

School Directors' Resource Guide



Career Schools and Colleges

School Directors' Resource Guide Career Schools and Colleges

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Introduction to Career Schools and Colleges

Chapter 1

Purpose of this Guide

After reviewing this Resource Guide, School Directors will be able to:

- locate the most current State Law and Rules governing Texas Career Schools and Colleges
 - explain the requirements of State Law and Rules necessary to demonstrate compliance
 - describe the documentation required to demonstrate compliance with the *Texas Education Code, Chapter 132 and Texas Administrative Code, Section 807*.
-

Key to Symbols

This guide uses the symbols at left to direct readers' attention to specific text.



State Law

The **Seal of the State of Texas** indicates a state law that governs policies and procedures. Career schools and colleges are regulated under [*Title 3, Texas Education Code, Chapter 132*](#). The *Texas Education Code* is also referred to as the *Law* throughout this manual.



State Rule

The **rule symbol** emphasizes a requirement is by state rule. Career schools and colleges are regulated under [*Title 40, Texas Administrative Code, Chapter 807*](#). The *Texas Administrative Code* is also referred to as the *Rules* throughout this manual.

**Changes to
Content**

To be sure you have the most current information available, check the Career Schools and Colleges (CSC) website at:

<http://propschools.texasworkforce.org>.

This guide will be periodically updated online, and the most current version posted at the above website.

**Mission
Statement**

The mission of Career Schools and Colleges (CSC) is to license and regulate private career schools and approve veterans' education and training thereby ensuring the highest level of quality in program offerings for all students. The provision of consumer protection for students and private school owners is also a primary part of the mission.

CSC History



Effective January 1, 1972, the Texas legislature enacted the Texas Proprietary School Act. The Act was located in Chapter 32 of *the Texas Education Code*, and was administered by the Texas Education Agency, Division of Proprietary Schools, Drivers Training, and Veterans Education.

Effective September 1, 1995, Senate Bill 1, 74th Texas Legislature, re-codified Chapter 32 to *Chapter 132, Texas Education Code (the Law)*, and the Texas Employment Commission "*assumed jurisdiction and control of the system of proprietary schools.*" The transfer was to take place no later than February 1, 1996.

During the same legislative session, House Bill 1863 created the Texas Workforce Commission to assume the responsibilities of the Texas Employment Commission. The Texas Workforce Commission "*assumed jurisdiction and control of the system of proprietary schools*" effective March 1, 1996.

CSC History
(continued)

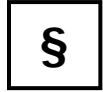


On September 1, 2003, Senate Bill 280 and Senate Bill 1343, 78th Texas Legislature amended the *Texas Education Code, Chapter 132* to:

- change all references from "proprietary schools" to "career schools and colleges"
- change all references from "correspondence" to "distance education"
- further define "distance education"
- require schools to apply for and be granted an exemption
- make sure any agreement with a student for an educational loan or for the payment of tuition is unenforceable if the school is unlicensed
- categorize distance education into synchronous or asynchronous courses for the purpose of refunds
- clarify that a closing school owes a full refund to any student that was prevented from completing training
- make owners of unlicensed schools that close personally liable for any refunds
- move administrative hearings from State Office of Administrative Hearings (SOAH) to the Commission, to be held in the same manner as denial hearings
- authorize the Commission to issue Cease and Desist orders
- replace the Tuition Protection Fund (General Revenue Fund) with the Career School and College Tuition Trust Account
- increase the maximum amount for student refunds for each closing school to \$150,000
- delete the requirement for bonds.

For a copy of the current law regarding CSC, refer to *Appendix 1*.

**Career Schools
and Colleges
Rules**



The *Rules* explain and clarify statutory language and provide specific guidance to ensure compliance with legislative intent. The *Rules* have the effect of law.

The revised rules governing Texas Career Schools and Colleges were adopted effective April 26, 2004. The Texas CSC Rules (TAC Title 40 Part 20 Chapter 807) and the General Hearings - Rules (TAC Title 40 Part 20 Chapter 823) are on the CSC Web site:

<http://propschools.texasworkforce.org>.

**Definition of
Career Schools
and Colleges**



Subchapter A,
§132.001(1)

A "career school or college" is any business enterprise operated on a "for profit" or "nonprofit" basis, that maintains a place of business in Texas or solicits business within Texas, with the exception of those enterprises specifically exempt by the *Law*. They offer or maintain a course or courses of instruction or study through classroom instruction or by correspondence, or both.

The course or courses of instruction prepare a person for a field of endeavor in a business, trade, technical, industrial occupation, or avocational or personal improvement.

Disclaimer

Career Schools and Colleges is providing this information as a public service. This service is continually under development. The user should know that, while we try to keep the information timely and accurate, there will often be a delay between official publication of the statute and rules and their appearance in or modification of this guide. The Texas Education Code and the Rules of the Texas Workforce Commission remain the official sources for regulatory information published by the Texas Workforce Commission. In the event of conflicting information, this guide is superceded. We will make every effort to correct errors brought to our attention.

**Meeting the
School Director
Training
Requirement**

Congratulations on becoming a school director. As part of your responsibilities, CSC requires you to complete mandated training for school directors. You must complete the specially designed, self-directed training contained in this resource guide to meet the training requirement. This guide promotes understanding of the *Law* and the *Rules* and to provides information and direction about common CSC procedures. In circumstances where you need additional guidance, refer to the *Law* and the *Rules*, and check with CSC staff for clarification, if necessary. Copies of the *Laws* and the *Rules* are in the Appendix of this guide. Additional CSC forms and information are on the CSC website at:

<http://propschools.texasworkforce.org>

After you read the guide, please complete the Certificate of Completion at the end of Chapter 18 on page 18.9 to satisfy the training mandate. Mail or fax it to:

Texas Workforce Commission
Career Schools and Veterans Education Department
101 East 15th Street, Room 202T
Austin, Texas 78778-0001

Fax Number: (512) 936-3111

Representatives

Chapter 2

Definition of a Representative



Subchapter A,
132.001(4)

The *Law* defines “Representative” as a person employed by a career school or college, regardless of school location, to act as an agent, solicitor, broker, or independent contractor to directly procure students for the school or college by solicitation. The representative can be in Texas or out of state. (*See Appendix 1.*)

Representative Registration



Subchapter A,
§132.001

Any person who directly enrolls students or provides school information such as tuition, curriculum, or class schedules is acting as a representative. Depending on the school, a representative could be the school director, an instructor, a receptionist, an administrative assistant, the owner, or a specific individual(s) hired to recruit students for the school.

If an individual or a partnership owns the school, it is not necessary for that individual or those partners to register as representatives. However, anyone hired to solicit students or discuss course information with students must apply for registration as a representative of the school.

If a corporation owns a school, Career Schools and Colleges (CSC) must approve any person who enrolls students or provides information about the school as a representative. Corporate owners must register as a representative to perform representative duties. The corporation is the employer, not the individual owners of the corporation.

**Representative
Registration**
(continued)

For example, if a school receptionist transfers an inquiry about course tuition to another school employee (registered representative), she is not acting as a representative. If she answers the question herself she is acting as a school representative and should be registered. The school is responsible for *any representations or misrepresentations*, expressed or implied, made by any representative, whether or not they are registered and approved by TWC.

Remember: Students solicited or enrolled by an unregistered representative are entitled to a refund of all monies paid and a release from all obligations. Any contract signed by a prospective student as a result of solicitation or enrollment by an unregistered representative is null and void, and unenforceable.

**Representative
Standards**

§

Subchapter D,
§807.52

A representative must:

- have sufficient knowledge of the school to provide complete and accurate information about the school to prospective students
- refer questions about financial aid and entrance testing to the appropriate school officials
- invite the prospective student to tour the school's facilities, to inspect equipment, and to meet and speak with students about the school and programs.

**Representative
Limitations**

The *Texas Education Code* and the *Rules* set numerous limitations on representative activities.

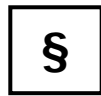
Solicitation of students begins only after the school receives:

- approval notice from TWC for the school
- notice of registration of the representative(s)

**Representative
Limitations**
(continued)



Subchapter C,
§132.059



Subchapter D,
§807.53

Employees and other agents of recruiting firms are not allowed to serve as representatives.

Representatives may *not*:

- solicit in public places other than educational settings, job fairs, or organized meetings
- offer any inducement to a prospective student prior to enrollment
- administer an entrance test
- advise students about financial aid other than to tell them it is available
- give false or deceptive information about any aspect of the school's operation
- concurrently solicit for or represent more than one school without the owners' knowledge
- engage in acts or practices that intimidate, coerce, or mislead a prospective student into accepting an enrollment
- represent the school or program as having sponsorship, credentials, approval, characteristics, credit transferability, uses, benefits or qualities that it does not have
- discredit another school or its programs by false or misleading representation of facts
- solicit enrollments in unapproved programs
- solicit students for a school through an employment agency
- violate any legal requirement or prohibition contained in the *Texas Education Code* or the *Rules*.

CSC considers statements made by representatives to be the equivalent of advertising the school. Therefore, the restrictions on advertising apply to statements made by representatives. (See Subchapter I, §807.121 through §807.126.)

**Initial
Representative
Application
Requirements**



Subchapter C,
§132.059

All representatives employed by a career school or college must register with the TWC. A school may make application to register their representative(s) at any time. Prior to TWC approval, the school must submit for each representative application:

- completed form PS-014, Representative Registration Application (*see Appendix 9.*)
- required application fee (presently \$90.00)
- completed form PS-186, Fee Sheet (*see Appendix 26.*)

The effective date of the registration approval is the date TWC receives an acceptable application. The expiration date of the representative approval is the same date as the expiration of the school's Certificate of Approval.

For example, an applicant submits an acceptable form PS-014 on September 15, 2004. The school's Certificate of Approval expires October 31, 2004. The representative's initial approval is effective September 15, 2004 through October 31, 2004.

**Common
Application
Errors**

The most common errors made on a school representative application are:

- failure to send the application form
 - failure to submit the registration fee with the application
 - not having the application signed
 - by the applicant
 - by the authorized school official
 - not notarizing the form or not having the notary seal
 - failure to explain the circumstances if the applicant answered yes to "felony conviction."
-

**Renewal
Application
Requirements for
Representatives**



Subchapter D,
§807.51

Schools must apply annually to renew representative approvals, using form PS-014A, Addendum to Representative Application. Check the Representative Renewal box in the upper left corner of form.

To renew representatives, send a:

- completed form PS-014A (*see Appendix 10*)
 - renewal fee(s) (currently \$45.00 per representative)
 - a completed form PS-186, Fee Sheet (*see Appendix 26*)
-

**Name and
Address Changes
for
Representatives**

The Addendum to Representative Application is also used to change the names and addresses of representatives *at the time the changes occur*. Check the Address or Name Change box in the upper left corner of form PS-014A.

To change representative data send a:

- completed form PS-014A (*see Appendix 10*)
- change fee(s) (currently \$15.00 per representative)
- completed form PS-186, Fee Sheet (*see Appendix 26*)

Representative renewal and address or name changes can be done concurrently using the same form PS-014A. Mark both boxes in the upper left corner of the form, and mark check boxes in the Name or Address columns indicating the school is submitting new data.

