

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§807.62. School Director Qualifications and Duties.

- (a) A school director shall be of good reputation. A school director of a small school must have at minimum one year of administration or management experience. A school director of other than a small school must have at minimum five years of administration or management experience or at least two years of experience as a director of a career school or college. An equivalent duration of higher education,

1 college or university, may be substituted, year for year, for administration or
2 management experience.

- 3
- 4 (b) The school shall obtain Agency approval for the school director before employment
5 of the school director.
- 6
- 7 (c) The school director is responsible for the courses of instruction, organization of
8 classes, designation of a liaison for Agency compliance visits, maintenance of the
9 school facilities and proper administrative records, and all other matters related to the
10 administration of the school, as determined by the Agency.
- 11
- 12 (d) The Agency may require the school director to attend additional training to continue
13 approved director status if a school has more than one substantiated complaint from
14 students during a one-year period. If the school has repeat violations from a previous
15 year under the same director, the Agency may revoke the approval of the school
16 director.
- 17
- 18 (e) The school director shall:
- 19
- 20 (1) ensure that all facilities, including housing endorsed by the school, comply
21 with local, city, county, municipal, state, and federal regulations such as, but
22 not limited to, fire, building, and sanitation codes; and
- 23
- 24 (2) inspect facilities, including housing, before endorsement.
- 25

26 *The provisions of this §807.62 adopted to be effective August 16, 1998, 23 TexReg 8479;*
27 *amended to be effective August 28, 2006, 31 TexReg 6803; amended to be effective November*
28 *14, 2016, 41 TexReg 9020; amended to be effective November 28, 2022, 47 TexReg 7914*

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31
32 **§807.63. Acting School Director.**

- 33
- 34 (a) The Agency may allow a school to designate an acting school director for a period
35 not to exceed 90 days or as otherwise approved by the Agency, who is:
- 36
- 37 (1) a currently approved school director at another location with the same owner to
38 facilitate the approval process at a new location;
- 39
- 40 (2) a new school director pending approval by the Agency; or
- 41
- 42 (3) required by an emergency as determined by the Agency.
- 43
- 44 (b) The school shall provide written notice to the Agency, delivered by the end of the
45 first day following the appointment of the acting school director.

1
2 *The provisions of this §807.63 adopted to be effective August 16, 1998, 23 TexReg 8479;*
3 *amended to be effective November 28, 2022, 47 TexReg 7914*

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6
7 **§807.64. Director of Education Requirements.**

- 8
9 (a) A school may have a director of education.
- 10
11 (b) If the school employs a director of education, the director shall meet the same
12 qualifications as an instructor and, in addition, shall have:
- 13
14 (1) one year of employment as a postsecondary instructor;
- 15
16 (2) one year of supervisory employment experience; and
- 17
18 (3) a bachelor's degree, appropriate for the skills required, as determined by the
19 Agency.

20
21 *The provisions of this §807.64 adopted to be effective August 16, 1998, 23 TexReg 8479;*
22 *amended to be effective August 28, 2006, 31 TexReg 6803; amended to be effective November*
23 *28, 2022, 47 TexReg 7914*

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26
27 **§807.65. Director of Degree Programs Requirements.**

- 28
29 (a) A school with a degree program shall have a director of the degree programs as
30 required by the Coordinating Board.
- 31
32 (b) A director of degree programs shall be of good reputation.

33
34 *The provisions of this §807.65 adopted to be effective August 16, 1998, 23 TexReg 8479;*
35 *amended to be effective April 26, 2004, 29 TexReg 3970*

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38
39 **§807.66. Director of Admissions Requirements.**

- 40
41 (a) A school may have a director of admissions.
- 42
43 (b) If the school employs a director of admissions, the director shall be of good
44 reputation and, in addition, shall have:
- 45
46 (1) one year of management or administration experience; and

- 1
2 (2) one year of admissions experience.
3

4 *The provisions of this §807.66 adopted to be effective effective August 28, 2006, 31 TexReg*
5 *6803; amended to be effective November 28, 2022, 47 TexReg 7914*
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9 **SUBCHAPTER F. INSTRUCTORS**

10 **§807.81. Instructor Qualifications.**

- 11
12
13 (a) The instructor shall be of good reputation and shall not be a current student in the
14 same or similar course of instruction, as determined by the Agency, in which the
15 instructor teaches.
16
17 (b) Instructors shall possess and affirm on forms provided by the Agency that the
18 instructor has one of the following qualifications that applies to the subject area to be
19 taught. In such cases where the practical experience is gained on a seasonal basis as
20 an industry standard, the season of at least three full calendar months of experience
21 shall be considered as one year of experience.
22
23 (1) The instructor has a master's degree or higher that:
24
25 (A) includes satisfactory completion of six semester credit hours or eight
26 quarter credit hours in the subject to be taught;
27
28 (B) includes satisfactory completion of three semester credit hours or four
29 quarter credit hours in the subject area and one year of related practical
30 experience within the ten years immediately preceding employment by
31 the school, if the subject to be taught is in a technical field;
32
33 (C) includes satisfactory completion of three semester credit hours, or four
34 quarter credit hours in the subject area to be taught, if the subject to be
35 taught is in a nontechnical field; or
36
37 (D) is supplemented by one year of related practical experience in the subject
38 to be taught within the ten years immediately preceding employment by
39 the school, if the subject to be taught is in a nontechnical field.
40
41 (2) The instructor has a bachelor's degree that:
42
43 (A) includes satisfactory completion of nine semester hours or 12 quarter
44 hours related to the subject area to be taught;
45

- 1 (B) includes satisfactory completion of six semester credit hours or eight
2 quarter credit hours in the subject area to be taught and one year of
3 related practical experience within the ten years immediately preceding
4 employment by the school, if the subject to be taught is in a technical
5 field;
6
- 7 (C) includes satisfactory completion of three semester credit hours or four
8 quarter credit hours in the subject area and one year of related practical
9 experience within the ten years immediately preceding employment by
10 the school, if the subject to be taught is in a nontechnical field; or
11
- 12 (D) is supplemented by two years of related practical experience within the
13 ten years immediately preceding employment by the school.
14
- 15 (3) The instructor has an associate degree that:
16
- 17 (A) includes satisfactory completion of nine semester credit hours or 12
18 quarter hours in the subject area to be taught and two years of related
19 practical experience within the ten years immediately preceding
20 employment by the school; or
21
- 22 (B) is supplemented by three years of related practical experience within the
23 ten years immediately preceding employment by the school.
24
- 25 (4) The instructor has a secondary education that includes a certificate of
26 completion from a recognized postsecondary school for a program with course
27 time of at least 900 hours in a relevant course area and four years of related
28 practical experience within the ten years immediately preceding employment
29 by the school; or
30
- 31 (5) The instructor has proof of satisfactory completion of secondary education and
32 five years of related practical experience within the ten years immediately
33 preceding employment by the school.
34
- 35 (c) In addition to the other applicable requirements for instructors, including the good
36 reputation requirement, the following qualifications apply to the specific instructors
37 listed in this subsection.
38
- 39 (1) The Agency requires that a court reporting instructor of only machine shorthand
40 theory and speedbuilding shall have:
41
- 42 (A) an associate degree or higher and certificate of completion of machine
43 shorthand theory requirements in an accredited court reporting program;
44
- 45 (B) an associate degree in court reporting from any state-recognized school;
46

- 1 (C) a Registered Professional Reporter or Certified Shorthand Reporter
2 certification from any state; or
3
- 4 (D) a certificate of completion of a court reporting program from a state-
5 certified school.
6
- 7 (2) The Agency requires that a court procedures and technology instructor shall
8 have:
9
- 10 (A) a Registered Professional Reporter or Certified Shorthand Reporter
11 certification; and
12
- 13 (B) one year of court reporting experience.
14
- 15 (3) The Agency requires that a modeling instructor shall have, at a minimum:
16
- 17 (A) a secondary education and certificate of completion from a modeling
18 program of at least 45 hours of course time from a state recognized
19 school and at least five verifiable paid modeling jobs completed within
20 the past five years; or
21
- 22 (B) a secondary education and at least ten verifiable paid modeling jobs
23 completed within the past five years.
24
- 25 (4) The Agency requires that a truck driving instructor shall have, at a minimum:
26
- 27 (A) a secondary education;
28
- 29 (B) certified proof of successful completion of course time of 40 hours in
30 safety education and driver training as required by this chapter; and
31
- 32 (C) three years of full-time tractor trailer driving experience within the ten
33 years immediately preceding employment by the school.
34
- 35 (5) The Agency requires that a bartending instructor shall be certified by the Texas
36 Alcoholic Beverage Commission as having completed the required seller
37 training program.
38
- 39 (d) The director shall ensure that an instructor applicant demonstrates sufficient
40 language proficiency to teach the class for which the instructor is applying to teach.
41
- 42 (e) For those instructors who return to the school prior to one full year of absence, and
43 who will be teaching the same subjects as previously approved, the school shall
44 document the leave and reinstatement dates in the instructor's personnel file. When
45 an instructor begins teaching new subjects or the absence was more than one year,
46 the school shall submit a new application to the Agency.

1
2 *The provisions of this §807.81 adopted to be effective August 16, 1998, 23 TexReg 8479;*
3 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective August*
4 *28, 2006, 31 TexReg 6803; amended to be effective December 20, 2010, 35 TexReg 11392;*
5 *amended to be effective November 28, 2022, 47 TexReg 7914*

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8
9 **§807.82. Temporary Instructors.**

- 10
11 (a) The Agency may allow a school to use a previously unapproved instructor to teach
12 temporarily for a period not to exceed 90 days.
13
14 (b) In such circumstances, the school shall provide written notice to the Agency
15 delivered no later than the first day the temporary instructor begins teaching. The
16 notice shall include:
17
18 (1) the subject(s) to be taught;
19
20 (2) the name of the temporary instructor;
21
22 (3) the reason for the temporary instructor; and
23
24 (4) any other information as required by the Agency.
25
26 (c) The temporary instructor shall have sufficient practical experience or education in
27 the subject area to be taught and shall not have been previously disapproved to teach
28 the class.
29
30 (d) There shall be no more than one temporary instructor per academic term in an
31 individual subject, unless specifically approved in advance by the Agency.
32
33 (e) Failure to comply with this section may result in sanctions, a full refund to all
34 students attending such classes, or both.
35

36 *The provisions of this §807.82 adopted to be effective August 16, 1998, 23 TexReg 8479;*
37 *amended to be effective August 28, 2006, 31 TexReg 6803; amended to be effective January*
38 *23, 2012, 37 TexReg 200; amended to be effective November 28, 2022, 47 TexReg 7914*

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41
42 **§807.83. Instructor Application.**

- 43
44 (a) A school that has been licensed for at least one year and is accredited by an agency
45 recognized by the United States Secretary of Education is not required to submit
46 instructor applications to the Agency for approval. Documentation that the instructor

1 meets the requirements of this chapter must be kept on file at the school and
2 available for review immediately upon request.

- 3
- 4 (b) The school shall file an application for approval of an instructor on forms provided
5 by the Agency in accordance with the following criteria and ensure that the instructor
6 is of good reputation.
- 7
- 8 (1) The application shall be postmarked within five calendar days of employment
9 as an instructor subject to the conditions outlined in this subchapter. A school
10 may employ an instructor pending approval by the Agency.
- 11
- 12 (2) Depending upon the qualifications indicated on the application, the application
13 shall include one or more of the following:
- 14
- 15 (A) a legible copy of the postsecondary certificate or degree, or a transcript
16 indicating appropriate coursework completed, as applicable;
- 17
- 18 (B) proof of a current occupational license; and
- 19
- 20 (C) proof of secondary education.
- 21
- 22 (c) A school with degree programs shall ensure that instructors are of good reputation
23 and meet all the qualifications required by the Coordinating Board.
- 24
- 25 (d) The Agency may approve a variance from the specific qualifications contained in
26 §807.81 of this subchapter with sufficient justification and an assurance that the
27 program quality will not be lessened.
- 28
- 29 (e) The Agency may consider current approvals of instructors by other Texas state
30 agencies responsible for approval and regulation of the program, or any professional
31 certifications held by the instructor when submitted with the Agency's instructor
32 application. The Agency will accept notification, in lieu of a new instructor
33 application, for any instructor that has a current approval by the Agency to teach the
34 same classes at other schools that have the same owners.
- 35
- 36 (f) The Agency may require the school director of an accredited school to file
37 applications for instructors if there have been two substantiated complaints regarding
38 instructors in the previous year, or if the school is unable to produce, when
39 requested, documentation that all instructors meet the requirements of this
40 subchapter.
- 41
- 42 (g) The Agency may require a school director to submit and receive approvals for
43 instructor applications in advance of employing the instructors for a period of one
44 year if the school has had three instructor applications finally disapproved within the
45 previous two years.
- 46

1 *The provisions of this §807.83 adopted to be effective August 16, 1998, 23 TexReg 8479;*
2 *amended to be effective February 24, 2003, 28 TexReg 1651; amended to be effective August*
3 *28, 2006, 31 TexReg 6803; amended to be effective November 28, 2022, 47 TexReg 7914*

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6
7 **§807.84. School Responsibilities Regarding Instructors.**

- 8
9 (a) The school shall ensure that an appropriate number of instructors, as determined by
10 the Agency, have proper licensure or certificates required for the stated occupation's
11 objective. The holder of the license or certificate shall actively participate in course
12 development and revisions.
13
14 (b) The school shall ensure continuity of instruction through reasonable retention of
15 instructors to provide students with a quality education.
16
17 (c) The school director or director of education shall formally evaluate each instructor in
18 writing at least annually, subject to review by the Agency.
19
20 (d) The school director or director of education shall ensure that students are allowed the
21 opportunity to formally evaluate each instructor, including temporary instructors, in
22 writing at least annually and incorporate said evaluation in the instructor's overall
23 evaluation. These student evaluations are subject to review by the Agency.
24
25 (e) The school shall ensure that classes are taught only by approved instructors. Failure
26 to meet this requirement may entitle students to a refund and may subject the school
27 to sanctions.
28

29 *The provisions of this §807.84 adopted to be effective August 16, 1998, 23 TexReg 8479;*
30 *amended to be effective August 28, 2006, 31 TexReg 6803; amended to be effective*
31 *November 28, 2022, 47 TexReg 7914*

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34
35 **SUBCHAPTER G. STAFF EDUCATION REQUIREMENTS**

36
37 **§807.101. Initial Training.**

- 38
39 (a) A school director shall demonstrate a proficiency of the knowledge required to
40 operate a school before final Agency approval may be granted.
41
42 (b) The school shall provide in-service training within the first three full calendar
43 months of teaching to those instructors hired lacking teaching experience. In-service
44 training includes planned professional development opportunities that enable
45 inexperienced instructors to learn and develop effective teaching strategies and skills.
46 Topics shall include competency-based training, instructional methods, adult

1 learning styles, and student learning and skills assessment. Competency-based
2 training specifies the skills and skill levels required to complete a training program,
3 develops and organizes teaching and learning methods to enable students to achieve
4 the identified skills and levels of proficiency, and uses criterion-referenced
5 evaluation to measure achievement.
6

7 *The provisions of this §807.101 adopted to be effective August 28, 2006, 31 TexReg 6803;*
8 *amended to be effective November 28, 2022, 47 TexReg 7914*

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11
12 **§807.102. Continuing Education.**

- 13
14 (a) In selecting continuing education training, the school shall consider the factors set
15 out in §132.0551 of the Act. A school's selection of a continuing education provider
16 is subject to approval by the Agency.
17
18 (b) The school shall implement, maintain, and update annually a written plan for staff
19 development, which includes at a minimum, continuing education, staff meetings,
20 attendance at trade and professional conferences, and observation of, or participation
21 in, on-the-job activities.
22
23 (c) Each school director and director of admissions shall complete a minimum of six
24 hours of course time of continuing education applicable to the position within 12
25 months of employment in the position and each calendar year thereafter.
26
27 (d) The school shall provide and document in-service training that provides updates on
28 skills, knowledge, and technology required by business and industry for those
29 instructors who have taught for two years but have not gained relevant work
30 experience during the two-year period.
31

32 *The provisions of this §807.102 adopted to be effective August 28, 2006, 31 TexReg 6803;*
33 *amended to be effective November 28, 2022, 47 TexReg 7914*

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36
37 **§807.103. Record Keeping.**

38 The school shall:

- 39
40
41 (1) maintain records of any continuing education or training received by its
42 officials or personnel indicating for which position the training was received;
43
44 (2) maintain records of any continuing education or training for officials or
45 personnel for five years; and
46

- 1 (3) retain the records on the premises of the school or college so the records are
2 immediately available for review.
3

4 *The provisions of this §807.103 adopted to be effective August 28, 2006, 31 TexReg 6803*
5

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8 **SUBCHAPTER H. PROGRAMS OF INSTRUCTION**
9

10 **§807.121. Definitions Relating to Programs of Instruction.**
11

12 The following words and terms, when used in this subchapter, shall have the following
13 meanings unless the context clearly indicates otherwise.
14

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

- (A) not previously offered;
- (B) previously offered and then discontinued;
- (C) with a revised objective; or
- (D) with a 25 percent or more change in a 12-month period to the total number of hours of the approved seminar.

