

Texas Workforce Commission

A Member of Texas Workforce Solutions

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Commissioner Representing
Labor

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Larry E. Temple
Executive Director

December 17, 2010

RE: Amendments to Texas Workforce Commission Career Schools and Colleges Rules

Dear School Owners and Directors:

This correspondence is to inform you of the Texas Workforce Commission's (Commission) adoption of amendments to the Career Schools and Colleges rules (40 TAC, Chapter 807). The amended rules are effective December 20, 2010. To assist you in understanding the amendments, enclosed is a detailed amendment summary and a sample "Student Complaint Policy Notice."

Of particular importance, and requiring immediate action, is amended rule 807.301, which affects all schools. This rule outlines notice requirements that will increase visibility to students of information about their school's regulation, and the school and Commission grievance processes available to them. The enclosed sample notice is designed to assist you in ensuring that required messages are included in your school's notices, which must be placed on your website and in several locations within your school.

Also of note is rule 807.131, which has been amended to specify that the Commission will establish in an open meeting the minimum rate of employment for jobs in the stated occupation that is required for an approved program's graduates, in order for the program to maintain TWC approval.

For those anticipating applications for new schools, it will be important to be aware of maximum time frames set by rule 807.11 for career schools to respond to TWC requests for information (30 days) and to ultimately complete an original application for a TWC Certificate of Approval (within 180 days of TWC's receipt of an initial application submission).

Several other amendments standardize, streamline, or clarify requirements for schools. Your school may be able to take advantage of some of these provisions.

The Commission approved the proposed amended rules on August 31, 2010, and they were published in the *Texas Register* on September 17, 2010, for a thirty-day public comment period. No comments were received, and the Commission adopted the final rules on November 30, 2010. The amended rules are published in the *Texas Register* on December 17, 2010 and effective December 20, 2010. The rule amendments and the final current rules are both available on TWC's Career Schools and Colleges Website at <http://csc.twc.state.tx.us>.

Should you have any questions about TWC rules, please contact us. Thank you for your ongoing efforts to provide Texans with educational and training opportunities.

Sincerely,



Catherine Bingle, Director
Career Schools and Colleges

Enclosures (2)

Summary of Texas Workforce Commission
Chapter 807 Career Schools and Colleges Amended Rules

On November 30, 2010, the Texas Workforce Commission (Commission) adopted amendments to its Career Schools and Colleges rules (40 TAC, Chapter 807). The final rule amendments are effective December 20, 2010. The amendments and current rules are available on TWC's Career Schools and Colleges Website at <http://csc.twc.state.tx.us>. The following is a summary of the changes to Chapter 807:

Section 807.301, School Policy Regarding Complaints, specifies additional requirements for licensed schools to inform students about the regulated status of their school and the grievance processes available to students. Schools were already responsible for ensuring and documenting that all students have received a copy of the school's grievance procedures and for fully describing these procedures in the school's published catalog.

Schools now must post a visible notice with prescribed minimum content described below:

- on the school's website; and
- on school premises:
 - centrally located at or near the school's main entrance;
 - in at least one of the student common areas such as a breakroom;
 - in places where student solicitation, financial aid advising, and enrollment activities take place; and
 - in any other areas as may be requested by the Commission that may be necessary to respond to problems with school compliance.

The notice must be easily visible -- displayed in a location, and printed in a font of sufficient size, to be easily read.

Exact wording is not necessary, **but the following five points must be conveyed in the notice (see sample template):**

1. The school has a certificate of approval from TWC to operate a career school or college in the state of Texas (with a TWC-assigned school number);
2. The school's programs are approved by TWC, and other Texas state agencies and school accrediting bodies, which must be named, if applicable;
3. Students must address their concerns about the school or an educational program by following the grievance process outlined in the school's catalog;
4. Students dissatisfied with the school's response to their complaint can file a formal complaint with TWC, as well as with other relevant agencies or accreditors, if applicable; and
5. Information on filing a complaint with TWC can be found on its Career Schools and Colleges Website at <http://csc.twc.state.tx.us/>.

Note: While students are expected to first use their school's complaint procedures before filing a complaint with TWC, TWC will respond to any student complaint it receives, and will require speedy response and resolution by the school, including a possible refund to the complainant.

Section 807.11, Original Approvals, sets maximum time frames for career schools to respond to TWC requests for information (30 days) and to ultimately complete an original application for a TWC Certificate of Approval (within 180 days of TWC's receipt of an initial application submission), after which a school's application may be considered withdrawn. After withdrawal, a school may reapply but cannot open (or reopen) until the application is successfully completed.

Section 807.131, School Responsibilities Relating to Courses of Instruction, specifies that the Commission will establish in an open meeting the minimum rate of employment for jobs in the stated occupation that is required for an approved program's graduates, in order for the program to maintain TWC approval. This rate has been set at 60 percent for many years.

Section 807.122, Courses of Instruction, allows licensed schools that are accredited by a U.S. Department of Education (ED)-recognized accrediting agency to apply directly to the accreditor for approval of new or revised non-degree courses. This is in addition to any approval by the Texas Higher Education Coordinating Board (THECB) to grant degrees. To take advantage of this provision, a school must be licensed by TWC for at least one year and be accredited by, and in good standing with, an ED-recognized accrediting agency. The school must provide TWC with a copy of the approval letter from the accreditor, at which time TWC will list the course in the school's List of Approved Programs on file with TWC and in TWC's online Directory of Licensed Institutions and the school may recruit for and conduct the course. If TWC has substantiated two complaints against the school within the previous year, the school may lose the ability to apply directly to the accreditor for its non-degree courses.

Section 807.245, Leaves of Absence, allows programs that are longer than 600 hours and eligible for federal Title IV funding to have an approved leave-of-absence policy consistent with ED's policy.

Section 807.5, Exemptions, is added to clarify requirements for an exemption from the requirement for a TWC Certificate of Approval for schools that offer bachelor's or higher-level degrees with a majority of credits transferable to public higher education institutions to conform to changes in THECB rules. To qualify for this exemption, a school must demonstrate that:

- it has been licensed by TWC for at least one year;
- it has THECB authorization to grant degrees or a THECB exemption from this requirement;
- it is accredited by, and in good standing with, a THECB-recognized accreditor; and
- a majority of credits earned in its educational programs are transferable to educational programs at equivalent or higher academic levels at a public college or university located in the same service area as the offered program.

The school is at risk of losing this exemption if it has complaints substantiated within the previous year, loses THECB approval, loses accreditor approval or good standing, or if sister schools of the same ownership lose accreditor approval or good standing.

Chapter 807—Nonsubstantive Technical Changes and Corrections

- References to “program” are replaced with “courses of instruction” in a number of locations to clarify that approval requirements apply to both residence programs and seminars.
- **Section 807.16** replaces references to “associates degrees” with “degrees,” because THECB now approves several levels of degree-granting authority. TWC may recognize a school’s authority to grant degrees upon receipt of appropriate notices from THECB and the school’s accreditor. Such recognized degree programs are listed in the school’s List of Approved Programs on file with TWC and in TWC’s online Directory of Licensed Institutions.
- **Section 807.131(a)** clarifies that schools must identify any portion of instruction conducted by distance education.
- **Section 807.151(13)** corrects the fee for investigation of a complaint from \$400 to \$600 to conform to Texas Education Code §132.201(e). The complaint investigation fee may be assessed when a site visit is necessary to investigate a complaint.
- **Section 807.223** is clarified to indicate that its requirements apply only to asynchronous distance education schools, and not synchronous distance education schools.
- **Section 807.263** reinforces that student cancellation and refund requirements apply to all types of schools.