Remember: If the school's name or address changes at any time, the school must submit a \$15.00 fee per representative to TWC, along with a completed form PS-186, Fee Sheet.

Staff

School Director and Administrative Staff

Chapter 3

School Director



*Subchapter E,
807.61*

The *Rules* require that each school must designate one person as the school director. A person cannot concurrently serve as a school director for more than one school.

Note: The director must be physically present at the school's location for a majority of the time that the school is open for regular operation.

School Director Application Requirements



*Subchapter A,
§807.2*

Prior to Texas Workforce Commission approval, the applicant for a school director must submit:

- completed pages one through three of the form PS-002B, Director or Director of Education Application (*see Appendix 6*)
- proof of educational level attained (transcripts or diplomas)
- the required application fee (presently \$20.00)
- a completed form PS-186, Fee Sheet (*see Appendix 26*)
- a completed form PS-001Z, Director's Statement (*see Appendix 4*).

Minimum requirements for a school director of a large school (annual gross revenues exceeding \$100,000.00 generated from tuition and fees minus refunds, or schools receiving Title IV funds) are:

- a good reputation as defined by the *Rules* in *Subchapter A, §807.2(15)*

**School Director
Application
Requirements**
(continued)



Subchapter A,
§807.2

- five years of administrative or management experience or an equivalent duration of higher education at a college or university
- complete CSC-approved training and demonstrate a proficiency of the knowledge required to operate a school.

Requirements for a school director of a small school are that the director:

- have a good reputation as defined by the *Rules* in Subchapter A, §807.2(15)
 - have some administrative or management experience
 - have been encouraged to receive CSC-approved training and demonstrate the knowledge, skills, and abilities required to operate a school.
-

**Required
Training for New
Directors**



Subchapter E,
§807.62

The *Rules* require that school directors receive approved training and demonstrate the knowledge and ability required to operate a school before final approval may be granted.

CSC may require the school director to receive additional training to continue approved director status if a school has more than one substantiated complaint from students during a one-year period. If a school has repeat violations from a previous year under the same director, TWC may revoke the approval of the school director.

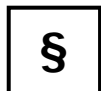
**School Director
Duties**



Subchapter E,
§807.62

The school director is responsible for the courses of instruction, organization of classes, designation of a liaison for CSC compliance visits, maintenance of the school facilities and proper administrative records, and all other matters related to the administration of the school.

**School Director
Duties (continued)**



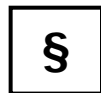
Subchapter E,
§807.62

The school director must:

- ensure that all facilities, including housing endorsed by the school, comply with local, city, county, municipal, state, and federal regulations including, but not limited to, fire, building, and sanitation codes
- inspect facilities, including housing, before endorsement
- ensure that an instructor applicant demonstrates sufficient language to teach the subject for which the instructor is applying.

(See Appendix 4, Director's Statement, for additional information.)

**Director's
Statement**



Subchapter E,
§807.64

A school director is responsible for administration of the school consistent with the legal requirements set forth in the *Texas Education Code, Chapter 132 and Title 40, Texas Administrative Code, Section 807*. A school director must understand and attest to *the Statements of Assurance*, which describe responsibilities for the school director. A form PS-001Z, Director's Statement, to be used for this purpose, is in *Appendix 4* of this guide.

The form PS-001Z is also used to assign a *staff designee* to act as a liaison to TWC staff in the absence of the school director. The designee must be trained in TWC survey procedures and have access to all school documents and records required for such a survey.

If either the school director or the staff designee changes, *both* must sign and submit a new Director's Statement.

**Director of
Education
Qualifications**



Subchapter E,
§807.64

A school may also elect to have a director of education. This position does not replace the school director.

The director of education must have:

- one year of employment as a postsecondary instructor
 - one year of employment as a supervisor
 - a bachelor's degree, appropriate for the skills required as determined by TWC
 - other instructor qualifications starting on page 3.7 of this chapter.
-

**Director of
Education
Application
Requirements**

Prior to TWC approval, the director of education applicant must submit:

- pages 1 through 4 of form PS-002B, the Director or Director of Education Application (*see Appendix 6*)
 - proof of a Bachelor's Degree appropriate for the skills required
 - proof of one year of employment as a postsecondary instructor
 - proof of one year of employment as a supervisor
 - required application fee (currently \$20.00)
 - form PS-186, Fee Sheet (*see Appendix 26*).
-

**Director of
Education
Responsibilities**

The *Rules* do not require a school to hire a director of education. If a school chooses to employ a director of education, the school director assigns duties and responsibilities for the position as appropriate for the requirements of the school. Curriculum development is an example of such a responsibility.

**School
Responsibilities**

**Regarding
Instructors**



*Subchapter F,
§807.84*

The school must ensure that instructors have proper licensure or certificates. Instructors should actively participate in program development and revisions. Instructors cannot be current students in the same program they teach.

Schools should implement, maintain and update an annual written plan for staff development which includes, but is not limited to, continuing education, staff meetings, attendance at trade and professional conferences and observation of or participation in on-the-job activities.

Providing in-service training is the responsibility of each school. The school must:

- provide training within the first three months of teaching to instructors who lack teaching experience
- include planned professional development opportunities that allow inexperienced instructors to learn and develop effective teaching strategies and skills
- provide ongoing training, and must provide updates of skills, knowledge and technology required by business and industry for the instructor's respective subjects areas
- make training a priority for all school instructors so that the school maintains quality education for students.

The school director or the director of education should formally evaluate each instructor at least annually. The school should incorporate student evaluations into the instructor's overall evaluation records. Evaluations must be in writing and are subject to CSC review.

**Instructor
Application
Requirements**



Subchapter F,
§807.83

If a school meets *all three* of the following requirements, it is *not* required to submit Instructor Applications to CSC for approval.

1. The school has been licensed for at least one year.
2. The school has been accredited by an agency recognized by the US Secretary of Education.
3. The school has had no more than one substantiated instructor complaint in the previous year.

The *Rules* require that the school keep documentation on file showing the instructor meets requirements. Documentation must be available for review by CSC staff immediately upon request.

Note: TWC may require a previously exempt school to file Instructor Applications if there are:

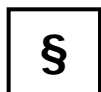
- two or more substantiated instructor complaints in one year
- incomplete or no applications available at the school for review
- indications that the school is failing to follow the *Law* and the *Rules*.

The school must submit the instructor application to CSC with the following documents and fees:

- Pages 1 through 4 of form PS-002 signed by the applicant and school official (*see Appendix 5*)
- the required application fee (currently \$20.00)
- form PS-186, Fee Sheet (*see Appendix 26*)
- proof of education appropriate for the skills required as determined by TWC.

Note: Applications for instructors with felony convictions and instructors for whom a waiver is requested must be submitted to CSC.

**Instructor
Application
Requirements**
(continued)



Subchapter F,
§807.83

If the applicant for instructor answers “yes” to questions “A” through “D” regarding professional conduct, the school must submit a dated, typed explanation on a separate page signed by the applicant and a school official.

If the applicants answer “yes” on question “E” regarding professional conduct, the school must submit the documentation detailed on page 5 of the Instructor Application. The applicant and the school director must sign the documentation.

Note: The Instructor Application should be completed and filed at the school or mailed to TWC within five calendar days of the person’s employment as an instructor.

**Instructor
Qualifications**



All instructors must be of good reputation (as defined in *Subchapter A, §807.2(15)*), and cannot be students in the same or similar program in which they teach. Instructors must have *one* of the following qualifications:

- a high school diploma or GED and five years of related practical experience
- a high school diploma or GED and a certificate of completion from a recognized postsecondary school for a least a 900 clock hour program in a relevant subject area and four years of related practical experience
- an Associate’s Degree including nine semester credit hours or twelve quarter hours in the subject area to be taught, and two years of related practical experience
- an Associate’s Degree and three years of related practical experience
- a Bachelor’s Degree, including nine semester credit hours or twelve quarter credit hours in the subject to be taught

**Instructor
Qualifications**
(continued)



Subchapter F,
§807.81

- a Bachelor's Degree including six semester credit hours or eight quarter credit hours in the subject to be taught, and one year of related practical experience if the subject to be taught is in a technical field
- a Bachelor's Degree including three semester credit hours or four quarter credit hours in the subject area to be taught, and one year of related practical experience if the subject to be taught is in a non-technical field
- a Bachelor's Degree and two years of related practical experience
- a Master's Degree or higher and the completion of three semester credit hours or four quarter credit hours in the subject area, and one year of related practical experience if the subject is technical
- a Master's Degree or higher and the satisfactory completion of three semester credit hours, or four quarter credit hours in the subject area to be taught, if the subject is non-technical in nature
- a Master's Degree or higher including one year of related practical experience in the non-technical subject to be taught.

Note: All experience must be attained within the ten years immediately preceding employment by the school. In cases where practical experience is gained on a seasonal basis as an industry standard, a season of at least three months of experience will be considered as one year of experience.

**Additional
Requirements for
Specific
Instructors**



Subchapter F,
§807.81

In addition to the other applicable requirements for instructors, the following qualifications apply to specific instructors.

Court Reporting Instructors who teach machine shorthand theory and speed building are required to have one of the following:

Additional Requirements for Specific Instructors
(continued)



Subchapter F,
§807.81

- an Associate's Degree or higher and certificate of completion of machine shorthand theory requirements in an accredited court reporting program
- an Associate's Degree in court reporting from any state-recognized school
- a Registered Professional Reporter or Certified Shorthand Reporter Certification from any state
- a certificate of completion of a court reporting program from a state-certified school.

Court Procedures and Technology Instructors are required to have a Registered Professional Reporter or Certified Shorthand Reporter Certification and one year of court reporting experience.

Modeling Instructors shall have at a minimum a secondary education and one of the following:

- certificate of completion from a modeling program of least 45 clock hours from a state-recognized school and at least five verifiable paid modeling jobs within the past five years
- at least ten verifiable paid modeling jobs completed within the past five years.

Truck Driving Instructors must meet all of the following requirements:

- a minimum of a secondary education
- certified proof of successful completion of 40 clock hours in safety education and driver training
- three years of full time tractor trailer driving experience within the ten years immediately preceding employment at the school.

Bartending Instructors require a Texas Alcoholic Beverage Commission certification that verifies completion of the required awareness course.

**Instructor
Variance**

TWC may approve a variance from the specific qualifications contained in *Section 807.81* of the *Rules* with sufficient justification and an assurance of continued program quality.

To qualify for an Instructor Variance, the applicant must write a letter to the CSC program manager requesting a variance from current rules including:

- the subjects for which the variance is requested, as listed in the school catalog
- the current rule requirements in comparison to the applicant's qualifications
- a statement ensuring that the program quality will not be diminished using the applicant as an instructor and why
- a statement by the school director that the instructor applicant has demonstrated sufficient knowledge and skill to teach the subject.

If the instructor has taught the subject(s) for which the variance has been requested, include:

- student evaluations of the instructor for each subject taught
- the school director's evaluation of the applicant's ability to communicate knowledge on the subject, instructional methods used, preparedness for class, interpersonal skills, and ability to satisfactorily answer the students' questions.