- (6) Revised program or seminar--Revisions include changes in admission requirements, title, class title, objective description (but not the detailed objective), course time hours or credit hours, or class hours of lecture, laboratory, or externship. School calendars, class schedules, and price changes are catalog changes, not revisions.
- (7) Military service course credit directory--The Agency-published list of any course types, with Classification for Instructional Program Codes (CIP codes), that are identified by the Agency and the relevant military experience, education, or training that may align with those programs or courses.

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§807.122. General Information for Programs of Instruction.

- (a) Each program of instruction submitted for approval shall be identified by a title.
- (b) The Agency will not approve false, misleading, or deceptive titles.
- (c) The school shall ensure that each program prepares the student for the stated occupation.
- (d) The school shall identify a demonstrable occupational demand for the stated occupation. The Agency may consider the following in evaluating the school's statement of occupational demand:
 - (1) publications of established relevant occupational associations;
 - (2) targeted occupation lists of Local Workforce Development Boards, if approved by the Agency, or other local or state entities;
 - (3) references to advertisements in media for employment;
 - (4) occupation employment rate of students;

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- (5) percentage of graduating students who have previously completed the same or a substantially similar program and who have obtained employment in the same or substantially similar stated occupation for which they have been trained;
 - (6) relative supply and demand for the stated occupation, including letters from potential employers that describe their need for trained employees; or
 - (7) reports or publications relating to the specific occupational demand.
- (e) The school shall:
- (1) ensure the program and stated occupation comply with statutory and regulatory requirements of the State of Texas, as well as codes adopted by the local municipality or other authority having jurisdiction where the school is located, and statutory and regulatory requirements of the location of the school, if it is located out of state;
 - (2) provide competency-based programs;
 - (3) assess skills using primarily performance-based methods;
 - (4) use instructional media, methods, and materials appropriate for the program content and students' knowledge and abilities;
 - (5) offer programs in a logical sequence of knowledge and skills;
 - (6) if deemed appropriate by the Agency, provide an externship or a simulation of the workplace for the program; and
 - (7) for any course listed in the military service course credit directory, provide credit to a student toward any course time required for the program of study or course for skills obtained by the student through military experience, education, or training, unless the school or college can demonstrate that those skills are not appropriately aligned with the program of study or course. This requirement prevails regardless of a course requiring Agency approval or having obtained accreditor approval.
- (f) Each program submitted for approval shall identify the courses and course time hours allocated to that program. A program of a disproportionate length reasonable to prepare the student for the stated occupation, as determined by the Agency, shall not be approved.

- 1 (g) A school shall not apply for approval of a program that is substantially similar to a
2 discontinued or revoked program, unless the application for approval is submitted at
3 least one year after the date of discontinuation or revocation, and:
4
5 (1) the school's approved programs are all meeting the employment rate as
6 referenced in §807.131(b) of this subchapter, at the time of application; and
7
8 (2) the school submits a reimplementation plan to the Agency.
9
10 (h) A school is not required to submit applications for additional courses of instruction
11 or for course revisions to the Agency for approval, if the school:
12
13 (1) has been licensed for at least one year under the current ownership;
14
15 (2) is accredited by an agency recognized by the United States Secretary of
16 Education; and
17
18 (3) is in good standing with its designated accrediting agency and not subject to:
19
20 (A) probation;
21
22 (B) a directive to show cause as to why accreditation should not be revoked;
23 or
24
25 (C) any other action, as defined by the accrediting agency, that would
26 otherwise prevent the school from seeking approval to add or revise a
27 course of instruction.
28
29 (i) Upon receipt of the approval of the course of instruction from the accrediting agency,
30 the school shall provide a copy to the Agency.
31
32 (j) The Agency may require the school director of an accredited school to file
33 applications for nondegree programs if there have been two substantiated complaints
34 regarding courses in the previous year.
35
36 (k) A school submitting applications for approval of seminars shall use abbreviated
37 forms provided by the Agency.
38
39 (l) No program shall be approved by the Agency unless the school demonstrates that the
40 program's quality, content, and length reasonably and adequately imparts the job
41 skills and knowledge necessary for the student to obtain employment in the stated
42 occupation.
43
44 (m) A school may not solicit students, otherwise advertise, or conduct classes for a
45 course of instruction prior to the Agency's approval of the course of instruction. Any
46 such activity by the school, prior to the Agency's approval of the course of

1 instruction, shall constitute a misrepresentation by the school and shall entitle each
2 student in the course of instruction to a full refund of all tuition and fees paid by the
3 student and release from all obligations.

4
5 (n) The school shall establish and maintain a formal advisory committee of at least five
6 members, unless the Agency approves a lesser number of persons in advance, for
7 each type of program with course time in excess of 200 hours in length. A simple
8 majority of the members of the advisory committee shall not have an ownership or
9 financial interest in the school, nor shall they be employees of the school. At least
10 annually, the committee shall evaluate the curriculum, instructional materials and
11 media, equipment, and facilities to ensure they meet the needs of the job market. The
12 school shall have written documentation of the evaluation available for review by the
13 Agency. If the school does not follow an advisory committee recommendation, the
14 school shall maintain written documentation of the justification for not following the
15 recommendation.

16
17 (o) If the applicant requests approval to measure courses of instruction in credit hours,
18 the following conversion table shall be used.

19
20 (1) One academic quarter credit hour equals a minimum course time of:

21 (A) 10 hours of classroom lecture;

22 (B) 20 hours of laboratory experience; or

23 (C) 30 hours of externship.

24
25
26 (2) One academic semester credit hour equals a minimum course time of:

27 (A) 15 hours of classroom lecture;

28 (B) 30 hours of laboratory experience; or

29 (C) 45 hours of externship.

30
31 (3) The school shall calculate lecture, laboratory, and externship credit hour
32 conversions individually for each course, rounding down to the nearest half
33 credit hour. The school shall add the total for the credit hours for lecture,
34 laboratory, and externship to determine the total credit hours for a class.
35

36
37 *The provisions of this §807.122 adopted to be effective August 28, 2006, 31 TexReg 6803;*
38 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
39 *November 14, 2016, 41 TexReg 9020; amended to be effective November 28, 2022, 47 TeReg*
40 *7914*

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1
2 **§807.123. Applications for Additional Programs of Instruction.**
3

- 4 (a) A school applying for approval of an additional program of instruction, after
5 receiving an original certificate of approval, shall submit a complete application that
6 includes:
7
8 (1) the appropriate fee;
9
10 (2) a completed application for approval on forms provided by the Agency; and
11
12 (3) any other revisions or evidence as requested by the Agency.
13
14 (b) The Agency may require an abbreviated program application if:
15
16 (1) the program objective changes; or
17
18 (2) the program length changes 25 percent or more.
19
20
21 (c) The Agency may deny an application for approval of an additional program of
22 instruction if the school is not in full compliance with the Act or this chapter.
23

24 *The provisions of this §807.123 adopted to be effective August 28, 2006, 31 TexReg 6803;*
25 *amended to be effective November 28, 2022, 47 TeReg 7914*
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28

29 **§807.128. Equipment.**
30

- 31 (a) Equipment required for instruction shall be comparable to that commonly found in
32 the stated occupation.
33
34 (b) The school shall remove equipment not in working order from the instructional area,
35 mark it as out-of-order, or properly identify it as awaiting repair.
36
37 (c) The school shall provide equipment of sufficient quality and quantity to meet the
38 maximum use requirements of the current students, as demanded by the activity
39 patterns of the training program.
40

41 *The provisions of this §807.128 adopted to be effective August 28, 2006, 31 TexReg 6803*
42

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1
2 **§807.129. Facilities.**
3

- 4 (a) In determining adequate space for lecture and laboratory experiences, the Agency
5 shall consider that the amount of lecture and laboratory space meets the use
6 requirements of the maximum number of current students in class with appropriate
7 seating facilities and/or workstations, as needed by the activity patterns of the
8 program.
9
- 10 (b) Enrollment shall not exceed the design characteristics of the available seating and/or
11 workstations.
12

13 *The provisions of this §807.129 adopted to be effective August 28, 2006, 31 TexReg 6803;*
14 *amended to be effective November 28, 2022, 47 TeReg 7914*
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17

18 **§807.130. Admission Requirements Relating to Programs of Instruction.**
19

- 20 (a) The school shall submit, for approval by the Agency, its admission requirements for
21 each program of instruction with justification for the requirements.
22
- 23 (b) The school shall ensure that the student demonstrates to the school sufficient
24 proficiency in the language of instruction to successfully complete the program of
25 instruction.
26

27 *The provisions of this §807.130 adopted to be effective August 28, 2006, 31 TexReg 6803;*
28 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
29 *November 28, 2022, 47 TeReg 7914*
30

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32

33 **§807.131. School Responsibilities Relating to Programs of Instruction.**
34

- 35 (a) As a condition of program approval or renewal, the school shall identify any portion
36 of instruction that is self-paced, conducted by distance education, or not conducted in
37 English.
38
- 39 (b) To maintain program approval, the school shall demonstrate the following:
40
- 41 (1) a reasonable student completion rate, as determined by the Agency, for each
42 program; and
43
 - 44 (2) a minimum employment rate, as established by the Commission, for program
45 graduates in jobs related to the stated occupation.
46

- 1 (c) When a school is approved to offer a program, the school shall maintain sufficient
2 instructors to teach all subjects for completing the program during the length of time
3 stipulated in the school catalog, regardless of the size of the class.
4
5 (d) The school shall schedule classes so that students will be able to complete the
6 program during the length of time stipulated in the school catalog.
7
8 (e) The school shall ensure that students receive the lecture and laboratory experience
9 hours with sufficient instructors and scheduling. An instructor may not be
10 simultaneously supervising a laboratory experience and a lecture even if they are in
11 the same room.
12
13 (f) A school shall provide course outlines to students at the beginning of each subject
14 which lists students' performance objectives, references and resources, and a general
15 content outline for the subject.
16
17 (g) A school shall have and use lesson plans for all subjects.
18
19 (h) A school may not use classes from one or more approved programs to create a new
20 program and award a certificate of completion without prior approval.
21
22 (i) The student-to-instructor ratio shall be sufficient for students to learn, practice, and
23 demonstrate the necessary knowledge and skills. These ratios may be varied at the
24 discretion of the Agency to conform to conditions in an individual school. The
25 recommended student-instructor ratio per class does not exceed:
26
27 (1) lectures--30 to one;
28
29 (2) labs--20 to one; and
30
31 (3) intensive language instruction (beginning)--15 to one; (intermediate to
32 advanced)--20 to one.
33

34 *The provisions of this §807.131 adopted to be effective August 28, 2006, 31 TexReg 6803;*
35 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
36 *November 28, 2022, 47 TeReg 7914*
37

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39
40 **§807.132. Program of Instruction Revisions.**

- 41
42 (a) The school shall submit a revised program of instruction application for any
43 proposed changes in the program of instruction that shall be reflected in the school
44 catalog's course of instruction information.
45

- 1 (b) The school shall receive approval of proposed program of instruction revisions in
2 writing from the Agency before implementing the revisions.
3

4 *The provisions of this §807.132 adopted to be effective August 28, 2006, 31 TexReg 6803;*
5 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
6 *November 28, 2022, 47 TeReg 7914*
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10 **§807.133. Program Requirements for Degree Granting Schools.**

11 A school shall provide evidence to the Agency that they are authorized by the
12 Coordinating Board to offer degree programs.
13

14
15 *The provisions of this §807.133 adopted to be effective August 28, 2006, 31 TexReg 6803;*
16 *amended to be effective November 28, 2022, 47 TeReg 7914*
17

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19

20 **§807.134. Sanctions Relating to Programs of Instruction.**

- 21
22 (a) If an approved program of instruction is discontinued for any reason, the school shall
23 notify the Agency within 72 hours of discontinuance and furnished with the names
24 and addresses of any students who were prevented from completion of the program
25 of instruction due to discontinuance. Should the school fail to make arrangements
26 satisfactory to the students and the Agency for the completion of the program of
27 instruction, the full amount of all tuition and fees paid by the students are then due
28 and refundable. Any program of instruction discontinued will be removed from the
29 list of approved programs of instruction.
30

- 31 (b) The Agency may suspend enrollments in a particular program of instruction at any
32 time the Agency finds cause. For purposes of this subsection, cause includes, but is
33 not limited to:
34

- 35 (1) inadequate instruction;
36
37 (2) unapproved or inadequate curriculum;
38
39 (3) inadequate equipment; or
40
41 (4) inadequate facilities.
42

- 43 (c) If a school begins teaching a program of instruction or revised program of instruction
44 that has not been approved by the Agency, the Agency may require the school to
45 refund to the enrolled students all or a portion of the tuition fees.
46

1 (d) If upon review and consideration of an original, renewal, or revised application for
2 program of instruction approval, the Agency determines that the applicant fails to
3 meet the requirements in the Act or this chapter, the Agency will notify the school,
4 setting forth in writing the reasons for the denial. This may include summaries of
5 peer evaluations from both educators and employers offering similar programs of
6 instruction.

