

Summary of 2012 Career Schools and Colleges Rule Amendments

Final Rules Adopted – January 3, 2012

Effective Date of Rule Amendments – January 23, 2012

Rule Amendments with Explanatory Preamble (PDF):

http://www.twc.state.tx.us/twcinfo/rules/20112012/adopch807_012312.pdf

Complete Current Career Schools and Colleges Rules - Texas Administrative Code, Chapter 807 (PDF):

<http://www.twc.state.tx.us/twcinfo/rules/ch807.pdf>

All career schools and colleges (schools) are immediately responsible to comply with the amended rules, with the understanding that:

- Compliance with the new Representative Training Requirement (§807.51) will be satisfied by ensuring all school Representatives take a free, online TWC training module. The module is currently in development. Further instruction about availability of training and requirements for existing representatives will be provided soon.
- Some rule amendments require revisions to applications or other forms used for school licensure. All schools must ensure they use the currently published version of an application or form at the time of submission. All current forms are published online at the Forms webpage at <http://www.twc.state.tx.us/svcs/propschools/propforms.html#schoolForms>.

The amendments include changes that increase the transparency of regulatory requirements and regulatory response in several areas, including some where violations and possible abuses have been identified. Some amendments implement bills passed by the 82nd Texas Legislature, Regular Session (2011). Other amendments make non-substantive technical changes that clarify or move language in order to increase clarity of the rules overall.

Definition of Good Reputation – §807.2 (21)

- Revises this definition to enhance requirements for good reputation required of all school owners, school directors and key management staff, school representatives, and instructors.

Confidentiality of Information - §807.8

- Incorporates the statutory provision relating to the confidentiality of student information passed during last session (*HB 2538, 82R Legislature*).
- “Student information” in TWC’s possession is not subject to the Public Information Act.

Unlicensed Schools - §807.17

- Clarifies TWC’s authority relating to career school or colleges that operate/solicit/enroll students before receiving a certificate of approval or an exemption from TWC.

Representative Provisions

- Training Requirement - §807.51- requires representatives to take training on statutory and rule requirements surrounding legal and ethical student solicitation and enrollment.
 - TWC is developing an online training module for representatives; further instruction about availability of training and requirements for existing representatives will follow.
 - Once the training requirement is implemented, school inspections will include a compliance review for documentation of training.
- Representative Compliance - §807.54 – clarifies TWC’s authority to hold school representatives liable for violations of career schools law, rules, policies, and procedures. A detailed matrix of violations and corresponding sanctions, up to and including revocation of approval to serve as a representative in Texas, is included.

Tour Requirement - §807.261

- Requires schools to give students a tour before the first scheduled class day.

Refund Requirements - §807.263

- Consolidates refund provisions, making some actions resulting in requirement for full refund more transparent.
- Provides that students may cancel enrollment and request a full refund within the first 3 scheduled class days.
- Incorporates statutory reference to the revised refund calculation for students who withdraw or are terminated from a program prior to completion (*HB 2784, 82R Legislature*)

Reporting - §807.284

- Updates school reporting requirements, making reference to reportable data types, documentation, electronic reporting, data audit and verification, and performance expectations.
- Specifies the potential for financial penalties or other sanctions for failure to submit data by required deadlines or for reporting inaccurate data.
- Outlines graduated corrective actions that will be taken for school programs that fail to meet the employment rate performance minimum, including program improvement plans and, for programs that fail to improve, suspension of workforce-funded students and ultimately revocation of program approval.
- An online reporting system is in development that will be tested and in production for FY 2012 reporting.
- TWC will continue to enhance the school/program information reported on its website, and coordinate with the Texas Higher Education Coordinating Board (THECB) to develop reporting that mirrors THECB's online resumes as closely as possible (*HB 736, 82R Legislature*).

Complaints - §807.302

- Clarifies TWC's authority to investigate complaints about licensed and unlicensed schools and take enforcement actions in response to violations found.
- Establishes that anonymous complaints will not be investigated through the standard complaint process; however, TWC will use anonymous complaint information to identify whether further action is needed.
- With a good cause exception, establishes that complaints will be accepted/investigated if received while a student is in school or within 2-years from the time of leaving the school.

Sanctions/Penalties – Subchapter S

- Consolidates and clarifies sanction and penalty information.
- Establishes a penalty matrix for violations of statute and rules.