If the applicant has not taught the subject(s), include:

- a commitment by the school director to submit student evaluations of the instructor for each subject taught within three months of approval by variance

**Instructor
Variance**
(continued)



Subchapter F,
§807.83(d)

- a commitment by the school director to evaluate the applicant and assess the applicant's ability to communicate knowledge of the subjects, the instructional methods used, preparedness for class, interpersonal skills, and ability to satisfactorily answer the students' questions; and to submit that assessment within three months of variance approval.

Additional requirements for instructor variance are:

- a copy of the school's final exams taken by the applicant for the subjects on which the variance was requested (minimum acceptable score is 90%)
- a completed Instructor Application for the applicant
- validating documents for any educational qualifier
- the application fee (currently \$20.00)
- form PS-186, Fee Sheet.

**Temporary
Instructors**

A school may use a previously unapproved instructor to teach temporarily for a reasonable amount of time in case of an emergency as determined by the Commission.

In the event of the need for a temporary instructor, the school must provide written notice to TWC delivered no later than the first day the temporary instructor begins teaching. There can be no more than one temporary instructor per grading period per subject.

Written notification includes the:

- name of the approved instructor
 - name of temporary instructor
 - name of the subjects to be taught
 - dates the school will use the temporary instructor and the length of the grading period
 - reason for using the temporary instructor.
-

New Program Applications

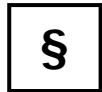
Chapter 4

Definitions

In the context of this guide, a *program* refers to a sequence of approved subjects offered by a school that teaches skills and fundamental knowledge required for employment in the stated occupation. A program can only be offered in a residence school.

A residence school is defined as a school that offers at least one program.

New Programs



Subchapter G,
§807.91(4)

Several situations meet the definition of a *new* program. Categories of new programs are programs that:

- were not offered previously at the school
- were previously offered and discontinued and must now be submitted for approval as a new program
- had a change of 25% or more in the hours, content, or lessons of the program within a 12-month period
- represent significant changes or additions to a currently approved program, and the changes result in acquiring the necessary training for a different or higher level occupation. An example is a secretarial program that adds a medical secretary option.

Note:

- All schools are assigned a school number (S plus four digits e.g., S9999). Use the assigned school number on all forms when submitting an application.
 - Schools approved to train veterans have an additional number assigned to them. Do not use the veterans' number on form PS-302, New Program Application.
-

**New Program
Application
Requirements for
New Schools**

When new schools submit the initial Application for Certificate of Approval, they are not charged a fee for program applications. They must submit form PS-302, New Program Application, for *each* of the programs they wish to offer (*see Appendix 28*).

Note: Each request for new program approval must be on a separate form PS-302.

**New Program
Applications for
Existing Schools**



Subchapter C,
§132.055(q)

After a school receives a license to operate from the Texas Workforce Commission (TWC), the school is required to pay a fee with each new program application submitted. For each addition to the existing school's list of approved courses, the school must include the following items:

- Pages 4 and 8 of the form PS-302, New Program Application (*see Appendix 28*)
 - Page 4 — Cover Sheet
 - Page 8 — Occupational Expert Support for Program.
- additional attachments as listed on the PS-302 (*see the following page*)
- Form PS-042R, Summary of Changes Residence Schools (*see Appendix 18*)
- Form PS-186, Fee Sheet (*see Appendix 26*)
- required application fee (presently \$225.00).

Note: New programs may require new instructors. The school must submit pages 1-4 of form PS-002, signed by the proposed instructor and school official, with the required fee (*see Appendix 5*).

Additional Attachments for All New Program Applications



Subchapter G,
§807.92

Each new program application must include attachments as listed on page 1 of the PS-302 form, *regardless of whether they are submitted by a new or existing school.*

Documentation includes:

- proposed catalog pages
- program content (*see required attachments listed on page 1 of form PS-302*)
- Occupational Expert Support for Program Content and Length form (employer involvement and review). *No more than one individual may represent each employer.*
- a list of required equipment for the program being submitted.

Note: Please submit materials in the same order in which they are listed on the application. A table of contents for the application packet helps shorten the processing time.

Form PS-302, New Program Application

The form PS-302 is a document developed for schools by CSC staff. It includes instructions and forms for submitting new programs.

Cover Sheet, PS-302

The cover sheet (page 4 of form PS-302) provides essential information to verify current school data and an overview of the proposed new program. Information supplied on the Cover Sheet must be consistent on all the attachments in the application packet.

Pay careful attention to data such as:

- the program name
- the stated occupation (job qualified to perform after program completion)
- the Classification of Instructional Program (CIP) Code number, provided by the Department of Education (ED)

**Cover Sheet,
PS-302**
(continued)



Subchapter A,
§807.2(8)

Subchapter G,
§807.92(e)

- program length (at a minimum include clock hours; quarter or semester credit hours may also be included)
 - definition of clock hour— a minimum of 50 minutes of instruction out of a 60-minute period
 - one semester credit — 15 lecture, 30 lab, or 45 externship hours
 - one quarter credit hour — 10 lecture, 20 lab, or 30 externship hours.
 - the total program price, including tuition and all required fees, books, supplies, and other program related expenses
 - the projected completion and employment rates for the program.
-

**New Catalog
Pages,
PS-302**
Attachment 1,
Page 5

Page 5 of the form PS-302 contains instructions about new catalog pages. The pages must include the following:

- program title (name) — *must be consistent throughout all attachments*
- admissions requirements
- program description
- program outline
- subject descriptions
- class schedule
- tuition and fees.

Page 10 of form PS-302 has examples of catalog pages (see Appendix 28).

**Subject Syllabus,
PS-302**
Attachment 2,
Page 6

Items that are required in the syllabus (course outline) for *each* subject taught are:

- a subject description
- the subject hours, clock and credit
- the performance objectives (what the student will be able to do when they complete the subject)
- the prerequisites, if applicable
- the required textbooks
- the instructional method(s)
- the maximum student-instructor ratio
- the references
- the daily or weekly topic outline
- the basis of grades.

Page 9 of PS-302 has examples of a syllabus (see Appendix 28).

**Externship,
PS-302**
Attachment 3,
Page 6

Some programs have a clinical (internship or externship) component. If this is applicable for the new program, follow the instructions and provide the information requested for Attachment 3, a) through i) (*see Appendix 28*).

**Licensing
Approval Letter,
PS-302**
Attachment 4,
Page 7

Some programs are co-regulated and require approval by another licensing agency. Examples are nurse aide or medication aide. Submit a copy of that agency's approval letter (*see Appendix 28*).

Certificate or Diploma, PS-302
Attachment 5,
Page 7

Submit a copy of the certificate or diploma that will be awarded to program graduates when they complete the program. The diploma should include the:

- school name
- student name
- program name
- date
- signature(s) of school officials (*see Appendix 28*).

Occupational Expert Support, PS-302
Attachment 6,
Pages 7 and 8

Programs longer than 200 clock hours must have an advisory committee of at least five local business leaders plus school staff. Read the Instructions for the Occupational Expert Support form before completing the required form. Make additional copies of page 8 as needed. The school must complete a minimum of five Occupational Expert Support forms and return them to CSC (*see Appendix 28*).

Note: Each member of the advisory committee must represent a different employer.

Equipment, PS-302
Attachment 7,
Page 7



Subchapter G,
§807.98

Schools must have adequate equipment specific to the program. Schools must provide:

- the name and description of equipment, tools, and supplies
- the quantity of equipment, tools, and supplies
- the age of the equipment (may be expressed in terms of manufacturer's production date)
- the maximum ratio of students to each equipment item.

Common Errors

The most common errors in new program submissions occur in the catalog pages. Following are some examples.

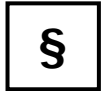
- Skills are not expressed in competency-based terms. Describe specifically the job duties the student will be able to perform upon completion of the subject. *For example:* “Graduates will be able to operate a tractor-trailer rig, and will be able to accurately complete all necessary paperwork required by the employer and the laws governing interstate shipping.”
 - The conversion of clock hours to credit hours is often incorrect (*see Appendix 2, Subchapter G, §807.92(e)*).
 - Clock hours are not consistent within the catalog pages. Subtotals are frequently added incorrectly.
 - Subject names and numbers are not the same on the program outline as in the subject descriptions.
-

New Seminar Applications

Residence and Seminar Schools

Chapter 5

Definition of Seminar



Subchapter A,
§807.2(23)

A *seminar* is a course of instruction that *enhances* a student's career, as opposed to a program that teaches skills and fundamental knowledge required for a stated occupation. A seminar may include a workshop, an introduction to an occupation or cluster of occupations, a short course that teaches part of the skills and knowledge for a particular occupation, language training, continuing professional education, and review for postsecondary examination.

Note: The terms “seminar” and “program” are not interchangeable.

Seminar Providers

Either a residence or a seminar school can offer seminars.

Definitions are:

- Residence School — A school that offers at least one program that includes classroom instruction or synchronous distance education.
- Seminar School — A school that offers only seminars.

Each type of school has different requirements.

Note:

- All schools are assigned a school number (S plus four digits). Example: S9999. Use the assigned school number on all forms when submitting an application.
- Schools approved to train veterans are assigned an additional number. Do not use the veterans' number on form PS-302, New Program Application.

New Seminars

New seminars fit into one of the following categories:

- seminars that have not been offered previously at the school
 - seminars that were offered previously at the school, but were discontinued and must be re-submitted for approval as new seminar
 - existing seminars whose clock hour length is being changed by 25% or more.
-

Residence School Seminars

Required Items for New Seminar Applications

New seminar submission packets from residence schools must include the following items:

- form PS-302RS, New Seminar Application Instructions (*see Appendix 29*)
- one copy of the proposed catalog pages with the required information
- the original and one copy of form PS-042R, Summary of Changes (*see Appendix 18*)
- form PS-186, Fee Sheet (*see Appendix 26*)
- \$35.00 fee for each new seminar submission.

Note: For seminars longer than three consecutive calendar days, schools are required to enroll the student with an enrollment agreement (*see Form PS-190, Appendix 27, Enrollment Contract Checklist*).

**Required
Information for
Catalog Pages**

Proposed catalog pages must include the:

- seminar title (name)
 - seminar objective
 - admissions requirements
 - clock hours
 - main skills to be learned
 - price.
-

**Most Common
Errors**



*Subchapter C,
§132.055(l)*

The most common errors found in seminar submission packets are:

- admission requirements that are not stated in competency-based terms (should include basic skills or prerequisites needed to take seminar)
- objective that are not stated in terms of what students will learn to do
- failure to state a method of delivery — Internet, classroom, other distance learning.

Generally, the completion of a seminar by a student will not certify that student for a particular certification or licensure. Most seminars *prepare* the student for certification or to pass an examination for licensing or certification. In these circumstances, the school cannot use the word “certification” in the seminar title.

Note: Schools may use the word “certification” in the seminar title **only** if the seminar actually certifies the student.

Seminar School Seminars

Required Items for New Seminar Applications

New seminar submissions a seminar school will offer require the following:

- form PS-304S, New/Revised Seminar Application (*see Appendix 31*)
- course handout
- the original and one copy of form PS-042SC, Summary of Changes (*see Appendix 19*)
- form PS-186, Fee Sheet (*see Appendix 26*)
- \$35.00 fee for each new seminar submission.

Note: For seminars longer than three consecutive calendar days, schools are required to enroll the student with an enrollment agreement (*see Appendix 27, Form PS-190, Enrollment Contract Checklist*).