7
8 (e) The Agency may revoke approval of a school's program of instruction at any time
9 the Agency finds cause. For purposes of this subsection, cause includes, but is not
10 limited to:

11
12 (1) any statement contained in the application for the program of instruction
13 approval which is untrue;

14
15 (2) the school's failure to maintain the instructors, facilities, equipment, or
16 programs of instruction, or program of instruction outcomes on the basis of
17 which approval was issued;

18
19 (3) advertising made on behalf of the school which is false, misleading, or
20 deceptive, including those that use the words commonly associated with a
21 degree other than those approved by the Coordinating Board;

22
23 (4) programs of instruction without clearly stated limited transferability if there are
24 no articulation agreements with other postsecondary institutions in the same
25 geographic area;

26
27 (5) programs of instruction for which financial aid is advertised but is not
28 available;

29
30 (6) repeated violations by the school that negatively impact the quality of a
31 particular program of instruction; or

32
33 (7) violations by the school of any applicable provision of the Act or this chapter.

34
35 (f) A school whose program of instruction approval is denied or revoked shall have the
36 right to appeal. The Agency will conduct hearings in accordance with Agency
37 policies and procedures applicable to the appeal.

38
39 *The provisions of this §807.134 adopted to be effective August 28, 2006, 31 TexReg 6803;*
40 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective*
41 *November 28, 2022, 47 TeReg 7914*

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

2
3 **§807.151. Fee Schedule.**

4
5 The Agency shall collect fees according to the following schedule.

- 6
7 (1) The initial fee for a certificate of approval for a small school is \$1,001.
8
9 (2) The initial fee for any other school is \$3,000.
10
11 (3) In the event of a change in ownership of the school, the new owner shall pay
12 the same fee as that charged for an initial fee for a school.
13
14 (4) The initial registration fee for a representative is \$90.
15
16 (5) The annual registration renewal fee for a representative is \$45.
17
18 (6) The fee for a change of name of the school or owner is \$150.
19
20 (7) The fee for a change of address of a school is \$270.
21
22 (8) The application fee for an additional program is \$225.
23
24 (9) The application fee for an additional seminar is \$35.
25
26 (10) The application fee for a school director or instructor is \$20.
27
28 (11) The fee for an inspection of classroom facilities that are separate from the main
29 campus is \$375.
30
31 (12) The fee for an on-site investigation of a complaint against a school is \$600, if
32 assessed.
33

34 *The provisions of this §807.151 adopted to be effective August 28, 2006, 31 TexReg 6803;*
35 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
36 *November 28, 2022, 47 TexReg 7914*

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39
40 **§807.152. Renewal Fees.**

- 41
42 (a) For small schools, if a certificate of approval is issued for three years, the renewal
43 fee is \$1,001, which may be paid with \$501 the first year and \$250 on the
44 anniversary date of the certificate for each subsequent year.
45

- 1 (b) For all other schools, the renewal fee is based on the gross amount minus refunds of
2 annual student tuition and fees. The Commission will establish the renewal fee on an
3 annual basis, based upon the cost of administration of the chapter. The renewal fee
4 will be set in accordance with the provisions of §132.201 of the Act.
5
- 6 (c) For all schools, the Agency shall assess a late renewal fee of 10 percent of the renewal
7 fee, not less than \$200, if the school fails to file a complete application for renewal at
8 least 30 days before the expiration date of the certificate of approval.
9

10 *The provisions of this §807.152 adopted to be effective August 28, 2006, 31 TexReg 6803;*
11 *amended to be effective September 17, 2007, 32 TexReg 6378; amended to be effective*
12 *November 28, 2022, 47 TexReg 7914*
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15
16 **§807.153. Installment Payments.**

- 17
- 18 (a) With the exception of the renewal installment schedule for small schools, a school
19 may elect to pay any single fee in excess of \$1,000 by quarterly installment. A
20 service charge of 10 percent of the fee shall be added, and the total divided into equal
21 quarterly installment payments. The first payment shall be due on the date the fee is
22 due. The successive payments shall be due in 90-day increments.
23
- 24 (b) Failure to pay any installment by the due date may result in one or more of the
25 following:
26
- 27 (1) a penalty being assessed in the amount of 50 percent of the total amount of the
28 fee;
29
- 30 (2) full payment of the penalty and outstanding balance due within 30 days; or
31
- 32 (3) revocation of the school's certificate of approval.
33
- 34 (c) For a small school that has a multiyear term, if the appropriate payment is not
35 received by the anniversary date of the certificate of approval, the school shall, in
36 addition to the required fee, pay a penalty of \$200 within 20 days or the school's
37 certificate of approval may be revoked.
38

39 *The provisions of this §807.153 adopted to be effective August 28, 2006, 31 TexReg 6803;*
40 *amended to be effective November 28, 2022, 47 TexReg 7914*
41

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1 **SUBCHAPTER J. ADVERTISING**

2
3 **§807.171. General Information for Advertising.**

- 4
5 (a) A school shall not make deceptive or misleading statements in attempting to enroll
6 students.
7
8 (b) The Agency may require a school to furnish proof to the Agency of any of its
9 advertising claims, when requested.

10
11 *The provisions of this §807.171 adopted to be effective August 28, 2006, 31 TexReg 6803;*
12 *amended to be effective November 28, 2022, 47 TexReg 7914*

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15
16 **§807.172. Advertisement Method.**

- 17
18 (a) A school may advertise for prospective students under "instruction," "education,"
19 "training," or a similarly titled classification.
20
21 (b) A school shall not be advertised under any "help wanted," "employment," or similar
22 classification.
23
24 (c) No school advertisements shall use the word "wanted," "help wanted," or "trainee,"
25 either in the headline or the body of the advertisement, nor shall any advertisement
26 indicate, in any manner, that the school has or knows of employment of any nature
27 available to prospective students; only "placement assistance," if offered, may be
28 advertised.
29
30 (d) A school shall not use terms to describe the significance of the approval that specify
31 or connote greater approval. Terms that schools may not use to connote greater
32 approval by the Agency include, but are not limited to, "accredited," "supervised,"
33 "endorsed," and "recommended." A school shall not use the words "guarantee,"
34 "guaranteed," or "free" unless approved in writing by the Agency.
35
36 (e) Any advertisement that includes a reference to awarding of credit hours shall include
37 the statement, "limited transferability." Where a school has an arrangement with a
38 college or university to accept transfer hours, such information may be advertised,
39 but any limitations shall be included in the advertisement.

40
41 *The provisions of this §807.172 adopted to be effective August 28, 2006, 31 TexReg 6803;*
42 *amended to be effective November 28, 2022, 47 TexReg 7914*

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1 **§807.173. Advertisement Content and Monitoring.**
2

3 (a) Advertisement content shall include, and clearly indicate, the full and correct name
4 of the school and its address, including city, as they appear on the certificate of
5 approval.
6

7 (b) Advertisements shall not include:
8

9 (1) statements that the school or its programs are accredited unless the
10 accreditation is that of an agency recognized by the United States Department
11 of Education;
12

13 (2) statements that the school or its courses of instruction have been approved
14 unless the approval can be substantiated by an appropriate certificate of
15 approval issued by an agency of the state or federal government; or
16

17 (3) representation of the school as an employment agency under the same name, or
18 a confusingly similar name, or at the same location of the school.
19

20 (c) A school holding a franchise to offer specialized programs or classes not available to
21 other schools shall not advertise such programs in such a manner as to diminish the
22 value and scope of programs offered by other schools not holding such a franchise.
23 Advertising of special classes or programs offered under a franchise shall be limited
24 to the classes or programs offered.
25

26 (d) A school shall not use endorsements, commendations, or recommendations by
27 students in favor of a school except with the consent of the student and without any
28 offer of financial or other material compensation. Endorsements shall bear the
29 student's legal or professional name. A school may abbreviate the student's name if
30 requested by the student. The school shall maintain a written record of the
31 endorsement, including the full legal name and contact information for the student,
32 associated with any advertisements referenced in this section.
33

34 (e) A school shall not use a photograph, cut, engraving, illustration or graphic in
35 advertising in such a manner as to:
36

37 (1) convey a false impression of size, importance, or location of the school,
38 equipment, or facilities associated with the school, or
39

40 (2) circumvent any of the requirements of this chapter regarding written or oral
41 statements.
42

43 (f) Every advertisement must clearly indicate that training is being offered, and shall
44 not, either by actual statement, omission, or intimation, imply that prospective
45 employees are being sought.
46

1 (g) The Agency may order corrective action to counteract the effect of advertising in
2 violation of the Act or this chapter, including:

- 3
- 4 (1) retraction by the school of such advertising claims published in the same
5 manner as the claims themselves;
- 6
- 7 (2) a prohibition against the use of an automatic forwarding message; and
- 8
- 9 (3) submission of all advertisements to the Agency for pre-approval at least 30
10 days before proposed submission of the advertisements to the advertising
11 medium.

12

13 *The provisions of this §807.173 adopted to be effective August 28, 2006, 31 TexReg 6803;*
14 *amended to be effective November 28, 2022, 47 TexReg 7914*

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17

18 **§807.174. Financial Incentives.**

19

20 (a) Advertisements shall not:

- 21
- 22 (1) state that students shall be guaranteed employment while enrolled in the
23 school;
- 24
- 25 (2) state that employment shall be guaranteed for students after graduation; or
- 26
- 27 (3) misrepresent opportunities for employment upon completion of any program.

28

29 (b) Advertisements shall not contain dollar amounts as representative or indicative of
30 the earning potential of graduates unless those dollar amounts have been published
31 by the United States Department of Labor. This provision shall not be construed as
32 prohibiting the school from providing earning potential to the student individually on
33 the student's receipt of enrollment policies or other such Commission-approved
34 document.

35

36 (c) Advertisements for student tuition loans shall:

- 37
- 38 (1) contain the language "financial aid available, if qualified"; and
- 39
- 40 (2) appear in type no larger than the font used for the name of the school and in
41 similar color and style.

42

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

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5

6 **§807.175. Catalog.**
7

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

- 10 (1) table of contents or index;
11
12 (2) name and complete street address of the school;
13
14 (3) volume number, date of publication, and effective dates;
15
16 (4) history of any accreditations or approvals, including statement of approval and
17 regulation by the Agency;
18
19 (5) description of space, facilities, and equipment;
20
21 (6) list of all trustees, directors, officers of the corporation, and owners;
22
23 (7) list of management staff and faculty, including education relating to the areas
24 of instruction;
25
26 (8) tuition, fees, other charges, and applicable scholarship terms;
27
28 (9) school calendar;
29
30 (10) school hours of operation and class schedule, including the amount of time
31 allocated for breaks and mealtimes;
32
33 (11) policies regarding enrollment, including entrance requirements, previous
34 education credit, cancellation and refund, progress, attendance, leave of
35 absence, and conduct;
36
37 (12) refund policy as required by the United States Department of Veterans Affairs,
38 if applicable;
39
40 (13) description of programs, including the number of course time hours of a
41 seminar, class or course, lecture, lab, and externship, as well as credit hours in
42 each class or course, if applicable;
43
44 (14) description of each subject;
45
46 (15) description of the grading policy, including requirements for graduation;

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

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

10
11 (c) In addition to the information contained in subsections (a) and (b) of this section, the
12 catalog for a school that charges tuition and fees for a residence program or a
13 synchronous distance education course based on more than one academic term shall
14 also include a complete description of the following:
15

- 16 (1) the number of periods of time and the course time scheduled in each term;
17
18 (2) the amount of tuition charged for each term;
19
20 (3) the type and amount of fees charged for each term; and
21
22 (4) any other charges for each term.
23

24 (d) All changes to the catalog shall be disclosed to the Agency, using forms provided by
25 the Agency. Failure to disclose changes may result in sanctions.
26

27 *The provisions of this §807.175 adopted to be effective August 28, 2006, 31 TexReg 6803;*
28 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
29 *November 28, 2022, 47 TexReg 7914*
30

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32 33 **SUBCHAPTER K. ADMISSION**

34 35 **§807.191. General Information for Admission.**

- 36
37 (a) The Agency may approve specific admission requirements for seminars and small
38 schools.
39
40 (b) Programs with course time of 40 hours or less, individual class offerings, and
41 seminars are not required to grant credit for previous education and training, unless
42 the course type is listed in the military service course credit directory.
43
44 (c) The school shall make appropriate adjustments to the program length and price
45 based upon credit granted for previous education and training, where warranted.
46

1 (d) For a school having specific term-beginning dates, a school may not start students
2 after the third day of classes during any given term, except in those cases where
3 appropriate credit for previous education and training has been given according to
4 the Act and this chapter.
5

6 (e) A continuously enrolled student has the right to graduate under the academic
7 requirements stated in the catalog in effect at the time of the student's enrollment.
8

9 *The provisions of this §807.191 adopted to be effective August 28, 2006, 31 TexReg 6803;*
10 *amended to be effective November 28, 2022, 47 TexReg 7914*
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13

14 **§807.192. Admission Requirements.**
15

16 (a) The school shall require for admission into its programs proof of one of the
17 following:
18

19 (1) secondary education;
20

21 (2) successful completion or the equivalent of one full-time academic semester (12
22 academic semester hours) or academic quarter (18 academic quarter hours) at
23 an accredited college, university, or other postsecondary school; or
24

25 (3) for nondegree programs only, proven ability-to-benefit by obtaining a
26 satisfactory score on the approved entrance test.
27

28 (b) Entrance test requirements shall be in accordance with the following provisions.
29

30 (1) Any entrance test shall be a nationally recognized standardized test or a
31 nonstandardized test developed by the appropriate industry and approved by
32 the Agency. A nonstandardized test shall be validated by a qualified third
33 party, such as an expert in tests and measurements, for both appropriateness
34 and the specific score level required for admission into the program. The name
35 of the test and its publisher, any time limitations, a minimum acceptable score,
36 and an explanation of score meanings, as referenced in the test material, shall
37 be provided to the student prior to taking the test.
38

39 (2) If multiple opportunities are allowed for retaking the same entrance test, such
40 students shall wait a minimum of five calendar days prior to retaking the test.
41 A student may take a second entrance test on the same day provided a
42 substantially different test is administered. This shall be stated in the
43 admissions policy published in the school catalog.
44

45 (3) A representative is not allowed to administer the test, nor is anyone allowed to
46 assist the student in answering the questions.

1
2 (4) If the entrance test reveals the student to be ineligible as an ability-to-benefit
3 student, the student may be enrolled as a remedial student. The school shall
4 have an evaluation procedure approved by the Agency to determine remedial
5 needs and to determine when the required level of remediation has been
6 reached. The school shall also have a remediation plan for such students
7 consisting of classes approved by the Agency as a part of the program. The
8 students may be charged for the remedial portion of the program on an hourly
9 pro rata basis, but the student is not obligated for the tuition and fees of the
10 program until the entrance requirements are met.

11
12 (c) Evidence shall be maintained in each student's file to show the admissions
13 requirements have been met. A full refund of all monies paid and a full release from
14 all obligations may be due, as determined by the Agency, to any student for whom
15 the school cannot establish that the admission requirements were met.

16
17 *The provisions of this §807.192 adopted to be effective August 28, 2006, 31 TexReg 6803;*
18 *amended to be effective November 28, 2022, 47 TexReg 7914*

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21
22 **§807.193. Receipt of Enrollment Policies.**

- 23
24 (a) For all enrollments, each school shall use the form provided by the Agency to verify
25 the prospective student's receipt of the information required in this section.
26
27 (b) Unless otherwise required in this chapter, prior to enrollment the school shall furnish
28 the following to each prospective student:
29
30 (1) a school catalog, unless the prospective student enrolls in a seminar;
31
32 (2) a schedule of tuition, fees, and other charges;
33
34 (3) the cancellation and refund policy;
35
36 (4) the progress and grievance policies and, for non-Title IV schools, attendance
37 policies;
38
39 (5) the rules of operation and conduct;
40
41 (6) if available, the average starting salary per pay period and annually for the
42 prospective student's stated occupation, and information regarding the number
43 of job openings in the program objective field in a specified area within the last
44 calendar year, including the name of the information source;
45
46 (7) the regulations pertaining to incomplete grades;

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- (8) written and verbal information regarding loans and grants and their differences, if the school participates in a loan or grant program;
 - (9) the requirements, if any, for any state or national licensing, certifications, or registrations;
 - (10) the exam passage rates for programs that prepare students for state licensing, certification, or registration exams;
 - (11) the job placement and employment data for the stated occupation as required in this chapter; and
 - (12) notice of all policies related to program interruption prior to completion and written information informing the student that if the student withdraws, it is the student's responsibility to inform the school or college.
- (c) Any school that refers to the awarding of credit hours shall explain to each student during the enrollment process that transferability of such hours may be limited. Each student shall sign a statement indicating such an explanation has been provided.
 - (d) Should a school have an articulation agreement with an accredited college or university, or other postsecondary school, such information shall be provided to the student, including any known agreement limitations. Such schools shall also provide a list of known Texas postsecondary schools that accept any or all of the credit hours so earned.
 - (e) Students shall acknowledge receipt of each piece of information or documentation as set forth in this section by initialing each page and providing a complete signature at the end of the receipt of the enrollment policy form.
 - (f) A copy of the receipt of the enrollment policies form shall be given to the student and a copy maintained as a part of the student's files.

The provisions of this §807.193 adopted to be effective August 28, 2006, 31 TexReg 6803; amended to be effective November 28, 2022, 47 TexReg 7914

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§807.194. Enrollment Agreement.

- (a) For distance education schools, the enrollment agreement shall specify the amount of time allotted to the student to complete the program.
- (b) A school shall submit an enrollment agreement to the Agency for approval.

- 1 (c) A school shall use only an approved enrollment agreement to enroll students.
2
3 (d) The executed enrollment agreement shall include, but is not limited to, the
4 following:
5
6 (1) full and correct name and location of the school;
7
8 (2) program title, tuition, fees, reasonable estimate cost of books and supplies, any
9 other expenses, total cost of the program, items subject to cost change, method
10 of payment and payment schedule, disclosure statement if interest is charged
11 on more than three payments, and detachable buyer's right to cancel if
12 enrollment is procured off campus;
13
14 (3) date training is to begin and program length;
15
16 (4) name, address, and signature of the student;
17
18 (5) student's email address if any part of the instruction or academically related
19 activity is web based;
20
21 (6) statement by the school that the student will receive a copy of the school
22 enrollment agreement and catalog at the time of signing by the student;
23
24 (7) cancellation and refund policy; and
25
26 (8) a Federal Trade Commission statement for holder in due course, unless no
27 loans, grants, or installment payments are involved.
28
29 (e) The school shall provide a notice of cancellation, attached to the enrollment
30 agreement, for any student enrolled off the school premises. The notice shall:
31
32 (1) include at least two copies;
33
34 (2) be easily detachable;
35
36 (3) be printed in boldface type, with a minimum font of 10 point;
37
38 (4) contain the date of the enrollment agreement, name and address of school,
39 the date on which the statutory 72-hour cancellation privilege will expire,
40 and any other provisions as determined by the Agency;
41
42 (5) be printed in the same language as used in the enrollment agreement; and
43
44 (6) be in such a form that can be used by the student to notify the school of
45 the student's desire to cancel by dating, signing, and mailing or otherwise
46 delivering the form to the school's address shown.

- 1
2 (f) A copy of the enrollment agreement form shall be given to the student and a copy
3 maintained as a part of the student's file.
4

5 *The provisions of this §807.194 adopted to be effective August 28, 2006, 31 TexReg 6803;*
6 *amended to be effective November 28, 2022, 47 TexReg 7914*
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10 **§807.195. Conduct Policy.**

11
12 The school shall submit for approval a copy of the rules and regulations pertaining to
13 conduct, which shall include statements regarding:
14

- 15 (1) conditions for dismissal; and
16
17 (2) conditions for reenrollment of those students dismissed for violating the
18 conduct policy.
19

20 *The provisions of this §807.195 adopted to be effective August 28, 2006, 31 TexReg 6803*
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23

24 **§807.196. Tuition and Fees.**

25
26 (a) A school shall disclose to potential students all tuition, fees, and other charges, and
27 state such information in the school's application for a certificate of approval. The
28 school may not use an estimated tuition amount, nor may the school increase the
29 student's tuition if the student remains continuously enrolled and completes the
30 training as approved at the time of admission. If the school charges to repeat courses,
31 the amount of the charges must be disclosed to the student.
32

33 (b) A school shall make available for review by the Agency upon request:
34

- 35 (1) a description of the methods of payment that are available to enrolling
36 students;
37
38 (2) the names and addresses of lending institutions used by the school for student
39 tuition loans; and
40
41 (3) the true annual percentage rate and any other fees or charges associated with
42 student tuition loans.
43

44 (c) A school shall refund or forfeit any tuition, fees, or other charges not previously
45 disclosed to the Agency.
46

- 1 (d) A school may offer scholarships providing the terms of scholarships are disclosed to
2 the Agency.
- 3
- 4 (e) The school shall maintain, in a permanent format that is acceptable and readily
5 accessible to the Agency, a record of any funds received from, or on behalf of, the
6 student. A school shall clearly identify the payor, the type of funding, and the reason
7 for the charges. These records shall be posted and kept current.
- 8
- 9 (f) A school shall issue written receipts of any charges or payments to the student and
10 maintain such records for review upon request by the Agency. Each separately
11 charged item shall be clearly itemized on a student-signed receipt.
- 12

13 *The provisions of this §807.196 adopted to be effective August 28, 2006, 31 TexReg 6803;*
14 *amended to be effective November 28, 2022, 47 TexReg 7914*

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17
18 **§807.197. Admission Requirements for Degree Granting Schools.**

- 19
- 20 (a) Students who transfer from other postsecondary schools shall complete at least 20
21 academic semester hours or 30 academic quarter hours in residency at the school that
22 will grant the degree. This does not apply to transfers within the same school system
23 or teach-outs approved by the Agency.
- 24
- 25 (b) A school shall allow students attending at the time a school becomes a degree
26 granting school to earn a degree, providing the student:
 - 27
 - 28 (1) meets all the prerequisites for acceptance into the degree program; and
 - 29
 - 30 (2) satisfactorily completes all courses or equivalent courses of the degree
31 program.
 - 32
- 33 (c) Former students shall meet all the prerequisites for acceptance into the degree
34 program and shall satisfactorily complete all courses or equivalent courses in the
35 approved degree program to qualify for a degree.
- 36

37 *The provisions of this §807.197 adopted to be effective August 28, 2006, 31 TexReg 6803;*
38 *amended to be effective November 28, 2022, 47 TexReg 7914*

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1 **SUBCHAPTER L. PROGRESS STANDARDS**
2

3 **§807.221. General Requirements for Progress Standards.**
4

- 5 (a) The Agency may approve specific progress standards for self-paced, competency-
6 based programs.
7
- 8 (b) Seminars, because of their nature and duration, are not required to have progress
9 standards.
10
- 11 (c) The progress evaluation records shall be of the type and nature to reflect whether the
12 student is making satisfactory progress to the point of being able to complete all
13 subject matter within the allotted time provided in the course curriculum.
14
- 15 (d) The school shall submit its policies pertaining to incomplete grades to the Agency
16 for approval and publish those policies in the school's catalog. The policies shall
17 address the possibility of the classes being discontinued when the student returns and
18 clarify options available to that student pursuant to the Act.
19
- 20 (e) Approved court reporting program students may receive one grade of "IP" (in
21 progress) in any speedbuilding class if they have not achieved the required speed at
22 the end of the grading period.
23

24 *The provisions of this §807.221 adopted to be effective August 28, 2006, 31 TexReg 6803;*
25 *amended to be effective November 28, 2022, 47 TexReg 7914*
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29 **§807.222. Progress Requirements for Residence Schools.**
30

- 31 (a) For programs with course time of 40 hours or less, the school is only required to give
32 a final exam at the end of the program to determine whether the student has
33 sufficient knowledge to warrant a certificate of completion, in lieu of a progress
34 evaluation.
35
- 36 (b) For programs with course time of 41 to 200 hours, the school shall record a student's
37 grades at the midpoint and end of each progress evaluation period. A student not
38 making satisfactory progress at the midpoint shall be placed on academic probation
39 for the remainder of the progress evaluation period. If the student does not achieve
40 satisfactory progress by the end of the probationary period, the student's enrollment
41 shall be terminated.
42
- 43 (c) For schools approved on a course time basis and offering programs in excess of 200
44 hours, the school shall evaluate progress at least every eight weeks. A school
45 approved on a credit hour basis shall evaluate progress at the midpoint and end-of-

1 term for academic semester or academic quarter or at least every eight weeks. For
2 programs with course time in excess of 200 hours, the following shall apply.
3

4 (1) The school shall place a student making unsatisfactory progress for the
5 program at the end of a progress evaluation period on academic probation for
6 the next progress evaluation period. If the student on academic probation
7 achieves satisfactory progress for the subsequent progress evaluation period,
8 but does not achieve the required grades to meet overall satisfactory progress
9 for the program, the student may be continued on academic probation for one
10 more progress evaluation period.
11

12 (2) If a student on academic probation fails to achieve satisfactory progress for the
13 first probationary progress evaluation period, the student's enrollment shall be
14 terminated.
15

16 (3) The enrollment of a student who fails to achieve overall satisfactory progress
17 for the program at the end of two successive probationary progress evaluation
18 periods shall be terminated.
19

20 (d) When a student is placed on academic probation, the school shall counsel the student
21 prior to the student returning to class. The date, action taken, and terms of probation
22 shall be clearly indicated in the student's permanent file.
23

24 (e) The school may allow a student whose enrollment was terminated for unsatisfactory
25 progress to reenroll after a minimum of one progress evaluation period. Such
26 reenrollment does not circumvent the approved refund policy.
27

28 (f) The school shall place a student who returns after their enrollment was terminated for
29 unsatisfactory progress on academic probation for the next grading period. The
30 school shall advise the student of this action and document the student's file
31 accordingly. If the student does not demonstrate satisfactory progress at the end of
32 this probationary period, that student's enrollment shall be terminated.
33

34 *The provisions of this §807.222 adopted to be effective August 28, 2006, 31 TexReg 6803*
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38 **§807.223. Progress Requirements for Asynchronous Distance Education Schools.** 39

40 (a) Asynchronous distance education schools shall evaluate progress as the school
41 receives each lesson assignment. The school shall maintain the record of progress on
42 forms approved by the Agency. Forms shall include:
43

44 (1) the date course materials are mailed to the student;

45 (2) the date the lesson assignment is received from the student;
46

- 1
2 (3) the grade on a per-lesson basis;
3
4 (4) the instructor's name;
5
6 (5) the date graded assignments are returned to the student; and
7
8 (6) the final grade for the program with completion date indicated.
9

10 (b) If at the end of the time period specified in the enrollment agreement, the student has not
11 completed the program, the student's enrollment shall be terminated.
12

13 *The provisions of this §807.223 adopted to be effective August 28, 2006, 31 TexReg 6803;*
14 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
15 *November 28, 2022, 47 TexReg 7914*

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19 **§807.224. Progress Requirements for Degree Granting Schools.**
20

21 For a school offering degree programs, the progress standards shall include the following:
22

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

39 *The provisions of this §807.224 adopted to be effective August 28, 2006, 31 TexReg 6803;*
40 *amended to be effective November 28, 2022, 47 TexReg 7914*
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1 **SUBCHAPTER M. ATTENDANCE STANDARDS**

2
3 **§807.241. General Requirements for Attendance.**

- 4
- 5 (a) Seminar programs that begin and end on the same day are not required to maintain
6 an attendance policy.
 - 7
 - 8 (b) Title IV schools are not required to take attendance.
 - 9
 - 10 (c) The Agency may approve specific attendance requirements for self-paced,
11 competency-based programs.
 - 12
 - 13 (d) No provision in this subchapter shall require a school to terminate the enrollment of
14 a student for lack of attendance at a point at which a refund would not be due.
 - 15
 - 16 (e) A school shall charge for a full day of absence when the student fails to attend all of
17 the scheduled classes on that day. The school shall charge for a partial day of
18 absence for any period of absence during the day.
 - 19
 - 20 (f) A school shall not consider school holidays, such as summer vacation and Christmas
21 holidays, and so forth, as days of absence.
 - 22

23 *The provisions of this §807.241 adopted to be effective August 28, 2006, 31 TexReg 6803;*
24 *amended to be effective November 28, 2022, 47 TexReg 7914*

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27
28 **§807.242. Attendance Requirements for Degree Granting Schools.**

- 29
- 30 (a) The following requirements are for non-Title IV schools and Title IV schools that
31 voluntarily take attendance.
 - 32
 - 33 (b) For a school offering degree programs, the attendance standards shall include the
34 following:
 - 35
 - 36 (1) provisions for termination or probation during the next academic quarter,
37 academic semester, or approved term when a student is absent for more than
38 20 percent of the scheduled course time hours during an academic quarter,
39 academic semester, or approved term;
 - 40
 - 41 (2) provisions for termination when a student is absent for more than 20 percent of
42 the scheduled course time hours during the probationary academic quarter,
43 academic semester, or approved term; and
 - 44

- 1 (3) provisions for termination prior to the last quarter, when a student is absent in
2 excess of 10 consecutive school days or 20 percent of the total course time hours
3 in the course, whichever occurs first.
4

5 *The provisions of this §807.242 adopted to be effective August 28, 2006, 31 TexReg 6803;*
6 *amended to be effective November 28, 2022, 47 TexReg 7914*
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9
10 **§807.243. Termination of Enrollment.**

- 11
12 (a) A school shall terminate the enrollment of a student who accumulates the lesser of
13 the following amounts of absences:
14
15 (1) more than 10 consecutive school days;
16
17 (2) more than 20 percent of the total course time hours in a program with course
18 time of more than 200 hours;
19
20 (3) more than 25 percent of the total course time hours in a program or individual
21 course with course time of 41 to 200 hours;
22
23 (4) more than 25 percent of the total course time hours for seminars, individual
24 courses, or programs with course time of 40 hours or less; or
25
26 (5) any number of days if the student fails to return as scheduled from an approved
27 leave of absence.
28
29 (b) A Title IV school that does not voluntarily take attendance shall terminate the
30 enrollment of a student if the student's participation in an academically related
31 activity cannot be documented:
32
33 (1) at the end of the first calendar week of the academic term;
34
35 (2) at the end of the first four calendar weeks of the academic term;
36
37 (3) at the midpoint of each academic term; and
38
39 (4) at the end of each academic term.
40
41 (c) Students whose enrollments are terminated for violation of the attendance policy may
42 not reenroll before the start of the next progress evaluation period. This provision
43 does not circumvent the approved refund policy.
44