Form PS-304S, Summary of Seminar, Page 1

Page 1 of form PS-304S must include the:

- seminar title
- seminar objectives
- seminar admissions requirements
- seminar length (provide in clock hours, not days; account for break time)
- seminar tuition and fees (provide detail of fees on page 2, and include book titles)
- method used to pay tuition/fees.

Note: Sign the bottom of page 1.

**Form PS-304S,
Summary of
Seminar,
Page 2**

Page 2 of form PS-304S must:

- List the book or manual and the copyright date and cost of each, even if it is included in total seminar cost.
 - List the supplies, if applicable.
 - List any other charges, such as computer lab fees.
-

**Form PS-304S,
Summary of
Seminar,
Page 3**

Page 3 of form PS-304S must include:

- a list of the main topics to be discussed regardless of length of the seminar (does not have to be in great detail)
 - the number of hours spent on the topic
 - a course description and class handout.
-

**Form PS-042SC,
Summary of
Changes**

Only *licensed* seminar or correspondence schools use this form. When completing the form PS-042SC:

- Indicate whether the seminar is new, revised, or to be deleted. Provide detail about changes.
- Have the owner or director sign.
- Be sure to have the form notarized.

Note: Complete and submit page 2 with original signatures.

Most Common Errors

Following are the most common errors found in seminar submission packets:

- The admissions requirements are not stated in competency-based terms. Requirements should include basic skills or prerequisites needed to take seminar.
 - The objective is not stated in terms of what students will learn to do.
 - The form PS-042SC is not included with the application.
 - The method of payment for tuition and fees is not included.
 - The seminar length is stated in days; it should be stated in clock hours excluding breaks and meals.
 - The method of delivery is not stated (e.g. classroom, Internet, or other distance learning).
-

***Most Common
Errors***

Seminars seldom certify or license participants; they are primarily preparatory in nature. Therefore, in the majority of cases, the school cannot use the word “certification” in the title of the seminar (*see Appendix 1, Subchapter C, §132.055(l)*).

Revised Program Applications

Chapter 6

Reasons for Program Revisions

Programs occasionally need to be revised or updated. Send revisions to Career Schools and Colleges (CSC) when there are:

- changes in program title
- changes in main skills to be learned
- changes in admission requirements
- changes in hours or lessons of less than 25%
- subject additions, deletions or structure
- changes from clock hours to semester or quarter credit hours.

Note: If combined revisions to an individual program during the last twelve months change the total hours of the program by 25% or more, the school must submit a form PS-302, New Program Application (*see Appendix 28*).

Benefits of Program Revisions

The advantages of program revisions are that they:

- provide students with the most current subject matter
- increase employment opportunity for graduates
- increase earning potential for graduates
- are good publicity for a school.

Materials Required to Revise a Program Application

To revise a program application, a school must submit:

- form PS-303, Revised Program Application (*see Appendix 30*)
- form PS-042R, Summary of Changes Residence Schools (*see Appendix 18*)

**Materials
Required to
Revise a Program
Application
(continued)**

- one copy of the existing program page(s) from the current school catalog
 - one draft copy of the proposed catalog page(s) with changes.
-

**Form PS-303,
Revised Program
Application**

Schools must complete the information on both pages of this form. Pay particular attention to the *numbered items* below:



**Subchapter A,
§807.2(8)
Subchapter G,
§807.92(e)**

1. Include the school's conversion ratio (breakdown of credits to clock hours).
 - definition of clock hour — A minimum of 50 minutes of instruction out of a 60 minute period.
 - one semester credit — 15 lecture, 30 lab, or 45 externship hours.
 - one quarter credit hour — 10 lecture, 20 lab, or 30 externship hours.
2. Use the currently approved program title. If the program title will change, put the new title in parentheses following the current title.
3. Clearly explain the “proposed revision” (for example, delete Math 101 and add Business Math 102).
4. Submit new instructor applications for new subjects, if applicable.
5. The director or owner must sign the form.

Submit a new form PS-302, New Program Application if any of the following changes occur:

- the clock hour length of the program changes 25% or more
- the program changes to include training for an additional occupation (secretarial program adding a medical secretary option)

**Form PS-303,
Revised Program
Application**
(continued)

- the program provides training for a different job title (computer operator to computer programmer).

Note:

- All schools are assigned a school number (S plus four digits e.g., S 9999). Use the assigned school number on all forms when submitting an application.
 - Schools approved to train veterans are assigned an additional number. Do not use the veterans' number on form PS-302, New Program Application.
-

Revised Seminar Applications

Chapter 7

Reasons for Seminar Revisions

Seminars occasionally need to be revised or updated. Send revisions when there are:

- changes in admissions requirements
 - changes in seminar title
 - changes in topic titles
 - changes in length of less than 25%.
-

Benefits of Seminar Revisions

Advantages of seminar revisions are that they:

- provide the most up-to-date information
- increase student's earning potential
- increase chances for advancement
- are good publicity for your school.

Note:

- All schools are assigned a school number (S plus four digits e.g., S9999). Use the assigned school number on all forms when submitting an application.
 - Schools approved to train veterans are assigned an additional number. Do not use the veterans' number on form PS-302, New Program Application.
-

Residence School Seminar Revisions

Required Forms and Documentation for Revised Seminar Applications

Requirements for revising seminars are different for residence schools and seminar schools.

Residence school requests for seminar revisions require:

- form PS-302RS, New Seminar Application Instructions for Residence Schools (*see Appendix 29*)
 - one copy of the current catalog pages
 - one copy of the proposed catalog pages
 - original and one copy of form PS-042R, Summary of Changes Residence Schools (*see Appendix 18*).
-

Required Information for Catalog Pages

Proposed catalog pages for a residence school seminar revision should include the:

- seminar title
 - seminar objectives stated in terms of what students will learn to do
 - seminar admissions requirements
 - seminar length in clock hours (excluding time for breaks and or meals)
 - main skills to be learned
 - cost of the seminar, including tuition, fees, supplies, and books, if applicable.
-

Most Common Errors

The most common errors found in seminar submission packets are:

- admissions requirements that are not stated in competency-based terms, including basic skills or prerequisites needed to take seminar
- objective that are not stated in terms of what students will learn to do
- the method of delivery (Internet, classroom, or other distance learning) is not indicated.

Note: With few exceptions, schools may **not** use the word “**certification**” in the seminar title.

Seminar School Seminar Revisions

Required Forms and Documentation for Revised Seminar Applications

Requirements for revising seminars are different for residence schools and seminar schools. (*See Appendix 2, Subchapter A, for the definition of seminar schools.*)

A seminar school submitting a revised seminar packet must included the following:

- original and one copy of PS-304S, New/Revised Seminar Application form
 - course description or handout
 - original and one copy of PS-042SC, Summary of Changes Seminar Schools form.
-

**Form PS-304S,
Summary of
Seminar,
Page 1**

On page 1 of form PS-304S, complete the following information:

- seminar title
- seminar objective
- seminar admissions requirements
- seminar length in clock hours, not days; subtract time for breaks and/or meals)
- seminar tuition and fees
- method used to pay tuition/fees.

Note: Sign the bottom of page 1.

**Form PS 304S,
Summary of
Seminar,
Page 2**

List the following information on page 2 of form PS-304S:

- the book or manual and the copyright date and cost of each, even if it is included in the total seminar cost.
 - supplies needed, if applicable.
 - other costs, such as computer lab fees.
-

**Form PS-304S,
Summary of
Seminar,
Page 3**

Complete the following information on page 3 of form PS-304S:

- the main topics to be discussed, regardless of the length of the seminar (does not have to be in great detail)
 - the number of hours spent on each topic
 - a course description and class handout.
-

**Form PS-042SC,
Summary of
Changes**

Only licensed seminar or correspondence schools use this form. Be sure to:

- indicate whether the seminar is new, revised, or to be deleted
- have the owner or director sign and complete the signature and signature block
- have the form notarized, and be sure it includes the notary seal.

Note: Complete and submit page 2 with original signatures.

**Most Common
Errors**

When schools submit revisions to CSC, errors often slow down the processing of requested revisions. The most common errors in school revisions to CSC are:

- not submitting form PS-042SC
- not stating the method of payment for tuition and fees
- submitting the seminar length in days rather than in clock hours, excluding breaks and/or meals
- not stating admissions requirements in competency-based terms including basic skills or prerequisites needed to take the seminar
- not stating the objectives in terms of what students will learn to do
- not indicating the method of delivery (Internet, classroom, or other distance learning).

Important: With few exceptions schools may not use the word *certification* in the seminar title.

Application Fees and Other Charges

Chapter 8

Application Submission Procedures

Applications submitted to the Texas Workforce Commission (TWC) must be accompanied by:

- a check or money order for the fee, payable to TWC - Career Schools and Colleges
- the completed TWC form PS-186, Fee Sheet (*See Appendix 26*).

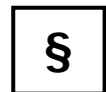
Mail all applications and fees to the Controller at:

Texas Workforce Commission
Career Schools and Colleges - Controller
101 East 15th Street
Austin, Texas 78778-0001

The Controller will process the check and forward it to the Career Schools and Colleges (CSC) staff for review, along with the application, documentation, and a receipt for the fee.

Failure to mail all applications and fees to the above address will cause unnecessary delay and possible loss of your paperwork.

Application Fee Schedule



Subchapter H,
§807.111

A variety of fees are associated with CSC applications, such as representative fees, instructor fees, and change of school address fees. For a complete application fee schedule refer to *Appendix 2* in Subchapter H of the *Rules*.

Installment Payments



Subchapter H,
§807.113

A school may pay any *single* fee over \$1,000.00 in four equal quarterly installments. CSC adds a service charge of 10% of the application fee to the charge. The first payment is due when the school submits the application. Subsequent payments are made in 90-day increments. After receipt of the initial payment, the CSC staff sends the school director a form PS-185, Installment Payment Worksheet, which indicates due dates and amounts of the subsequent payments (*see Appendix 25*). This is the *only notice* schools receive regarding payment due dates.

Note: The school is responsible for making timely payments. Failure to pay any installment by the due date may result in one or more of the following:

- assessment of a penalty in the amount of 50% of the total amount of the fee
- payment in full of the penalty and outstanding balance due within 30 days
- suspension of participation in the installment payment plan for the next renewal period.

Additional Information

If a school submits multiple applications concurrently, *one check per school* is acceptable. Use a separate check for each location.

Example: The school is submitting a renewal application, a representative renewal application, and a new instructor application. The school should submit one check for the total fees and the completed form PS-186, Fee Sheet, indicating fees paid.

Note: Application fees are not refundable.

Advertising

Chapter 9

General Information



Subchapter I, §807.121

Advertisements for career schools and colleges must not be deceptive. The school director may be required to furnish proof of any advertising claims.

CSC considers advertising to be a form of representation. Therefore, the restrictions on representatives apply to advertisements (*see Subchapter D, §807.51 through §807.53*).

Methods



Subchapter I, §807.122

Schools can place ads in the following sections of newspapers and periodicals:

- Instruction
- Education
- Training.

Schools cannot place ads in the following sections of newspapers and periodicals:

- Help wanted
- Employment.

Schools cannot use the following words in the headline or the body of the advertisement:

- Wanted
- Help wanted
- Trainee.