45 *The provisions of this §807.243 adopted to be effective August 28, 2006, 31 TexReg 6803;*
46 *amended to be effective November 28, 2022, 47 TexReg 7914*

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4 **§807.244. Make-up Work.**
5

- 6 (a) No more than 5 percent of the total course time hours for a program, rounded down
7 to the closest one-half hour increment, may be made up. Attendance course time
8 hours, for purposes of Subchapters M - O of this chapter, may not be made up.
9
- 10 (b) The school shall submit make-up work policies to the Agency for approval.
11
- 12 (c) Make-up work shall:
13
- 14 (1) be supervised by an instructor approved for the class being made up;
 - 15
 - 16 (2) require the student to demonstrate substantially the same level of knowledge or
17 competence expected of a student who attended the scheduled class session;
18
 - 19 (3) be completed within two weeks of the end of the grading period during which
20 the absence occurred;
21
 - 22 (4) be documented by the school as being completed, recording the date, time,
23 duration of the make-up session, and the name of the supervising instructor;
24 and
25
 - 26 (5) be signed and dated by the student to acknowledge the make-up session.
27

28 *The provisions of this §807.244 adopted to be effective August 28, 2006, 31 TexReg 6803;*
29 *amended to be effective November 28, 2022, 47 TexReg 7914*
30

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32

33 **§807.245. Leaves of Absence.**
34

- 35 (a) Seminars, programs, and individual subjects with course times of 40 hours or fewer
36 shall not grant leaves of absence.
37
- 38 (b) A school director may grant a leave of absence after determining that good cause is
39 shown.
40
- 41 (c) Except as provided in subsection (d) of this section, in a 12-month period, a student
42 may have no more than two leaves of absence. For a program with course time of
43 200 hours or less, a student may be on leave of absence for a total of 30 calendar
44 days. For programs with course time of more than 200 hours, a student may be on
45 leave of absence for a total of 60 calendar days.
46

- 1 (d) Programs with a course time of more than 600 hours, and that are eligible for Title
2 IV funding, may have a leave of absence policy consistent with the United States
3 Department of Education policy at 34 Code of Federal Regulations §668.22(d).
4
- 5 (e) School attendance records shall clearly define the dates of the leave of absence. A
6 written statement as to why the leave of absence was granted, signed by both the
7 student and the school director indicating approval, shall be placed in the student's
8 permanent file.
9
- 10 (f) In addition to the requirements concerning leaves of absence in this subchapter, a
11 school offering degree programs that schedules their courses on an academic quarter
12 or academic semester basis may include in their attendance policies provisions for
13 summer leaves of absence. These leaves of absence shall not exceed the lesser of 120
14 days or the interval between the end of the spring academic quarter or academic
15 semester and the start of the fall academic quarter or academic semester.
16

17 *The provisions of this §807.245 adopted to be effective August 28, 2006, 31 TexReg 6803;*
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19 *November 28, 2022, 47 TexReg 7914*
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23 **SUBCHAPTER N. CANCELLATION AND REFUND POLICY**

24 **§807.261. Requirement for Tour.**

- 25 (a) Schools are required to provide a tour on or before the first scheduled class day.
26
- 27 (b) Notwithstanding subsection (a) of this section, distance education programs and
28 seminars are not required to provide the student a tour.
29
- 30 (c) Students enrolled in a hybrid or blended program are required to be provided a tour
31 on or before the first scheduled class day.
32
- 33 (d) The student shall sign and date an acknowledgement form certifying the completion
34 of the tour.
35

36 *The provisions of this §807.261 adopted to be effective August 28, 2006, 31 TexReg 6803;*
37 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective November*
38 *28, 2022, 47 TexReg 7914*
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42

1
2 **§807.262. Completion of Refund.**
3

4 (a) A school shall document refunds by written record indicating the date of the refund
5 transaction, the name of the student receiving the refund, the total amount refunded,
6 and the specific reason for the refund. Proof of completion shall be on file within 120
7 days of the effective date of termination and shall include:

- 8
9 (1) copies of both sides of the cancelled check;
10
11 (2) printed proof of completed transaction of electronic funds transfer or other
12 similar electronic means; or
13
14 (3) documentation of an awarded credit to a credit card or other similar account.
15

16 (b) To ensure a school's good faith effort to timely complete a refund owed directly to a
17 student, the student's file shall contain evidence of the following proof of a certified
18 mailing of the refund to the:

- 19
20 (1) student's last known address;
21
22 (2) student's permanent address, if different from the student's last known address;
23 or
24
25 (3) address of the student's parent or legal guardian, if different from the student's
26 last known and permanent addresses.
27

28 (c) If after making a good faith effort to timely complete a refund, the school is unable
29 to complete the refund, the school shall forward to the Agency the appropriate refund
30 amount and any pertinent student information to assist the Agency in locating the
31 student.
32

33 (d) Unless otherwise required by another law, refunds will be made in the following
34 order:
35

- 36 (1) on behalf of the student to federal loans used to pay tuition and fees;
37
38 (2) on behalf of the student to private loans used to pay tuition and fees;
39
40 (3) to the student for personal loans, including credit card debt, and cash used to
41 pay tuition and fees; and

- 1
2 (4) to other funding sources, including Boards, to reimburse payments for tuition
3 and fees.
4

5 *The provisions of this §807.262 adopted to be effective August 28, 2006, 31 TexReg 6803;*
6 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective November*
7 *14, 2016, 41 TexReg 9020*

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10
11 **§807.263. Refund Requirements.**

- 12
13 (a) The Agency, after considering the specific facts associated with a school's conduct,
14 may order a full or partial refund to affected students if the school:
15
16 (1) does not provide a class with:
17
18 (A) an approved instructor;
19
20 (B) an instructor for whom an application has been properly submitted to the
21 Agency; or
22
23 (C) a temporary instructor for whom the school submitted notice to the
24 Agency;
25
26 (2) fails to maintain the instructors, facilities, equipment, or courses of instruction
27 on the basis of which Agency approval was issued or student enrollment was
28 obtained, or to submit timely requests for approval of substantive changes
29 thereto;
30
31 (3) violates any provision of this chapter in the process of soliciting and enrolling
32 the student;
33
34 (4) fails to adhere to applicable academic, attendance, and refund policies that
35 meet state requirements and apply to the course enrolled in, as published at the
36 time of the student's enrollment in the course;
37
38 (5) fails to undertake a good faith effort to furnish the student, upon satisfactory
39 completion of the program, with a certificate of completion. A school may
40 withhold the transcript or certificate until the student has paid outstanding
41 financial obligations to the school. Evidence of a good faith effort shall be
42 maintained in the student's file in one of the following forms:
43
44 (A) An acknowledgement of receipt of certificate signed and dated by the
45 student;
46

- 1 (B) Proof of a certified mailing to the student's last known address;
2
3 (C) Proof of a certified mailing to the student's permanent address, if
4 different from the student's last known address; or
5
6 (D) Proof of a certified mailing to the address of the student's parent or legal
7 guardian, if known and different from the student's last known or
8 permanent addresses; or
9
- 10 (6) does not have course approval or the required certificate of approval from the
11 Agency.
12
- 13 (b) To be considered a violation subject to refund under subsection (a)(1) - (6) of this
14 section, a school's action shall be determined to be more than a technical error or a
15 nonsubstantive change in operations.
16
- 17 (c) If any of the violations in subsection (a)(1) - (6) of this section apply to more than
18 one class period, students are entitled to a full refund for each such class attended.
19
- 20 (d) The length of a program, for purposes of calculating refunds owed, is the shortest
21 scheduled time period in which the program may be completed by continuous
22 attendance of a full-time student.
23
- 24 (e) A non-Title IV school, or a Title IV school voluntarily taking attendance, shall
25 calculate refunds for students based upon scheduled hours of classes through the last
26 date of attendance. A Title IV school shall calculate refunds for students based upon
27 scheduled hours of classes through the last documented day of an academically
28 related activity. Neither type of school shall count leaves of absence, suspensions,
29 school holidays, days when classes are not offered, and summer vacations for
30 purposes of calculating a student's refund.
31
- 32 (f) For all programs other than seminars, a student may cancel enrollment, request a full
33 refund, and request a release from any obligations to the school within the first three
34 scheduled class days.
35
- 36 (g) A school may withhold from the refund required by subsections (a) - (c) and (f) of
37 this section any amount as retainable by the school pursuant to §132.061 of the Act.
38 More specifically, the school may withhold items of extra expense to the student
39 referenced in §132.061(b)(6) of the Act, as long as they are necessary for the portion
40 of the program attended and are separately stated in the enrollment agreement. Any
41 items of extra expense not required for the portion of the program attended must be
42 included in the refund.
43
- 44 (h) Students are entitled to a refund paid in accordance with the school's policy, which
45 must provide for refunds at least equivalent to the provisions in §132.061 and

1 §132.0611 of the Act, if students withdraw or are discontinued from a program prior
2 to completion.
3

4 *The provisions of this §807.263 adopted to be effective August 28, 2006, 31 TexReg 6803;*
5 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
6 *January 23, 2012, 37 TexReg 200; amended to be effective November 28, 2022, 47 TexReg*
7 *7914*

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10
11 **§807.264. Penalties Relating to Refunds.**

- 12
- 13 (a) A penalty shall be paid on any refund not completed in a timely manner as required
14 by the Act. The penalty assessment shall begin on the first day following the
15 expiration of the statutorily defined refund period and end on the day preceding the
16 date the refund is completed.
17
- 18 (b) Any penalty assessed on a school's late payment of student refunds shall be
19 disbursed in the following order of priority:
20
- 21 (1) to the student's account at a lending institution for the balance of principal and
22 interest on the student loan;
23
- 24 (2) to the student for tuition and fees paid directly by the student;
25
- 26 (3) to a Board for tuition and fees paid by the Board; and
27
- 28 (4) to the tuition trust account for any remaining balance of assessed penalty.
29
- 30 (c) If the Agency determines that the method used by the school to calculate refunds is
31 in error or the school does not routinely pay refunds within the time required by the
32 Act, the school shall submit an agreed-upon procedures engagement conducted by an
33 independent CPA. The CPA shall examine all files for students who did not
34 complete a course of study, to determine compliance with the most restrictive of:
35
- 36 (1) the Act;
37
- 38 (2) this chapter; or
39
- 40 (3) the school catalog current on the date of the student's enrollment.
41
- 42 (d) An opinion letter shall accompany a schedule of student refunds due, disclosing the
43 following information for the four years prior to the date of the Agency's request:
44
- 45 (1) student information, including name, address, and Social Security number;
46

- 1 (2) pertinent dates, including recorded last date of attendance, date of termination,
2 and, if necessary, recalculated last date of attendance;
- 3
- 4 (3) recorded refund information, including amount of refund with principal,
5 penalty, and any balance due stated separately; payee; date and check number
6 of payment if payment has been made; any of the same categories of
7 information resulting from recalculations; and
- 8
- 9 (4) other information requested by the Agency to demonstrate compliance.

10
11 *The provisions of this §807.264 adopted to be effective August 28, 2006, 31 TexReg 6803;*
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13 *November 14, 2016, 41 TexReg 9020*

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16
17 **SUBCHAPTER O. RECORDS**

18
19 **§807.281. General Information for Records.**

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

- 1 (2) protected against damage, loss (for example, fire, water, theft, tampering), or
2 misuse; and
3
4 (3) made available to the Agency for inspection upon request.
5
6 (c) If applicable, the school shall maintain and ensure that copies of the accreditation
7 authorization and letter of eligibility from the United States Department of Education
8 are available for Agency review.
9
10 (d) Degree granting schools shall maintain a copy of the certificate of authorization
11 from the Coordinating Board for each authorized degree program.
12
13 (e) The Agency may conduct unannounced compliance inspections.
14
15 (f) A school shall maintain complete records of all advertising, sales, and enrollment
16 materials used by or on behalf of the school for a five-year period. Materials
17 maintained shall include, but not be limited to, direct mail pieces, brochures, printed
18 literature, films, leaflets, handbills, fliers, video and audiotapes disseminated through
19 the broadcast media, materials disseminated through the print media or Internet, and
20 sales and recruitment manuals used to instruct sales personnel.
21

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24 *November 28, 2022, 47 TexReg 7914*

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28 **§807.282. Student Information and Records.**
29

- 30 (a) A school shall permanently maintain student transcripts of academic records. A
31 school shall provide such transcripts to students and prospective employers at a
32 reasonable charge if the student has fulfilled the financial obligation to the school
33 and is neither in default nor owes a refund to any federal or state student financial aid
34 program.
35
36 (b) Transcripts of academic records, student payment ledgers, and enrollment
37 agreements must be maintained in electronic format or converted to electronic format
38 within 12 months of their creation or revision. A scanned copy of original paper
39 transcripts is an acceptable electronic format for transcripts of academic records.
40
41 (c) A school shall retain financial records in accordance with federal retention
42 requirements.
43
44 (d) A school shall retain all student records for at least a five-year period and these
45 records shall include:
46

- 1 (1) a written record of previous education and training on a form provided by the
2 Agency; and
3
4 (2) official transcripts from all previous postsecondary schools attended by the
5 student.
6
7 (e) The school director shall implement and maintain reasonable procedures, including
8 taking any appropriate corrective action, to protect from improper use or disclosure
9 of any sensitive personal information collected or maintained by the school.
10
11 (f) A school shall destroy or arrange for the destruction of sensitive personal
12 information within the school's custody or control, after any required retention
13 periods, by:
14
15 (1) shredding;
16
17 (2) permanently removing or deleting electronic records; or
18
19 (3) otherwise modifying the sensitive personal information in the records to make
20 the information unreadable or indecipherable through any means; or
21
22 (4) destroying the information in accordance with any other more restrictive law
23 or regulation the school is required to follow.
24
25 (g) All records created and maintained in languages other than English are subject to
26 translation by the Agency.
27

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30 *November 28, 2022, 47 TexReg 7914*
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33

34 **§807.283. Attendance Record Keeping.**
35

- 36 (a) The following requirements are for non-Title IV schools:
37
38 (1) A school shall maintain a master record of attendance on each student that
39 clearly indicates the name of the program, program begin and end dates, dates
40 of attendance, and the scheduled hours each day.
41
42 (2) Each instructor shall maintain a record of attendance, which shall record the
43 instructor's name, program name, subject name, date, number of scheduled
44 hours for that date, and the hours of absence. Entries in the record of
45 attendance shall be made in ink or other permanent medium, including other
46 permanent computer records, and shall not be changed.

- 1
2 (b) Nothing in this chapter prevents a Title IV school from voluntarily using attendance
3 as a manner of fulfilling the requirements of this chapter.
4

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6 *amended to be effective November 28, 2022, 47 TexReg 7914*
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9
10 **§807.284. Reporting.**

- 11
12 (a) Schools shall report to the Agency, as directed, the facts and information about their
13 programs and operations deemed necessary for the proper administration of the Act
14 and any rules adopted under the Act.
15
16 (1) The data to be reported by a school shall include:
17
18 (A) student enrollment information for all programs;
19
20 (B) completion, employment, and job placement information for all
21 programs approved for an occupational objective; and
22
23 (C) any other required information.
24
25 (2) The school shall submit the required data to the Agency on or before the
26 specified date.
27
28 (3) The school shall provide the data in an electronic format prescribed by the
29 Agency unless a different format is approved in writing by the Agency.
30
31 (4) When good cause is shown, the Agency may extend the deadline for
32 submission of the data required under this section; however, the extension shall
33 be effective only if authorized in writing.
34
35 (5) The Agency may require schools to maintain on file the verifiable
36 documentation supporting the data reported and make it available to the
37 Agency upon request.
38
39 (b) The Agency will develop and apply data monitoring and audit protocols for the data
40 reported under subsection (a) of this section, in a manner sufficient to reasonably
41 determine the accuracy of the reported information.
42
43 (c) The Agency may impose penalties or sanctions, or both, for failure to submit data
44 under subsection (a) of this section by the due dates required, or for submission of
45 data that is shown to contain inaccuracies.
46

1 (d) For any programs not meeting a minimum employment rate, the following graduated
2 corrective actions will be taken:

3
4 (1) For a program not meeting the minimum employment rate for the first year, the
5 school will be required to develop and submit a performance improvement plan
6 acceptable to the Agency;

7
8 (2) For a program not meeting the minimum employment rate for the second
9 consecutive year, but showing improvement of at least 50 percent of the
10 difference between the reported rate and the minimum employment rate of the
11 previous year, the school will be required to reexamine and submit
12 modifications to the performance improvement plan acceptable to the Agency;

13
14 (3) For a program not meeting the minimum employment rate for the second
15 consecutive year and not showing improvement of at least 50 percent of the
16 difference between the reported rate and the minimum employment rate of the
17 previous year, conditions will be placed on the school's certificate, which
18 include:

19
20 (A) modification of the performance improvement plan; and

21
22 (B) suspension of new enrollment of students funded with Local Workforce
23 Development Board-allocated funds in the program; and

24
25 (4) For a program not meeting the minimum employment rate for the third
26 consecutive year, the Agency will revoke approval of the program.

27
28 (e) The Agency will publish on its website information compiled from:

29
30 (1) data reported under subsection (a) of this section; and

31
32 (2) any other information collected about schools and programs deemed
33 appropriate and useful to the public, which:

34
35 (A) assists a person in deciding whether to enroll in a school or in identifying
36 or choosing which postsecondary institution, school, or college to attend;
37 and

38
39 (B) addresses regulatory compliance and performance of schools.

40
41 (3) The Agency, to the extent practical, shall present the published information in
42 a manner that is consistent among institutions, schools, and colleges; easy to
43 understand; and accessible to the public.

44
45 *The provisions of this §807.284 adopted to be effective January 23, 2012, 37 TexReg 200;*
46 *amended to be effective November 28, 2022, 47 TexReg 7914*

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4 **SUBCHAPTER P. COMPLAINTS**
5

6 **§807.301. School Policy Regarding Complaints.**
7

8 The school shall:
9

- 10 (1) submit a written grievance procedure designed to resolve disputes between
11 current and former students and the school for Agency approval;
12
13 (2) provide a copy of the grievance procedure to each student and maintain proof
14 of such delivery;
15
16 (3) maintain records regarding grievance filings and resolutions;
17
18 (4) diligently work to resolve all complaints at the local school level; and
19
20 (5) post a visible notice on the school's website and centrally located at or near the
21 school's main entrance; in at least one of the student common areas (for
22 example, the student cafeteria and/or breakroom); in places where student
23 solicitation, financial aid assistance, and enrollment activities take place; and
24 other locations as necessary to respond to problems with career school rule
25 compliance, which states that:
26
27 (A) the school has a certificate of approval from the Agency, and
28 provides the Agency-assigned school number;
29
30 (B) the school's programs are approved by the Agency and may also be
31 approved by other state agencies or accrediting bodies, and provides
32 the name of any accrediting body and state agency, as applicable;
33
34 (C) students who are dissatisfied with the school's response to their
35 complaints can file a formal complaint with the Agency, as well as
36 with the school's accrediting body, if applicable; and
37
38 (D) additional information on complaint procedures is located on the
39 Agency's Career Schools and Colleges website.
40

41 *The provisions of this §807.301 adopted to be effective August 28, 2006, 31 TexReg 6803;*
42 *amended to be effective December 20, 2010, 35 TexReg 11392; amended to be effective*
43 *November 28, 2022, 47 TexReg 7914*
44

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1
2 **§807.302. Complaints and Investigations.**
3

- 4 (a) The Agency may investigate or refer to other authorities with jurisdiction to
5 investigate, as appropriate, all complaints received about a school, whether licensed
6 or unlicensed.
7
- 8 (b) The Agency may determine the extent of investigation needed by considering various
9 factors, such as:
10
11 (1) the seriousness of the alleged violation;
12
13 (2) the source of the complaint;
14
15 (3) the school's history of compliance and complaints;
16
17 (4) the timeliness of the complaint;
18
19 (5) the feasibility of investigations; and
20
21 (6) any other reasonable matter deemed appropriate.
22
- 23 (c) The Agency may require adequate documentation or other evidence of the violation
24 before initiating a complaint investigation. Notwithstanding subsection (a) of this
25 section, anonymous complaints will not be investigated but will be reviewed to
26 identify any action needed.
27
- 28 (d) Unless good cause is shown, a complaint is timely only if it is filed with the Agency
29 while the student who files the complaint is enrolled or within two years of the date
30 the student withdraws, terminates, or graduates from the course that is the subject of
31 the complaint. Good cause includes, but is not limited to, fraud. If a complaint is not
32 timely, the Agency may decline to investigate it.
33
- 34 (e) The investigation fee authorized by the Act is based on a per site visit. The school
35 director shall be notified that an on-site visit was conducted when the investigation
36 results in assessment of a fee.
37

38 *The provisions of this §807.302 adopted to be effective August 28, 2006, 31 TexReg 6803;*
39 *amended to be effective January 23, 2012, 37 TexReg 200; amended to be effective*
40 *November 28, 2022, 47 TexReg 7914*
41

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2
3 **SUBCHAPTER Q. TRUCK DRIVER TRAINING PROGRAMS**

4
5 **§807.321. General Information Regarding Truck Driver Training.**

- 6
7 (a) A school providing truck driver training shall ensure that the truck driver instructors
8 complete a truck driver instructor development course with at least 40 hours of course
9 time.
- 10
11 (b) All truck driver training programs shall comply with applicable requirements
12 outlined in 49 Code of Federal Regulations Part 380, its successors, and any other
13 applicable legal requirements, and must be listed on the Federal Motor Carrier Safety
14 Administration registry, called the Training Provider Registry.

15
16 *The provisions of this §807.321 adopted to be effective August 28, 2006, 31 TexReg 6803;*
17 *amended to be effective November 28, 2022, 47 TexReg 7914*

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20
21 **§807.322. Truck Driver Instructor Development Course.**

- 22
23 (a) A school shall apply to the Agency for approval to provide a truck driver instructor
24 development course.
- 25
26 (b) The instructor development course shall consist of 40 hours of course time, which
27 includes at least the following topics.
- 28
29 (1) Five hours shall cover techniques of instruction including: qualities of a
30 competent instructor, the learning process, methods of teaching, development
31 of efficient teaching habits, demonstration teaching, the use of instruction
32 material and training aids, course preparation, lesson plans, testing and
33 evaluation, and the duration and frequency of lessons.
- 34
35 (2) Two hours shall cover personality factors affecting the driver and pedestrian
36 including: natural abilities; senses; mind and nerves; bones and muscles;
37 knowledge of vehicle, road, traffic, and self; attitudes and emotions; reaction
38 time; and reactions to alcohol, carbon monoxide, over-the-counter drugs,
39 prescription drugs, illegal drugs, heart ailments, epilepsy, diabetes, insanity,
40 exhaustion, tension, and monotony.
- 41
42 (3) Six hours shall cover state laws as located in the Texas Motor Vehicle Law
43 book relating to the operation of motor vehicles including: driver's license,
44 vehicle registration, certificate of title, operation of vehicles, uniform act,
45 miscellaneous offenses, and safety responsibility.
- 46

- 1 (4) Eight hours shall cover driving procedures including: handling--city, rural,
2 night, mountain, and freeway driving; fog, rain, sandstorms, and other
3 hazardous weather conditions; road hazards and recovery procedures for slick
4 roads; blowout hazards and running off the road; traffic signs, markings, and
5 signals; use of rearview mirrors; vehicle braking and stopping distances;
6 following distances; right-of-way, when and how to yield it; vehicle
7 acceleration and deceleration; yielding right-of-way to emergency vehicles;
8 driver signals; proper passing procedures; procedures and problems for passing
9 on two and three-lane roadways; and super-size motorized equipment.
- 10
- 11 (5) Three hours shall cover physical forces affecting the motor vehicle in motion
12 including: forces of gravity; friction; acceleration, mass, and force; inertia and
13 centrifugal force; kinetic energy and momentum; kinetic energy and braking;
14 and horsepower and acceleration.
- 15
- 16 (6) Two hours shall cover highway characteristics including: primary, secondary,
17 expressway, freeway, farm or ranch road, two-way two-lane, two-way three-
18 lane, two-way multilane, two-way multilane divided, one-way multilane,
19 parking, and traffic controls. Traffic control topics consist of the following:
- 20
- 21 (A) sign topics including shape, color, location and importance;
- 22
- 23 (B) traffic marking topics including center and lane lines, no passing zone,
24 transition markings, turn lane marking, stop lines, crosswalk lines, and so
25 forth; and
- 26
- 27 (C) signal topics including classification, location, type, timing.
- 28
- 29 (7) Two hours shall cover automobile systems and maintenance including:
30 electrical system--generator, alternator, battery, lighting, and electric-powered
31 equipment; cooling system--lubrication and fuel systems; power train--engine,
32 transmission, and differential; brake system--wheels and tires, caster, camber,
33 toe-in, balance, inflation, tire condition, and care; exhaust system; instruments
34 and gauges; compartment adjustments--seat, ventilation, mirrors, headrests,
35 seat belts, and shoulder harness; starting the engine and warm-up procedures;
36 safety devices--door locks, headrests; and miscellaneous features--windshield
37 wipers, heater, and defroster.
- 38
- 39 (8) Two hours shall cover behind-the-wheel elementary lessons with
40 demonstration in an appropriate vehicle and practice to be performed in the
41 presence of the instructor including: starting; steering; stopping; shifting gears;
42 backing; turning--right and left; and parking and starting on grade.
- 43
- 44 (9) Six hours shall cover behind-the-wheel driving safety lessons with
45 demonstration in an appropriate vehicle and practice to be performed in the
46 presence of the instructor including: developing good seeing habits; speed

1 control; safe following; lane driving and lane changing; intersections and right-
2 of-way; proper signaling; correct turn procedures; detecting of and handling
3 problems--vehicle, cycle, pedestrian; freeway driving--ramp use, entering,
4 exiting, lane use, emergency stopping; parking procedures; entering traffic
5 from parked position; and night driving.
6

7 (10) Two hours shall cover school and instructor approval requirements including
8 the following: school approval requirements, instructor approval requirements,
9 classroom and automotive equipment requirements, required student records,
10 contract requirements, and department of instructors.
11

12 (11) Two hours shall cover specialized training regarding the following: students
13 with physical, mental, or emotional handicaps; illiterate students; non-English-
14 speaking students; and habitual violators and problem drivers.
15

16 *The provisions of this §807.322 adopted to be effective August 28, 2006, 31 TexReg 6803;*
17 *amended to be effective November 28, 2022, 47 TexReg 7941*
18

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20

21 **§807.323. Behind-the-Wheel Instruction.**
22

23 A school providing behind-the-wheel instruction shall ensure that the instruction
24 includes:
25

- 26 (1) actual driving practice while the motor vehicle is in motion;
27
28 (2) no more than four persons, excluding the instructor, occupying any motor
29 vehicle during the behind-the-wheel instruction;
30
31 (3) notice in all contracts and advertisements of behind-the-wheel instruction
32 being conducted with groups of students, if applicable; and
33
34 (4) credit toward satisfying minimum standards for behind-the-wheel instruction for
35 only actual time spent behind the wheel in vehicle operation.
36

37 *The provisions of this §807.323 adopted to be effective August 28, 2006, 31 TexReg 6803*
38

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40

41 **§807.324. Motor Vehicle Insurance.**
42

43 A school providing truck driver training shall ensure that:
44

- 45 (1) a current list of vehicles used in truck driver training is filed with the Agency
46 on a form provided by the Agency;

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

20 *The provisions of this §807.324 adopted to be effective August 28, 2006, 31 TexReg 6803;*
21 *amended to be effective November 28, 2022, 47 TexReg 7914*

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24
25 **§807.325. Prohibited Activities Regarding Truck Driver Training.**

- 26
- 27 (a) A school, a trainer of truck driver instructors, or a truck driver instructor shall not:
- 28
- 29 (1) allow an instructor to give instruction or allow a student to secure instruction
 - 30 in the classroom or in a motor vehicle if that instructor or student is using or
 - 31 exhibits any evidence or effect of an alcoholic beverage, controlled substance,
 - 32 or other such impairment;
 - 33
 - 34 (2) permit a student to operate a motor vehicle without a valid driver's license or
 - 35 instruction permit in the student's possession during behind-the-wheel
 - 36 instruction;
 - 37
 - 38 (3) permit more than a ratio of four students per vehicle and three vehicles per
 - 39 instructor on truck driving ranges;
 - 40
 - 41 (4) permit more than four students per vehicle per instructor during street
 - 42 instruction for truck driver training; or
 - 43
 - 44 (5) advertise or otherwise state or imply that a driver's license or permit is
 - 45 guaranteed or assured to any student or individual who may take or complete

1 any instruction or course of instruction, enroll, or otherwise receive instruction
2 in any truck driver training school.