Advertisements cannot state that the school has or knows of employment. Schools may advertise “placement assistance” only if it is offered.

Methods
(continued)



Subchapter I,
§807.122

Schools cannot use the following words without written TWC approval:

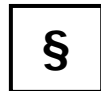
- guaranteed
- guarantee
- free.

Any reference to awarding credit hours should include the statement “limited transferability.” If the school has an arrangement with a college or university to accept transfer hours, schools may advertise the information with any limitations included.

Schools cannot use these terms to connote greater approval by TWC:

- accredited
- supervised
- endorsed
- recommended.

Content



Subchapter I,
§807.123

Advertising *will* include the full and correct name of the school and its address, including the city.

Advertisements *will not* include statements:

- of accreditation, unless the school is accredited by an agency recognized by the U.S. Department of Education (ED)
- of approval, unless the school has a certificate issued by a government agency
- that represent the school as an employment agency.

Student endorsements must include the name of the student. The student must consent to the use of the statement without any offer of compensation.

Content
(continued)

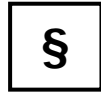


Subchapter I,
§807.123

Photographs or graphics cannot convey a false impression of the facilities or location or circumvent any requirements for written or oral statements.

Note: Advertisement must clearly indicate that training is offered, and must **not** imply that respective employees are being sought.

Financial Incentives



Subchapter I,
§807.124

Advertisement will not guarantee employment for students while they are in school or after graduation, or misrepresent opportunities for employment.

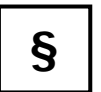
Salary amounts will not be stated unless published by the U.S. Department of Labor (DOL). This does not prohibit providing earning potential to students individually in writing on a TWC-approved document.

Student loan advertisements must contain the language “financial aid available, if qualified” and must be printed in a font no larger than the name of the school and be in the same color and style. The advertisement may disclose the school’s eligibility under various loan programs.

Catalogs

Specific requirements for catalogs are listed on the form PS-001X, Catalog Guide (*see Appendix 3*).

Violations



Subchapter I,
§807.126

CSC may order retraction of advertising, cancellation of telephone numbers, and submission of all advertisements for pre-approval.

Admissions

Chapter 10

General Information

The admissions process is affected by a number of requirements. This chapter addresses the following general admission policies and forms.



*Subchapter C,
§132.055*



*Subchapter J,
§807.141*

- If a student has credit for previous education or training, the school must make appropriate adjustments to the program length and price.
- Small schools are not required to grant credit for education and training if they have:
 - programs of 40 clock hours or less
 - individual subject offerings
 - seminars
- If the school has specific term beginning dates, students cannot start after the third day of classes unless the student has received credit for previous education or training.
- A student has the right to graduate under the academic requirements stated in the catalog in effect at the time of the student's enrollment.
- Career Schools and Colleges (CSC) may approve specific requirements for seminars and small schools.

This chapter also addresses admissions forms.

Admission Requirements



Subchapter C,
§132.055(p)



Subchapter J,
§807.142

The school must have proof that the student meets one of the following requirements for admission:

1. a secondary education (successful completion of public, private, or home schooling at the high school level, or a GED)
or
2. successful completion of one full-time academic semester, or the equivalent (12 academic semester hours) or academic quarter (18 academic quarter hours) at an accredited college, university, or other postsecondary school
or
3. a proven ability-to-benefit by obtaining a satisfactory score on the approved entrance test for *certificate programs only*.

The test must be:

- a nationally recognized standardized test
or
- a non-standardized test approved by CSC.

Testing includes the following restrictions.

- Students cannot retake the same test within five calendar days if they fail the first attempt.
 - Representatives cannot administer the test.
 - No one is allowed to assist the student in answering the questions.
4. The student's file must have evidence that the admissions requirements were met.

Note: Failure to document that the student meets the entrance requirements may result in a full refund to the student from the school.

Receipt of Enrollment Policies



Subchapter C,
§132.055(e)



Subchapter J,
§807.143

All schools are required to provide certain information to prospective students prior to enrollment. Use form PS-005, Receipt of Enrollment Policies, to fulfill this requirement (*see Appendix 8*). Seminars, individual subjects, and small schools with programs of 40 clock hours or less do not have to use the form.

Common errors made when completing the form PS-005 are failure to:

- identify whether there is a requirement for licensing, certification, or registration
- provide the exam passage rate for programs that prepare students for state licensing, certification, or registration exams
- complete the job placement and employment data or use data other than the current data reported to CSC
- fill in the required signatures and dates.

Enrollment Agreements



Subchapter C,
§132.055(k)



Subchapter J,
§807.144

Every student must complete an enrollment agreement *except* students who are enrolled in a seminar that will be completed within three consecutive calendar days.

The school must submit enrollment agreements to CSC for approval.

Common errors made when completing the enrollment agreement are failure to:

- complete all of the required information
 - use the approved program name
 - keep a legible copy of the agreement in the student's file.
-

Tuition and Fees



*Subchapter C,
§132.055(e)*



*Subchapter J,
§807.146*

The school must:

- disclose all tuition, fees, and other charges to potential students
- tell the students if there are charges to repeat subjects
- issue written receipts to the students for charges or payments and maintain copies for review by CSC.

Maintain on-campus current records of funds received from or on behalf of each student. Receipts must identify the name of the payer, the type of funding, and the reason for charges.

The school must not:

- use an estimated tuition amount
 - increase a student's tuition if the student completes the training without interruption as approved at the time of admission
 - increase tuition, fees, or other charges without notifying CSC.
-

Policies for Attendance and Progress

Chapter 11

The Importance of Policies

Policies for attendance and progress have a direct effect on refunds; therefore, you must understand the specific CSC requirements that apply to your school and your courses of instruction.

Remember also that while CSC may approve your school to use credit hours for academic purposes, CSC bases refunds on clock hours and calendar years.

Attendance Policies

General Requirements

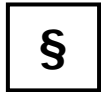


*Subchapter L,
§807.171*

The following provisions apply to all types of instruction.

- Seminars that begin and end in one day are not required to maintain an attendance policy.
 - TWC may approve specific attendance requirements for self-paced, competency-based programs.
 - CSC has no requirement to terminate a student for lack of attendance at a point at which a refund would not be due.
 - School holidays are not considered days of absence.
 - A school must count the student absent for a *full day* when the student fails to attend classes for that day. Any time the student fails to attend a class or classes according to his or her schedule, the school must count the student absent for the time missed.
-

Attendance Requirements for Degree-Granting Schools



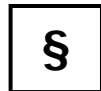
Subchapter L,
§807.172

A school must terminate a student who:

- accumulates the lesser of the following amounts of absences:
 - more than 10 consecutive days
 - more than 20% of the course.
- accumulates absences of more than 20% of the scheduled clock hours during a probationary academic quarter, academic semester, or approved term.
- fails to return as scheduled from an approved leave of absence.

A school must terminate or place on probation a student who accumulates absences of more than 20% of the scheduled clock hours during an academic quarter, academic semester, or approved term.

Attendance Requirements for All Other Schools



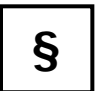
Subchapter L,
§807.173

A school must terminate a student who accumulates the lesser of the following amounts of absences:

- more than 10 consecutive days
- more than 25% of a course of 200 clock hours or less
- more than 20% of a course in excess of 200 clock hours.

A school must also terminate a student if the student fails to return as scheduled from an approved leave of absence.

Make-up Work



Subchapter L,
§807.174

A school may elect to have a make-up policy. *Schools must submit make-up policies to TWC for approval before they implement the policies and publish them in the school catalog.* If the school elects to have a make-up policy:

- A student may make up no more than 5% of the total clock hours of a program.
 - The student must make up the hours *before* he or she violates the attendance requirements.
-

**Leaves of
Absence**



*Subchapter L,
§807.175*

Seminars and small schools with programs of 40 or fewer clock hours may not grant leaves of absence.

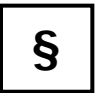
A student in all other schools or courses of instruction may have no more than two leaves of absence in a twelve-month period. A student may be on leave for a total of :

- 30 calendar days for a program of 200 or fewer clock hours
- 60 calendar days for programs of more than 200 clock hours.

For example, a student in a 900-clock hour program could have a leave of absence for 40 calendar days and a second leave of absence for 20 calendar days, for a total of 60 calendar days.

The school director may decide whether or not to grant a leave of absence.

**Attendance
Record Keeping**



*Subchapter N,
§807.213*

Following are general requirements for attendance record keeping.

- A school's method of maintaining attendance must accurately determine the student's last day of attendance.
- Each instructor must maintain a positive record of attendance (must have an entry for each class period for each student.
- A school is not required to maintain a separate master record of attendance if a student has the same instructor for the entire day.
- Each student shall have a record of attendance that clearly indicates the number of scheduled hours required each day and the hours of absence.

**Attendance
Record Keeping**
(continued)



Subchapter N,
§807.213

- Attendance records must be written in ink or other permanent medium and shall not be changed in a manner that precludes reading the original entry.
 - Attendance records must clearly give the start and end dates of any leaves of absence. A written statement as to why the leave was granted, signed by both the student and the school director indicating approval, must be in the student's permanent file.
-

Progress Policies

**Progress
Requirements for
Seminars**



Subchapter K,
§807.161(b)

Seminars are not required to have progress standards.

**Progress
Requirements for
Programs of 40
Clock Hours or
Less
Content**

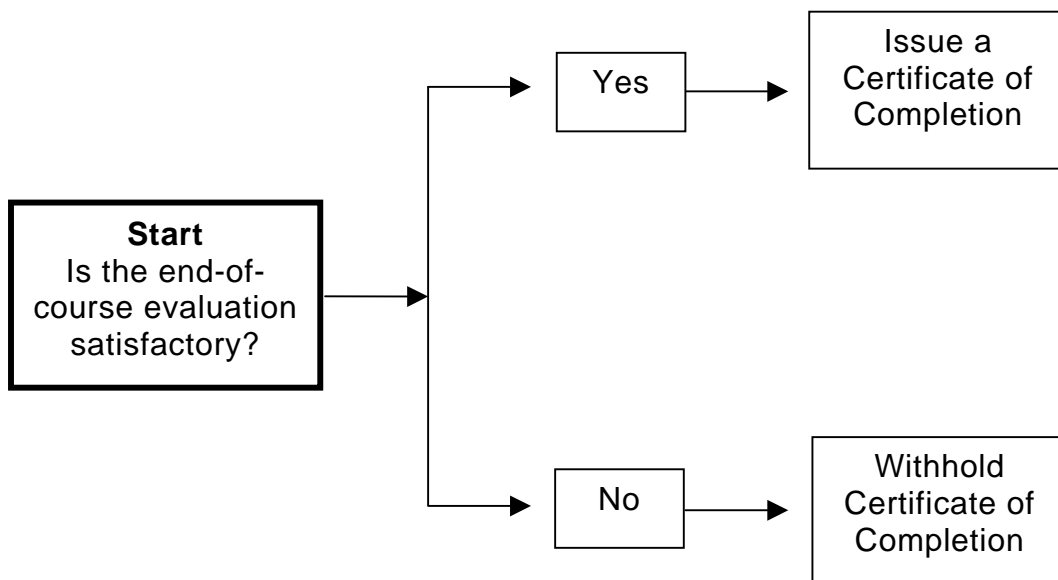


Subchapter K,
§807.162 (a)

Satisfactory completion is evaluated at the end of the course by a final examination. A passing score is justification for a certificate of completion.