3
4 (b) The Agency may suspend, revoke, or refuse to renew approval of a truck driver
5 instructor or a trainer of truck driver instructors, upon determining that the applicant
6 or instructor has been:

7
8 (1) convicted under the laws of this state, another state, or the United States of any
9 felony; of an offense of criminally negligent homicide committed as a result of
10 the person's operation of a motor vehicle; of an offense involving driving while
11 intoxicated or under the influence; or of an offense involving tampering with a
12 governmental record; or

13
14 (2) found incompetent or is incompetent to:

15
16 (A) safely operate a motor vehicle; or

17
18 (B) properly conduct classroom or behind-the-wheel instruction.
19

20 *The provisions of this §807.325 adopted to be effective August 28, 2006, 31 TexReg 6803;*
21 *amended to be effective November 28, 2022, 47 TexReg 7914*

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24
25 **§807.326. Required Training for Students.**

26
27 All career schools and colleges Commercial Driver's License (CDL) training programs
28 must include training on the recognition and prevention of human trafficking, the content
29 of which is to be established by the Agency in collaboration with the Office of the Attorney
30 General.
31

32 *The provisions of this §807.326 adopted to be effective December 5, 2017, 42 TexReg 6812*
33

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35
36 **SUBCHAPTER R. CLOSED SCHOOLS**

37
38 **§807.341. School Closures.**

39
40 (a) Owners with knowledge of a school's impending closure shall notify the Agency as
41 soon as possible or practical.
42

43 (b) Prior to closure a school must:

44
45 (1) contact the Agency regarding a school survey visit and the process required to
46 close out the school records;

- 1
2 (2) complete any closure documents required by the Agency;
3
4 (3) provide information on any teach out plans or arrangements; and
5
6 (4) complete any other requirements deemed necessary by the Agency for an
7 orderly closure.
8
9 (c) The Agency may impose penalties, sanctions, or both on an owner, as defined by
10 §807.2(30) of this chapter, or on a person associated with a school closure for a
11 school's failure to comply with proper closure procedures.
12
13 (d) The Agency may declare a school to be closed when:
14
15 (1) written notification is received by the Agency from the school owner stating
16 the school will close;
17
18 (2) Agency determines that the school facility has been vacated without prior
19 notification of a change of address given to the Agency;
20
21 (3) an owner with multiple school locations transfers all students from one school
22 location to another school location;
23
24 (4) the school dismisses all students, contrary to the school's class schedule as
25 printed in the school catalog; or
26
27 (5) the school fails to maintain the faculty, facilities, equipment, or courses of
28 instruction on the basis for which approval was issued.
29
30 (e) After the Agency determines that a school will close or is closed, the Agency will
31 attempt to notify students concerning their options to accept a teach-out or to receive
32 a proportional tuition refund based on available funds. Notification to students may
33 include constructive notice in news media, student meetings, or mailings to students.
34
35 (f) Each teach-out requires approval of the Agency to determine whether the course of
36 instruction is available, reasonable, and comparable with the course of instruction of
37 the closed school. The teach-out is subject to the following conditions:
38
39 (1) Transfers of students from a closed school to another school under the same
40 ownership shall not constitute a teach-out.
41
42 (2) In order to be eligible for a teach-out, students shall submit a signed statement
43 of acceptance to the teach-out school by the deadline as established by the
44 Agency.
45

- 1 (3) The school offering the teach-out shall give credit for all comparable training
2 received at the closed school, as determined by the Agency.
3

4 *The provisions of this §807.341 adopted to be effective August 28, 2006, 31 TexReg 6803;*
5 *amended to be effective November 28, 2022, 47 TexReg 7914*
6

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8

9 **§807.342. Tuition Trust Account.**
10

- 11 (a) In a year in which the Agency determines it is necessary to charge a fee under
12 §132.2415(b) of the Act, each school shall make a payment to the tuition trust
13 account at the time the school renewal fee is paid.
14
- 15 (b) The amount in the tuition trust account, as provided in the Act, is an accrued
16 balance. The accrued balance is the cash balance of the tuition trust account less the
17 sum of the accrued liabilities from unpaid student refunds and teach-out claims.
18
- 19 (c) Disbursements shall be made from the tuition trust account for student refunds and
20 reimbursable teach-out expenses incurred during each 12-month period ending
21 August 31, and shall be:
22
- 23 (1) made first for student refunds in accordance with §132.2415(d) of the Act and
24 §807.262 of this chapter;
25
- 26 (2) calculated after refunds or discharges from other funding sources have been
27 determined;
28
- 29 (3) disbursed to other funding sources from any amount remaining under the
30 limitation of §132.242(e) of the Act; and
31
- 32 (4) disbursed for reimbursable teach-out expenses based upon remaining funds in
33 the account.
34
- 35 (d) Following the graduation or termination of the students from the teach-out school,
36 the teach-out school shall determine actual expenses and submit a claim for
37 reimbursement to the Agency on or before the date provided in the application
38 packet. The teach-out school shall:
39
- 40 (1) not claim expenses for facilities, equipment, utilities, or other items which
41 were owned, rented, used, or otherwise obligated by the school prior to the
42 Agency's approval of the teach-out program, even though such items may be
43 used for the teach-out program;
44
- 45 (2) be limited to expenses for tuition and fees that are nonrecoverable from all
46 financial resources, including grants and loans; and

- 1
2 (3) ensure that the sum of the tuition and fees paid to the student's account at the
3 closed school and the teach-out school is the lesser amount the student would
4 have been charged for the complete program at the closed school or the teach-
5 out school.
6

7 *The provisions of this §807.342 adopted to be effective August 28, 2006, 31 TexReg 6803;*
8 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
9 *November 28, 2022, 47 TexReg 7914*

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12
13 **SUBCHAPTER S. SANCTIONS**

14
15 **§807.351. Notice and Administration of Sanctions.**

- 16
17 (a) Pursuant to its authority under §132.152 of the Act, the Agency may impose
18 administrative penalties or other sanctions on an entity for violations of §132.151 of
19 the Act or this chapter.
20
21 (b) The Agency will serve notice of a sanction, with determination of the violation on
22 which it is based, by both email and certified mail, return receipt requested, mailed to
23 the owner's address of record as listed on the application for certificate of approval.
24 Unless there is other evidence of receipt, notice is presumed received five days from
25 the date it is mailed by the Agency.
26
27 (c) In imposing administrative penalties or other sanctions, the Agency may consider all
28 the factors that it deems relevant, including, but not limited to, the following:
29
30 (1) The amount of administrative penalty or level of sanction necessary to ensure
31 immediate and continued compliance with statutes and regulations;
32
33 (2) The conduct of the entity in taking all reasonable steps or procedures necessary
34 and appropriate to comply with statutes and regulations and to correct the
35 violation; and
36
37 (3) The entity's prior violations of statutes, regulations, or orders administered,
38 adopted, or issued by the Agency.
39
40 (d) Notwithstanding subsections (a) - (c) of this section, the Agency may order refunds
41 pursuant to applicable statute and rules.
42

43 *The provisions of this §807.351 adopted to be effective January 23, 2012, 37 TexReg 200;*
44 *amended to be effective November 28, 2022, 47 TexReg 7914*

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1
2 **§807.352. Sanctions.**
3

4 (a) Sanctions may include:
5

- 6 (1) administrative penalties outlined in §807.353 of this subchapter;
7
8 (2) denying the school's application for a certificate of approval;
9
10 (3) revoking the school's certificate of approval;
11
12 (4) placing conditions on the school's certificate of approval;
13
14 (5) suspending the admission of students to the school or a program;
15
16 (6) denying a program approval;
17
18 (7) revoking a program approval;
19
20 (8) disapproving or revoking approval of an owner, school director, instructor, or
21 other staff member whose approval may be required;
22
23 (9) denying, suspending, placing conditions on, or revoking the registration of the
24 school's representatives;
25
26 (10) assessing a late refund penalty;
27
28 (11) charging the school an investigation fee to resolve a complaint against the
29 school;
30
31 (12) charging the school interest and penalties on late payments of fee installments;
32
33 (13) applying for an injunction against the school;
34
35 (14) asking the attorney general to collect a civil penalty from any person who
36 violates the Act or this chapter;
37
38 (15) ordering a peer review of the school; and
39
40 (16) issuing a cease and desist order to an unlicensed school.

41
42 (b) Notwithstanding subsection (a)(1) - (16) of this section, the Agency may order
43 refunds pursuant to violations of the Act and this chapter.

1
2 *The provisions of this §807.352 adopted to be effective January 23, 2012, 37 TexReg 200;*
3 *amended to be effective November 28, 2022, 47 TexReg 7914*

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6
7 **§807.353. Administrative Penalties.**

- 8
9 (a) An administrative penalty shall not exceed the amount specified in §132.152 of the
10 Act for each instance of a violation and shall be assessed in accordance with that
11 section.
12
13 (b) The administrative penalty is calculated based on a penalty dollar amount and the
14 number of instances of violation.
15
16 (c) A violation is considered a repeat violation only where notice of a violation or an
17 administrative penalty has been issued previously for that same violation.
18
19 (d) The assessment of an administrative penalty shall not preclude the Agency from
20 administering other sanctions, up to and including revocation of a school's certificate
21 of approval.
22
23 (e) The following penalty matrix is for determining and assessing an administrative
24 penalty. The absence of a particular violation from the matrix shall not preclude the
25 Agency from assessing an administrative penalty.
26

Violation	First Offense: Penalty	Repeat Offenses: Penalty	Definition of Instance
Failure of a small school transitioning to a large school to notify the Agency of status change, timely apply, or remit increased fees	\$250	NA	Per violation
Failure to disclose to the Agency changes in tuition, fees, or other charges	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per violation
Failure to provide the Agency notice of a change of address prior to permanently vacating the school facility	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per violation

Violation	First Offense: Penalty	Repeat Offenses: Penalty	Definition of Instance
Failure to maintain records demonstrating compliance with requirements of statute or rule	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per record or student record
Failure to properly destroy or arrange for the destruction of sensitive personal information in the school's custody or control	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per student affected
Failure to protect student records against damage, loss, or misuse	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per record or student record
Failure to provide complete and accurate information as required by the Agency	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per violation
Failure to provide an instructor who meets necessary qualifications and whose application was submitted within required time frames	\$250	Second Offense: \$500 Subsequent Offenses: \$1,000	Per instructor, per course
Failure to ensure a staff member has taken required training and been approved by the Agency	\$500	Subsequent Offenses: \$1,000	Per staff member
Failure to provide an instructor who meets necessary qualifications and whose application was submitted within required time frames	\$500	Subsequent Offenses: \$1,000	Per instructor
Failure to make arrangements satisfactory to the Agency for the completion of a discontinued program	\$500	Subsequent Offenses: \$1,000	Per program
Making a false statement in an application to the Agency	\$500	Subsequent Offenses: \$1,000	Per violation

Violation	First Offense: Penalty	Repeat Offenses: Penalty	Definition of Instance
Failure to maintain the instructors, facilities, equipment, or programs and outcomes on the basis of which approval was issued	\$500	Subsequent Offenses: \$1,000	Per program
Failure to disclose limitations on transferability of courses of instruction to a prospective student	\$500	Subsequent Offenses: \$1,000	Per student affected
Advertising that financial aid is available or advertising that financial aid may be available for a program for which it is not available	\$500	Subsequent Offenses: \$1,000	Per student affected
Failure to establish that a student met the approved admission requirements when the student was enrolled	\$750	Subsequent Offenses: \$1,000	Per student affected
Failure to submit the annual program completion, job placement, and employment data required by the Agency by the required due date	\$750	Subsequent Offenses: \$1,000	Per school
Failure to submit annual financial statements no later than 180 days from the close of the school's or college's fiscal year	\$750	Subsequent Offenses: \$1,000	Per school
Transfer of all students from one school location to another school location, by an owner with multiple school locations, without Agency approval	\$750	Subsequent Offenses: \$1,000	Per violation
Dismissal of all students contrary to the school's class schedule as printed in the school catalog for reasons not approved by the Agency	\$750	Subsequent Offenses: \$1,000	Per dismissal event
Failure to notify the Agency in writing of any legal actions or any change in accreditation status or Title IV status	\$750	Subsequent Offenses: \$1,000	Per action

Violation	First Offense: Penalty	Repeat Offenses: Penalty	Definition of Instance
Operating a school without a certificate of approval	\$1,000	Subsequent Offenses: \$1,000	Per school, per program
Teaching a program or revised program that has not been approved by the Agency	\$1,000	Subsequent Offenses: \$1,000	Per program
Using advertising that is false, misleading, or deceptive, including the misrepresentation of degrees other than those approved by the Coordinating Board	\$1,000	Subsequent Offenses: \$1,000	Per student affected
Failure to notify the Agency of the discontinuance of the program or the operation of a school or college within 72 hours of cessation of classes, and to make available accurate records as required	\$1,000	Subsequent Offenses: \$1,000	Per program
Solicitation of a prospective student in violation of statutory and rule requirements	\$1,000	Subsequent Offenses: \$1,000	Per student affected
Any misrepresentation	\$1,000	Subsequent Offenses: \$1,000	Per misrepresentation
Failure to grant appropriate credit, both in time and monetarily, to any student based on the required evaluation of prior experience, education, or training	\$1,000	Subsequent Offenses: \$1,000	Per student affected
Failure to pay any fee or penalty installment by the required due date	50% of the total amount of the fee	50% of the total amount of the fee	Per failure
Paying a refund late	A rate established annually by the Commission	A rate established annually by the Commission	Per refund, per day

1
2

1 *The provisions of this §807.353 adopted to be effective January 23, 2012, 37 TexReg 200;*
2 *amended to be effective January 8, 2013, 38 TexReg 154; amended to be effective November*
3 *20, 2016, 41 TexReg 9020; amended to be effective November 28, 2022, 47 TexReg 7914*

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6
7 **SUBCHAPTER T. CEASE AND DESIST ORDERS**

8
9 **§807.361. Statement of Charges and Notice of Hearing on Cease and Desist Orders.**

10
11 If the Agency believes a person is operating a career school or college without a
12 certificate of approval in violation of §132.151 of the Act, the Agency may issue a
13 statement of charges and notice of hearing to consider the issuance of a cease and desist
14 order.

15
16 *The provisions of this §807.361 adopted to be effective January 23, 2012, 37 TexReg 200*

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19
20 **§807.362. Contents of Statement of Charges and Notice of Hearing.**

21 The statement of charges and notice of hearing issued by the Agency will contain the
22 following information:

- 23
24 (1) The name and last known address of the person against whom the order may
25 be entered;
26
27 (2) A short and plain statement of the reasons the Agency believes the person is
28 operating a career school or college without a certificate of approval; and
29
30 (3) The date, time, and location of the hearing.
31

32
33 *The provisions of this §807.362 adopted to be effective January 23, 2012, 37 TexReg 200;*
34 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
35 *November 28, 2022, 47 TexReg 7914*

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38
39 **§807.363. Service of Statement and Charges and Hearing Notice for the Issuance of**
40 **Cease and Desist Orders.**

41 The statement of charges and notice of hearing to consider a cease and desist order shall
42 be served by certified mail, return receipt requested, on the person against whom the
43 order is entered. Notice is presumed received five days from the date it is mailed by the
44 Agency.
45
46

1 *The provisions of this §807.363 adopted to be effective January 23, 2012, 37 TexReg 200*

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4
5 **§807.364. Ex Parte Consultations.**

- 6
7 (a) A Commissioner or employee of the Agency assigned to render a decision or to
8 make findings of fact and conclusions of law in a cease and desist proceeding shall
9 not directly or indirectly communicate in connection with an issue of fact or law with
10 the Commission, a person, a party, or a representative of those entities, except on
11 notice and opportunity for each party to participate.
12
13 (b) A Commissioner or employee of the Agency assigned to render a decision or to
14 make findings of fact and conclusions of law in a cease and desist hearing may
15 communicate ex parte with an Agency employee who has not participated in a
16 hearing in the case for the purpose of using the special skills or knowledge of the
17 Agency and its staff in evaluating the evidence.
18
19 (c) This section shall be construed liberally to promote the effectiveness and efficiency
20 of issuance of cease and desist orders.
21

22 *The provisions of this §807.364 adopted to be effective January 23, 2012, 37 TexReg 200*

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25
26 **§807.365. Hearing Decision and Final Review by the Agency.**

- 27
28 (a) Within 10 days after the hearing is held, the hearing officer shall issue a written
29 decision granting or denying the request for the issuance of a cease and desist order
30 that includes findings of fact and conclusions of law. The hearing decision shall be
31 mailed by certified mail, return receipt requested, and is presumed received five days
32 from the date it is mailed. The hearing officer's decision becomes final the 15th day
33 after receipt of the hearing decision unless an appeal is filed under subsection (b) of
34 this section.
35
36 (b) A party that is not satisfied with the decision of the hearing officer may file a written
37 appeal of the decision to the Agency for a final review no later than the 15th day
38 after receipt of the hearing decision. The written appeal shall contain the party's
39 arguments as to why the decision of the hearing officer should be reversed.
40
41 (c) Upon receipt of the written appeal of the hearing officer's decision, the Agency shall
42 consider the appeal and issue a decision promptly. The Agency shall consider the
43 appeal on the basis of the record made before the hearing officer. The decision of the
44 Agency shall be mailed by certified mail, return receipt requested, and is presumed
45 received five days from the date it is mailed.