(See the flowchart on the following page.)

Progress Requirements for Courses of 40 Clock Hours or Less
Progress is evaluated at the end of the course.
(Seminars are not required to have progress standards.)



Progress Requirements for Programs of 41 Through 200 Clock Hours



Subchapter K,
§807.162(b)

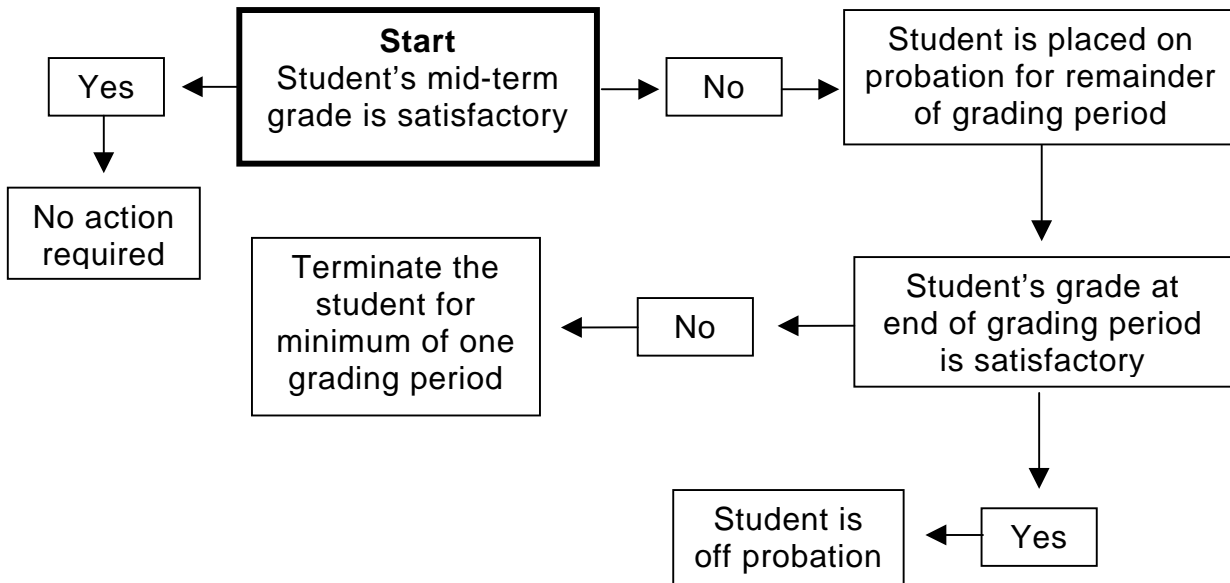
Progress requirements for programs of 41 through 200 clock hours are:

- Evaluate progress at the middle and end of each progress evaluation period.
- Place a student making unsatisfactory progress at the mid-point on academic probation for the remainder of the evaluation period.
- Terminate a student who does not achieve satisfactory progress by the end of the probation period.

(See the following flowchart.)

Progress Requirements for Courses of 41 Through 200 Clock Hours

Progress evaluated at mid-term and the end of each progress evaluation period



**Progress
Requirements for
Programs in
Excess of 200
Clock Hours**



Subchapter K,
§807.162(c)

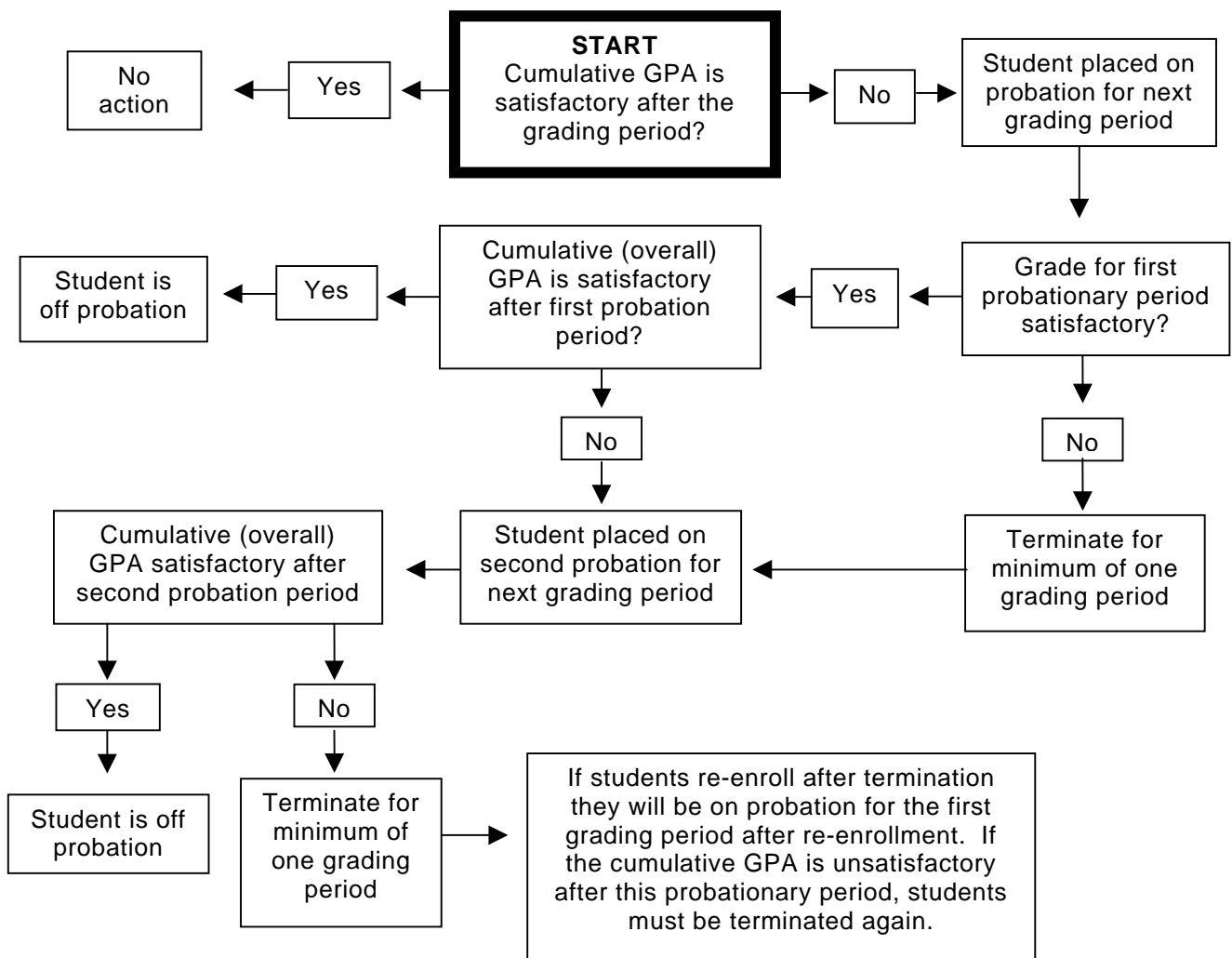
Programs longer than 200 clock hours must meet the following requirements:

- Evaluate progress at the end of each grading period. Grading periods may be no longer than eight weeks.
- Schools offering courses approved on a credit hour basis must evaluate progress at the midpoint and end-of-term for the academic semester or the academic quarter or at least every eight (8) weeks. All other requirements are the same.
- If a student's *cumulative* GPA is unsatisfactory at the end of a progress evaluation period, the student must be placed on probation for the next progress evaluation period. At the end of the next progress evaluation period:
 - terminate enrollment if the student continues to make unsatisfactory progress
 - remove the student from probation if the *cumulative* GPA is satisfactory
 - initiate a second probationary period if the student has satisfactory progress for the progress evaluation period but the *cumulative* GPA remains unsatisfactory.
- At the end of the second progress evaluation period, if applicable:
 - remove the student from probation if the cumulative GPA is satisfactory
 - terminate the student's enrollment if the cumulative GPA is unsatisfactory.

(See the flowchart on the following page.)

Progress Requirements for Courses Approved on a Clock Hour Basis in Excess of 200 Clock Hours

(Progress evaluated at the end of each grading period (grading period must be eight weeks or less))



Additional Requirements

These additional rules apply to all programs.

- When the school places a student on probation, the school must counsel the student on the terms of probation. The school must document the date, action taken, and terms of probation in the student's permanent file.
 - If the school terminates a student for unsatisfactory progress, the student may re-enroll after a minimum of one progress evaluation period.
 - The school must place a student who re-enrolls on academic probation for the next progress evaluation period. Counsel the student on the terms of probation and document the student's file. Unsatisfactory progress for the evaluation period results in termination.
-

Progress Policies for Distance Education Courses



Subchapter C,
§132.061(b)(9)

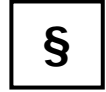


Subchapter K,
§807.163

Distance Education courses must adhere to the policies listed below.

- The school must evaluate the student's progress as it receives each lesson.
 - The school must terminate the student's enrollment if the student does not complete the course by the end of the time period specified in the enrollment agreement.
 - The school must terminate enrollment at the end of the third calendar month the student's last lesson is received, if the student has not supplied notification that enrollment should continue.
-

***Progress Policies for
Degree Granting
Schools***



*Subchapter K,
§807.164*

The school must evaluate progress every academic semester, academic quarter, or at least every eight weeks in block-time programs.

- The requirements for graduation are:
 - a minimum GPA of 2.0 on a 4.0 scale
 - a passing grade on all required subjects.

 - If the student's cumulative GPA is unsatisfactory at the end of a grading period, the school must place the student on probation for the next grading period.
 - If after two consecutive probationary periods the student's cumulative GPA is not satisfactory, the school must terminate the student's enrollment.
-

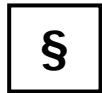
Refund Policies

Chapter 12

Refunds and Allowable Charges



Subchapter C,
§132.061



Subchapter M,
§807.191-194

The school must give a student a full refund if:

- the student cancels enrollment within 72 hours of signing the contract, or cancels enrollment within 72 hours of receiving a tour of the facilities and equipment:
 - The 72 hour cancellation period excludes Saturdays, Sundays, and legal holidays.
 - The 72 hour cancellation rule does not apply to seminars and small schools with courses of 40 or fewer hours.
- the school does not accept the student
- the enrollment is obtained as a result of misrepresentation by the school, its representatives, or its owners
- the school discontinues the course of instruction, and the student is unable to complete the training
- the school violates certain statutes or rules (e.g. unapproved instructors or courses).

Important Definitions Relating to Refund Calculations

The *Law* and the *Rules* have specific definitions for the following phrases:

Clock Hour — at least 50 minutes of instruction during a 60 minute period

Week — seven consecutive calendar days

Year — 12 calendar months

Scheduled Clock Hours — total of scheduled hours (attended and absent) through the last day of attendance

**Important
Definitions
Relating to
Refund
Calculations**
(continued)

Last Day of Attendance (LDA) — charges stop on LDA
Termination Date — date that determines the “due date” of any refund

Consummation of Refund — completion of the refund process including receipt of the returned amount by the appropriate party (see *Appendix 2, Subchapter M, §807.192*).

- Consummation of the refund must occur within 60 days.
- Proof of consummation must be available within 120 days.

Example: The student stops attending classes on June 10. On June 25, the school terminates the student’s enrollment for missing ten consecutive class days.

June 10 is the last day for which the student is charged (LDA). The refund must be consummated within 60 days of June 25.

Note: The annual rate of penalty for late refunds is **250%**.

Refund Policies



Subchapter C,
§132.061

Refund errors can be costly and time consuming to correct. It is **very important** to keep the following points in mind:

- The school must base refund calculations on *scheduled clock hours* through the last day of attendance.
- Base refund periods on a *12-month calendar year*.
- Calculate refunds according to the requirements of the State of Texas Law and Rules (see *form PS-023R, Cancellation and Refund Policy for Residence Schools*).

Refund Policies
(continued)



Subchapter C,
§132.061

- The school must have evidence of the refund, calculated in accordance with the *Law*, available for review (see form PS-1040, Sample Refund Worksheet Residence School). (See Appendix 24)
- TWC bases the penalty for late refunds on an annual rate of 250%.
- *Return to Title IV* is not a refund and is a completely separate process from the refund calculations.

The school cannot require students to purchase instructional supplies, books, and tools until actually needed. After the student purchases these materials, the school may charge the purchase amount against the student's account. To include these costs as charges when calculating a refund, the school must have receipts showing the student received the items.

**Refund Policy for
Residence and
Synchronous
Distance
Education
Courses**



Subchapter C,
§132.061(a)
through (b)(7)



Subchapter M,
§807.193

There are a number of specific requirements for refunds for residence and synchronous distance education courses. These are listed on the form PS-023C, Cancellation and Refund Policy for Correspondence Schools (see Appendix 13).

- Refund computations for residence and synchronous (see Appendix 2, Subchapter A, §807.2(30) distance education courses are based on scheduled clock hours of class attendance through the last date of attendance. Leaves of absence, suspensions, and school holidays will not be counted as part of the scheduled class attendance.
- The effective termination date for refund purposes will be the earliest of one the following:
 - the last day of attendance, if the student is terminated by the school,
or
 - the date of receipt of written notice from the student,
or
 - ten school days following the last date of attendance,
or
 - the date that the student is due to return from a leave of absence if the student does not return.

**Refund Policy for
Residence and
Synchronous
Distance
Education
Courses**
(continued)

- If the student who enters a residence or synchronous distance education course of not more than 12 months in length terminates or withdraws after the expiration of the 72 hour cancellation privilege, the school may retain \$100 of the tuition and fees. The minimum refund of the remaining tuition and fees will be:
 - during the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition and fees
 - after the first week or one-tenth of the course, whichever is less, but within the first three weeks or one-fifth of the course, whichever is less, 80 percent of the remaining tuition and fees
 - after the first three weeks or one-fifth of the course, whichever is less, but within the first quarter of the course, 75 percent of the remaining tuition and fees
 - during the second quarter of the course, 50 percent of the remaining tuition and fees
 - during the third quarter of the course, 10 percent of the remaining tuition and fees
 - during the last quarter of the course, the student may be considered obligated for the full tuition and fees.
- For residence synchronous distance education courses more than 12 months in length, the refund must be applied for each 12-month period paid, or part thereof, separately.
- The purposes of calculating refunds owed, the length of a course is the shortest scheduled time period in which the course may be completed by continuous attendance of a full-time student. For example, the school offers the same 900-clock hour program during the day and at night. Because of scheduling differences, the program taken during the day is 10 months long and the program taken at night is 15 months long. Students on either schedule must have their refunds calculated the same way, based on a program length of less than 12 months.

Refund Policy for Residence and Synchronous Distance Education Courses
(continued)

- A full refund of all tuition and fees is due and refundable in each of the following cases:
 - the school does not accept an enrollee,
or
 - the school discontinues the course of instruction and this prevents the student from completing the course,
or
 - the student's enrollment was procured as a result of misrepresentation in advertising, promotional materials of the school, or representations by the owner or representatives of the school.
 - Refunds will be totally consummated within 60 days after the effective date of termination.
-

Refund Policy for Seminars and Programs of 40 Clock Hours or Less



Specific requirements for refunds for seminars and programs of 40 clock hours or less are listed on the form PS-023C, Cancellation and Refund Policy for Correspondence Schools (see Appendix 13).

- Refund computations will be based on the program time expressed in clock hours.
- The effective date of termination for refund purposes will be the earliest if the following:
 - the last date of attendance
or
 - the date of receipt of written notice from the student.
- If tuition and fees are collected in advance of entrance, and the student does not enter school, not more than \$100 shall be retained by the school.
- If the student fails to enter the program, withdraws, or is discontinued at any time before completion of the program, the school will refund the student the pro rata portion of tuition, fees, and other charges that the number of class hours remaining in the program after the effective date of termination bears to the total number of class hours in the program.

Refund Policy for Seminars and Programs of 40 Clock Hours or Less
(continued)



Subchapter C,
§132.061(g)

- A full refund of all tuition and fees is due in each of the following cases:
 - The school does not accept an enrollee
 - The school discontinues the program of instruction by the school, and this prevents the student from completing the program
 - The school procured the student's enrollment as a result of misrepresentation in advertising, promotional materials of the school, or misrepresentations by the owner or representatives of the school.

 - Refunds will be totally consummated within 60 days after the effective date of termination.
-

Refund Policy for Asynchronous Distance Education Courses



Subchapter C,
§132.061(b)(8)
through (12)

Specific requirements for refunds for asynchronous distance education courses are listed on the form PS-023C, Cancellation and Refund Policy for Correspondence Schools (see Appendix 13).

- Refunds for asynchronous (see Appendix 2, Subchapter A, §807.2(6) distance education courses will be computed on the basis of the number of lessons in the course.
- The effective date of the termination for refund purposes in asynchronous distance education courses will be the earliest of the following:
 - the date of notification to the student if the student is terminated
 - the date of receipt of written notice from the student
 - the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that the student wishes to remain enrolled.

**Refund Policy for
Asynchronous
Distance
Education
Courses**
(continued)



Subchapter C,
§132.061(b)(8)
through (12)

- If the school collects tuition and fees before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, the school or college can retain not more than \$50.
 - In cases of termination or withdrawal after the student begins the asynchronous distance education course, the school or college may retain \$50 of tuition and fees, and the minimum refund policy must provide that the school will refund the student the pro rata portion of the remaining tuition, fees, and other charges that the number of lessons completed and serviced by the school or college bears to the total number of lessons in the course.
 - Refunds based on enrollment in asynchronous distance education schools or colleges will be totally consummated within 60 days after the effective date of termination.
-

Survey Visits and Record Keeping

Chapter 13

On-site Visits

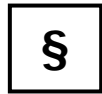


*Subchapter C,
§132.055,
§132.056(d)
§132.056(f)*

Career Schools and Colleges (CSC) staff will visit each school before issuing the license, 90 days after issuing the license, and on a periodic basis after that. After the 90-day visit, CSC staff may conduct visits without prior notice.

Survey visits from CSC staff are an opportunity for school staff to ask questions and resolve issues.

Preparation for On-site Visits



*Subchapter N,
§807.211(f) and
§807.212(c)*

The Director's Statement outlines the responsibilities of a school director, and the director must sign it. The Director's Statement affirms that, if the director is unavailable for an on-site visit, an assigned "designee" will be available.

Use form PS-100, Survey Checklist to prepare for on-site visits (*see Appendix 23.*)

Note: Schools must maintain all records for a minimum of five years.

**Preparation for
On-site Visits**
(continued)

The school must have several items **complete and current** before CSC on-site visits. Because many on-site visits are unannounced, schools should keep records current at all times. Have the following items available for review:

- the school's "certificate of inspection" conducted by the local fire department. If the local fire department does not conduct inspections, get a letter to document this, and have a local private contractor conduct the inspection.
- the description of attendance procedures and sample forms
- other sample school forms
- a list of all registered representatives
- a list of the staff and faculty. (Schools that are not required to submit instructors for approval must have all the necessary documentation immediately available upon request.)

Note: The school must submit applications for instructors with felony convictions and instructors for whom the school requests a waiver to CSC.

- all instructors' annual evaluations (school and student evaluations)
- the list of advisory committee members. (Advisory committees are required for each type of program in excess of 200 clock hours.)
- minutes from advisory committee meetings
- the backup documentation form PS-072A for all completers (graduates). Form PS-072A is a part of the form PS-072, Annual Enrollment and Outcome Report (Residence School) (*see Appendix 21.*)
- the Master Student Registration List (MSRL). (Be prepared to furnish a copy to CSC staff.)

**Preparation for
On-site Visits**
(continued)

- documented proof of entrance requirements in the student file, with a high school diploma, GED Certificate, or evidence of home schooling at the high school level, or a copy of the approved test with a passing score for ability-to-benefit students
- copies of signed and dated “Receipt of Tour” documents
- documentation in student’s files of drops, cancellations, terminations, and re-enrollments. Re-enrolling students must have a new enrollment agreement, enrollment documents, and a new entry on the MSRL.
- accurate progress reports, attendance records, and ledgers
- student ledgers, including a complete accounting of each payment and charge.
- documentation of any leaves of absence
- refund calculations based on the requirements of the *Law* for all dropped and terminated students
- proof of consummation of all refunds

Note: Consider using a checklist to ensure student files are complete and standardized.

Annual Enrollment and Outcome Reporting

Chapter 14

Annual Enrollment and Outcome Forms



Subchapter C,
§132.055(o)

The *Texas Education Code* requires schools to submit documentation on Texas students only to Career Schools and Colleges (CSC) to facilitate tracking the number of enrolled students and their enrollment outcomes.

CSC sends a packet containing the updated Enrollment and Outcome Reporting forms to schools each year. The school is responsible for completing and returning the required forms.

Note: If a school does not receive the packet by November first, the school director should request the packet from CSC or download it from the CSC Website at:

<http://propschools.texasworkforce.org>.

Residence Schools

Enrollment and Outcome Reporting Forms for Residence Schools

Some differences exist in reporting requirements for residence schools and seminar schools. Form PS-072, Annual Enrollment and Outcome Report, (*see Appendix 21*) contains several sections. The residence school must complete and retain Section A of form PS-072, Completer Follow-up Survey. The school should not return this section to CSC.

Enrollment and Outcome Reporting Forms for Residence Schools
(continued)

The school must complete the following forms and return them to CSC by December first each year:

- a notarized Section B, form PS-072, Cover Sheet for Annual Enrollment and Outcome Report
- Section C, form PS-072, Annual Enrollment and Outcome Report
- Section D, form PS-072, Student-Level Completer Information. Use this form or a substitute spreadsheet that contains all of the same fields. Each field must be completed.

Note: Schools must maintain a copy of **all** forms for review upon request of CSC.

CSC Definitions

CSC commonly uses the following terms:

Completer: a student who completed a vocational training program that leads to a vocational objective, and who graduated, receiving a certificate of completion or a degree.

Note: A student must complete all school graduation requirements to be considered a completer.

Employed: when completers get a job that is *directly related to their training*. One day of paid employment is sufficient to meet the definition.

Placed (P): a completer who obtains a job *directly related to the training* as a result of an active effort by the school, such as:

- arranging an interview with an employer
- contacting employers about job openings
- holding job fairs with employers.