1
2 *The provisions of this §807.365 adopted to be effective January 23, 2012, 37 TexReg 200;*
3 *amended to be effective November 14, 2016, 41 TexReg 9020; amended to be effective*
4 *November 28, 2022, 47 TexReg 7914*

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7
8 **§807.366. Cease and Desist Order.**

- 9
10 (a) If the request for the issuance of a cease and desist order becomes final under the
11 provisions of §807.365(a) of this subchapter or, if after an appeal the decision under
12 §807.365(c) of this subchapter upholds the issuance of a cease and desist order by
13 the Agency, the hearing officer shall issue a cease and desist order against the person
14 who is found operating a career school or college without a certificate of approval in
15 violation of §132.151 of the Act.
16
17 (b) The cease and desist order shall be delivered by certified mail, return receipt
18 requested, and is presumed received five days from the date it is mailed.
19
20 (c) From the date of receipt of the issuance of the cease and desist order, the person
21 must completely cease and desist operating the career school or college.
22
23 (d) The cease and desist order shall remain in effect until the person comes into complete
24 compliance with the Act as determined by the Agency, or unless otherwise provided
25 by the order of the Agency.
26

27 *The provisions of this §807.366 adopted to be effective January 23, 2012, 37 TexReg 200;*
28 *amended to be effective November 28, 2022, 47 TexReg 7914*

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31
32 **SUBCHAPTER U. CAREER SCHOOLS HEARINGS**

33
34 **§807.381. Purpose.**

35
36 This subchapter provides a hearing process to the extent authorized by the Act and the
37 rules administered by the Agency.
38

39 *The provisions of this §807.381 adopted to be effective January 23, 2012, 37 TexReg 200*

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41 [Return to Table of Contents](#)

42
43 **§807.383. Information on Right of Appeal.**

44
45 An issuer of a determination shall inform the career school applicant or any party directly
46 aggrieved by the determination of the right to a hearing. The notice shall explain the

1 procedure for an appeal, the party's right of appeal, and the right to be represented by
2 others, including legal counsel.

3
4 *The provisions of this §807.383 adopted to be effective January 23, 2012, 37 TexReg 200*

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7
8 **§807.384. Request for Hearing.**

- 9
10 (a) The party seeking review of a determination under this subchapter relating to career
11 schools hearings shall request a hearing in writing within 15 days after receipt of the
12 notice of determination.
13
14 (b) The request shall be addressed as provided in the determination and state the nature
15 of the determination, the name and identifying information of the requesting party,
16 and a request that the determination be reviewed.
17
18 (c) The request may include an explanation of why the determination should be changed;
19 however, this is not a jurisdictional requirement.
20

21 *The provisions of this §807.384 adopted to be effective January 23, 2012, 37 TexReg 200*

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24
25 **§807.385. Setting of Hearing.**

- 26
27 (a) Upon receipt of request for a hearing, the Agency will promptly mail a notice of
28 hearing that sets the hearing for a reasonable time and place within 30 days from
29 receipt of the request for a hearing.
30
31 (b) The notice of hearing shall be in writing and include a:
32
33 (1) statement of the date, time, place, and nature of the hearing;
34
35 (2) statement of the legal authority under which the hearing is to be held; and
36
37 (3) short and plain statement of the issues to be considered during the hearing.
38
39 (c) The notice of hearing shall be issued at least 10 days before the date of the hearing
40 unless a shorter period is permitted by statute.
41
42 (d) The hearing notice shall state whether the hearing shall be conducted by telephone or
43 in-person. The hearing notice shall also include the location of an in-person hearing.
44

- 1 (e) Parties needing special accommodations, including a bilingual or sign language
2 interpreter, may request such before the setting of the hearing, if possible, or as soon
3 as practical.
4

5 *The provisions of this §807.385 adopted to be effective January 23, 2012, 37 TexReg 200;*
6 *amended to be effective November 28, 2022, 47 TexReg 7914*
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9

10 **§807.386. Hearing Officer Independence and Impartiality.**
11

- 12 (a) A hearing officer presiding over a hearing shall have all powers necessary and
13 appropriate to conduct a full, fair, and impartial hearing. Hearing officers shall
14 remain independent and impartial in all matters regarding the handling of any issues
15 during the pendency of a case and in issuing their written decisions.
16
17 (b) A hearing officer shall be disqualified if the hearing officer has a personal interest in
18 the outcome of the appeal or if the hearing officer directly or indirectly participated
19 in the determination on appeal. Any party may present facts to the Agency in support
20 of a request to disqualify a hearing officer.
21
22 (c) The hearing officer may withdraw from a hearing to avoid the appearance of
23 impropriety or partiality.
24
25 (d) Following any disqualification or withdrawal of a hearing officer, the Agency will
26 assign an alternate hearing officer to the case. The alternate hearing officer shall not
27 be bound by any findings or conclusions made by the disqualified or withdrawn
28 hearing officer.
29

30 *The provisions of this §807.386 adopted to be effective January 23, 2012, 37 TexReg 200;*
31 *amended to be effective November 28, 2022, 47 TexReg 7914*
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34

35 **§807.387. Hearing Procedures.**
36

- 37 (a) The hearing shall be conducted telephonically, unless an in-person hearing is
38 requested and the hearing officer deems an in-person hearing appropriate or the
39 hearing officer determines that another method of conducting the hearing is
40 appropriate.
41
42 (b) The hearing shall be conducted informally and in such a manner as to ascertain the
43 substantive rights of the parties. All issues relevant to the appeal shall be considered
44 and addressed, and may include:
45

- 1 (1) Presentation of Evidence. The parties to an appeal may present evidence that is
2 material and relevant, as determined by the hearing officer. In conducting a
3 hearing, the hearing officer shall actively develop the record on the relevant
4 circumstances and facts to resolve all issues. To be considered as evidence in a
5 decision, any document or physical evidence must be entered as an exhibit at
6 the hearing. A party has the right to object to evidence offered at the hearing
7 by the hearing officer or other parties.
8
- 9 (2) Examination of Parties and Witnesses. After placing the witnesses under oath,
10 the hearing officer shall examine parties and any witnesses and shall allow
11 cross-examination to the extent the hearing officer deems necessary to afford
12 the parties due process.
13
- 14 (3) Additional Evidence. The hearing officer, with or without notice to any of the
15 parties, may take additional evidence as deemed necessary, provided that a
16 party shall be given an opportunity to rebut the evidence if it is to be used
17 against the party's interest.
18
- 19 (4) Appropriate Hearing Behavior. All parties shall conduct themselves in an
20 appropriate manner. The hearing officer may expel any individual or party who
21 fails to correct behavior the hearing officer identifies as disruptive. After
22 expulsion, the hearing officer may proceed with the hearing and render a
23 decision.
24

25 (c) Records.
26

- 27 (1) The hearing record shall include the audio recording of the proceeding and any
28 other relevant evidence relied on by the hearing officer, including documents
29 and other physical evidence entered as exhibits.
30
- 31 (2) The hearing record shall be maintained in accordance with federal and state
32 law.
33
- 34 (3) Confidentiality of information contained in the hearing record shall be
35 maintained in accordance with federal and state law.
36
- 37 (4) Upon request, a party has the right to obtain a copy of the hearing record at no
38 charge. However, a party requesting a transcript of the hearing record shall pay
39 the costs of the transcription.
40

41 *The provisions of this §807.387 adopted to be effective January 23, 2012, 37 TexReg 200;*
42 *amended to be effective November 28, 2022, 47 TexReg 7914*
43

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1
2 **§807.388. Postponements, Continuances, and Withdrawals.**
3

- 4 (a) The hearing officer may grant a postponement of a hearing for good cause at a
5 party's request.
6
7 (b) A continuance of a hearing may be ordered at the discretion of the hearing officer in
8 order to consider additional, necessary evidence or for any other reason the hearing
9 officer deems appropriate.
10
11 (c) A party may withdraw an appeal at any time prior to the issuance of the final
12 decision.
13

14 *The provisions of this §807.388 adopted to be effective January 23, 2012, 37 TexReg 200*
15

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17

18 **§807.389. Evidence.**
19

- 20 (a) Evidence Generally. Evidence, including hearsay evidence, shall be admitted if it is
21 relevant and if in the judgment of the hearing officer it is the kind of evidence on
22 which reasonably prudent persons are accustomed to rely in the conduct of their
23 affairs. However, the hearing officer may exclude evidence if its probative value is
24 outweighed by the danger of unfair prejudice, by confusion of the issues, or by
25 reasonable concern for undue delay, waste of time, or needless presentation of
26 cumulative evidence.
27
28 (b) Exchange of Exhibits. Any documentary evidence to be presented during a
29 telephonic hearing shall be exchanged with all parties and a copy shall be provided
30 to the hearing officer in advance of the hearing. Any documentary evidence to be
31 presented at an in-person hearing shall be exchanged at the hearing.
32
33 (c) Stipulations. The parties, with the consent of the hearing officer, may agree in
34 writing to relevant facts. The hearing officer may decide the appeal based on such
35 stipulations or, at the hearing officer's discretion, may set the appeal for hearing and
36 take such further evidence as the hearing officer deems necessary.
37
38 (d) Experts and Evaluations. If relevant and useful, testimony from an independent
39 expert or a professional evaluation from a source satisfactory to the parties and the
40 Agency may be ordered by hearing officers, on their own motion or at a party's
41 request. The cost of any such expert or evaluation ordered by the hearing officer
42 shall be borne equally by the parties.
43
44 (e) Subpoenas.
45

- 1 (1) The hearing officer may issue subpoenas to compel the attendance of witnesses
2 and the production of records. A subpoena may be issued either at the request
3 of a party or on the hearing officer's own motion.
4
- 5 (2) A party requesting a subpoena shall state the nature of the information desired,
6 including names of any witnesses and the records that the requestor feels are
7 necessary for the proper presentation of the case.
8
- 9 (3) The request shall be granted only to the extent the records or the testimony of
10 the requested witnesses appears to be relevant to the issues on appeal.
11
- 12 (4) A denial of a subpoena request shall be made in writing or on the record,
13 stating the reasons for such denial.
14

15 *The provisions of this §807.389 adopted to be effective January 23, 2012, 37 TexReg 200*

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17
18
19 **§807.390. Ex Parte Communications.**

- 20
- 21 (a) The hearing officer shall not participate in ex parte communications, directly or
22 indirectly, in any matter in connection with any substantive issue, with any interested
23 person or party. Likewise, no person shall attempt to engage in ex parte
24 communications with the hearing officer on behalf of any interested person or party.
25
- 26 (b) If the hearing officer receives any such ex parte communication, the other parties
27 shall be given an opportunity to review any such ex parte communication.
28
- 29 (c) Nothing shall prevent the hearing officer from communicating with parties or their
30 representatives about routine matters such as requests for continuances or
31 opportunities to inspect the file.
32
- 33 (d) The hearing officer may initiate communications with an impartial Agency employee
34 who has not participated in a hearing or any determination in the case for the limited
35 purpose of using the special skills or knowledge of the Agency and its staff in
36 evaluating the evidence.
37

38 *The provisions of this §807.390 adopted to be effective January 23, 2012, 37 TexReg 200*

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1
2 **§807.391. Change in Determination.**
3

4 The issuer of the determination may change the determination any time before the
5 hearing officer issues the decision. Despite the issuer changing the determination, the
6 parties may proceed with the hearing.
7

8 *The provisions of this §807.391 adopted to be effective January 23, 2012, 37 TexReg 200*
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11

12 **§807.392. Hearing Decision.**
13

- 14 (a) Following the conclusion of the hearing, the hearing officer shall promptly prepare a
15 written decision on behalf of the Agency.
16
17 (b) The decision shall be based exclusively on the evidence of record in the hearing and
18 on matters officially noticed in the hearing. The decision shall include:
19
20 (1) a list of the individuals who appeared at the hearing;
21
22 (2) the findings of fact and conclusions of law reached on the issues; and
23
24 (3) the affirmation, reversal, or modification of the determination.
25
26 (c) Unless a party files a timely motion for rehearing, the Agency may assume
27 continuing jurisdiction to modify or correct a hearing decision until the expiration of
28 30 calendar days from the mailing date of the hearing decision.
29

30 *The provisions of this §807.392 adopted to be effective January 23, 2012, 37 TexReg 200*
31

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33

34 **§807.393. Motion for Reopening.**
35

- 36 (a) If a party does not appear for a hearing, the party may request the reopening of the
37 hearing within 30 calendar days from the date the decision is mailed.
38
39 (b) The motion for reopening shall be in writing and detail the reason for failing to
40 appear at the hearing.
41
42 (c) The Agency may schedule a hearing on whether to grant the reopening.

- 1
2 (d) The motion may be granted if the hearing officer determines that the party has shown
3 good cause for failing to appear at the hearing.
4

5 *The provisions of this §807.393 adopted to be effective January 23, 2012, 37 TexReg 200*
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9 **§807.394. Motion for Rehearing.**
10

- 11 (a) A party has 30 calendar days from the date the decision is mailed to file a motion for
12 rehearing. A rehearing shall be granted only for the presentation of new evidence.
13
14 (b) A motion for rehearing shall be in writing and allege the new evidence to be
15 considered. The party shall show a compelling reason why this evidence was not
16 presented at the hearing.
17
18 (c) If the hearing officer determines that the alleged, new evidence warrants a rehearing,
19 a hearing shall be scheduled at a reasonable time and place.
20
21 (d) The hearing officer shall issue a written decision in response to a timely filed motion
22 for rehearing.
23
24 (e) The Agency may assume continuing jurisdiction to modify, correct, or reform a
25 decision until the expiration of 30 calendar days from the date of mailing of the
26 hearing decision.
27

28 *The provisions of this §807.394 adopted to be effective January 23, 2012, 37 TexReg 200*
29

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31

32 **§807.395. Finality of Decision.**
33

- 34 (a) The decision of the hearing officer is the final decision of the Agency after the
35 expiration of 30 calendar days from the mailing date of the decision unless within
36 that time:
37
38 (1) a request for reopening is filed with the Agency;
39
40 (2) a request for rehearing is filed with the Agency; or
41
42 (3) the Agency assumes continuing jurisdiction to modify or correct the decision.
43
44 (b) Any decision issued in response to a request for reopening or rehearing or a
45 modification or correction issued by the Agency becomes final on the expiration of
46 30 calendar days from the mailing date of the decision, modification, or correction.

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*The provisions of this §807.395 adopted to be effective January 23, 2012, 37 TexReg 200;
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