CSC Definitions
(continued)

Not Placed (NP): a completer who obtains a job *directly related to the training* without the direct assistance of the school.

**Form PS-072,
Section A,
Completer
Follow-Up Survey**

The school must maintain a form PS-072A at the school for each completer. The school can get the information needed to complete the form in a variety of ways. For example, the survey form may be completed:

- by the student
- by school staff during a phone contact with the student
- during a personal interview between school staff and the student
- by transferring student data from school records to the form.

CSC uses the information on these forms to verify the data that the school reported. Collecting the required information throughout the year makes it much easier for the school to complete the Completer Follow-up Survey. The survey provides information required by law about the school's graduates, including placement status, job information, postsecondary education, military enlistment, or "Other". (The school may use "other" for students who do not find jobs in their field, are hospitalized, have not been able to find a job, decided not to work, or cannot be located.)

**Form PS-072,
Section B,
Cover Sheet**

After verifying that the student data is correct, sign and date the form in the notary's presence and submit it to TWC.

**Form PS-072,
Section C,
Annual
Enrollment and
Outcomes Report**

Form PS-072, Section C, is a summary document that compiles the data on each of the individually approved programs on the school's list of approved courses. It includes *all* programs, including Associate's Degrees. The instructions on pages 3, 4, and 5 of the PS-072 provide detailed information on how to fill out each column on this form. Pay particular attention to:

Column 1: Use approved program titles exactly as listed on the School Certificate.

Column 2: The starting population (students enrolled prior to the start of this reporting period) *must be the same number* as listed in last year's report for ending population in column 8.

Column 5: The total number of the students in Columns 2, 3, and 4 must equal the number in column 5. The total in column 5 must *also* equal the number of students in columns 6, 7, and 8.

Columns 2, 3, and 4 represent all of the students enrolled in that particular program during this reporting period. Columns 6, 7, and 8 represent the *status* of all of these students.

Columns 9, 10, 11, 12, 13: Section 3, Employment Status contains information about the completers (graduates) only.

The Edit Checks in the box in the lower left corner of this form are important tools to use to check columns 5 and 6.

Include seminar enrollment, if applicable.

<p>Note: Review to be sure that all calculations are correct before submitting the report to CSC.</p>
--

**Form PS-072,
Section D, The
Student-Level
Completer
Information**

The instructions for form PS-072, Section D, are on page 6 of the PS-072. A school may use this form or a substitute spreadsheet that contains all of the same fields. Each field must be completed.

Seminar Schools

**Enrollment and
Outcome
Reporting for
Seminar Schools**

Seminar schools require much less information than residence schools.

**Form PS-073,
Annual
Enrollment
Report (Seminar
Schools)**

Seminar schools need to return only page 2 of the PS-073 (see Appendix 22). The school must submit this no later than December first of each year.

CSC requires only the following two items for seminar schools:

1. The total annual number of students enrolled during the reporting period:
 - includes all enrolled students who attended seminars during the reporting period.
 - includes all students who dropped out before completing seminar(s), those who completed seminar(s), and those who were still attending seminar(s) at the end of the reporting period.

Note: If students attend more than one seminar, count *each* seminar they attend during the reporting period. For example, if a student attended three seminars at a school during the reporting period, the school counts the student's attendance three times.

**Form PS-073,
Annual
Enrollment
Report (Seminar
Schools)**
(continued)

2. The number of seminars with enrolled students during the reporting period includes all seminars currently offered by the school *and* approved by TWC.
-

Certificate of Approval, Renewal, and Adverse Actions

Chapter 15

Renewal Process



Subchapter C,
§132.056

Schools must periodically renew Certificates of Approval. The requirements vary for different schools, and this chapter discusses each.

CSC will thoroughly review a renewal application submitted by the career school or college. If CSC determines the application is complete and the school is in compliance, CSC will issue a Certificate of Approval.

Renewal Packet for Large Schools



Subchapter B,
§807.12

Large schools have annual gross revenue exceeding \$100,000.00 generated from tuition and fees minus refunds, or schools receiving Title IV funds. The *Law* requires these schools to renew their Certificates of Approval annually. CSC staff will mail a renewal application letter and packet to the school director (*see Appendix 34*).

To renew the Certificate of Approval, the school must submit the following documentation:

- form PS-015, Application for Renewal of Certificate of Approval (*see Appendix 11*)
- form PS-186, Fee Sheet with appropriate fees
 - amount of renewal fee (based on .31% of the tuition and fees minus refunds as indicated on the school's most recent financial statement, or \$500.00, whichever is greater)
 - form PS-014A, Addendum to Representative Application with required fees (*see Appendix 10*)

**Renewal Packet
for Large
Schools**
(continued)



Subchapter B,
§807.12

- financial statements if required for renewal (*see Appendix 2, §807.35(b)*)
- form PS-002C, Current Instructor Listing (*see Appendix 7*)
- catalog and application updates, if required.

The complete renewal application package with fees must be postmarked 30 days prior to the school's Certificate of Approval expiration date. If CSC does not receive a complete and acceptable application on or before the postmark due date, CSC will assess a late fee of 10% of the renewal fee (a minimum fee of \$200.00 and a maximum fee \$1000.00).

The school must also be in compliance with all local, city, county, municipal, state and federal regulations.

**Renewal Packets
for Small Schools**



Subchapter C,
§132.056(d)



Subchapter H,
§807.112(c)

CSC requires small schools to renew their Certificate of Approval on the first anniversary of their original approval and every three years thereafter, to maintain their certification. Annual actions are required on the first and second anniversaries of a three-year certificate. The CSC staff will mail a renewal application letter or an interim renewal letter to the school director. (*See Appendices 34 and 33.*) The letter explains the specific actions required and their completion deadlines.

**Renewal Packets
for Small Schools**



Subchapter C,
§132.056(d)



Subchapter H,
§807.112(c)

To renew the school's Certificate of Approval, the school must submit the following documentation:

- form PS-015, Application for Renewal of Certificate of Approval (*see Appendix 11*)
- form PS-186, Fee Sheet with appropriate fees
 - renewal fee of \$501.00
 - form PS-014A, Addendum to Representative Application (*see Appendix 10*)
- financial statements if required for renewal (*see Appendix 2, §807.35(b)*)
- form PS-002C, Current Instructor Listing (*see Appendix 7*)
- catalog and application updates, if required.

The complete renewal application package with fees must be postmarked thirty days prior to the school's Certificate of Approval expiration date.

Note: If CSC does not receive a complete and acceptable application on or before the postmark due date, a late fee is assessed.

**Failure to
Complete the
Renewal Process**

Five days after the *postmark due date* stated in the renewal application letter has passed, CSC staff issue a "failure" letter. The letter informs the school director that the school must submit a complete application for renewal before the Certificate of Approval expiration date. The school will now be required to pay a late renewal fee in addition to the annual renewal fee.

Failure to Complete the Renewal Process
(continued)

If CSC does not receive the completed application for renewal within five days after the *expiration date*, the Certificate of Approval becomes inactive. To continue to operate, the school must submit an application for an original Certificate of Approval with appropriate fees. Continuing to operate an unapproved school will result in additional penalties.

Submitting a partial application will result in a deficiency report that CSC mails to the school director. The report outlines all deficient or missing items. The school must submit the deficient items before the expiration date of the Certificate of Approval.

Appeal/Hearing Request

If the school does not come into compliance five days after the expiration date of the Certificate of Approval, CSC issues a notice denying the application for the renewed Certificate of Approval. Within fifteen days of receipt of the notice of the denial, the school may:

- submit all required items
- request an appeal for a hearing following the instructions contained in the notice letter.

If the school does not appeal:

- the school or college no longer holds a Certificate of Approval, and the *Texas Education Code*, §132.151(1) prohibits operation of the school
- the school or college must cease operations
- the denial of the Certificate of Approval is final
- the school closes with violations, and the owner can never reapply for approval to operate any school.

TWC is required to take legal action to prevent a school from operating without a license.



Subchapter J,
§132.301 through
§132.306
Subchapter F,
§132.154

***Intent to Revoke
or Revocation***

During the time the Certificate of Approval is active, CSC can use any violation of approval criteria as a basis for an intent to revoke or revocation of that Certificate of Approval. Examples of violations are failure to:

- submit the financial statements 180 days after the fiscal year end
 - submit the employment and completion rates
 - respond to deficiencies noted in the visit report
 - respond to program deficiencies
 - respond to school staff deficiencies (director/instructor/representatives).
-

***Changes to
Certificates***

The Certificate of Approval must state the:

- date of issuance
- effective date
- term of approval
- correct name and address of the school.

To make changes to a school:

- **name** — follow instructions on form PS-031, Directions for Changing the Name of a Career School and College (*see Appendix 15*)
- **address** — follow instructions on form PS-033, Directions for Changing the Address of a Career School and College (*see Appendix 16*).

CSC must issue the Certificate of Approval to the owner of the applicant school, and it is non-transferable. To make changes about the ownership of the school, follow the instructions on form PS-035, Directions for Change of Ownership (*see Appendix 17*).

Complaint Resolution

Chapter 16

School Policy Regarding Complaints



*Subchapter O,
§807.221*

Schools must have a student complaint procedure in place that the Career Schools and Colleges (CSC) has approved. This information should be listed in the student handbook or school catalog. The school must provide a copy of the grievance procedure to each student, and schools must maintain proof of such delivery.

The school must maintain records regarding grievance filings and resolutions at the school for a minimum of five years, and the records should be available for review by CSC staff.

Schools should work to resolve all complaints at the local level.

CSC Complaint Procedure

Students must file complaints about a school with CSC using form PS-401A, Student Complaint Record (*see Appendix 32*). CSC will provide this form to the student. A statement on the form encourages students to resolve the complaint with the school before filing a formal complaint. The student should return the form with original signatures and supporting documents. Students are encouraged to be as specific as possible about the complaint.

When CSC receives the completed form PS-401A, CSC staff records the information in the CSC database, and a complaint folder is created. CSC generally provides the school with a copy of the complaint, and the school is required to respond within 15 days.

CSC Complaint Procedure
(continued)



Subchapter O,
§807.222

CSC may choose to conduct an unannounced visit to the school, depending on the nature of the complaint. If CSC conducts an on-site investigation and finds the school to be in violation, a \$600 fee may be charged.

CSC staff conducts a review of the complaint and the school response. Every effort is made to resolve the complaint quickly. When CSC concludes an investigation, CSC staff send a letter to the complainant and the school.

Note: With few exceptions, CSC does not investigate anonymous complaints.

School Response Procedure

The school's response must specifically address every aspect of the student's complaint. School staff should consider the specifics of the complaint when responding, and all aspects of the student's enrollment, e.g., approved course(s) and instructors, approved representative(s), and correct number of clock hours.

To facilitate a speedy resolution, schools should send CSC copies of the student's:

- enrollment agreement
- attendance and progress records
- payment ledger card
- class schedule.

The school should also provide:

- a list of all assigned instructors
- any refund calculations, if applicable
- refund checks(front and back), if applicable
- advisory board minutes, if applicable
- student evaluations of the course or instructors
- other information necessary to respond to the allegation.

Reminder: The school's response is due to CSC within 15 days of the receipt of the copy of complaint.

**Common
Complaints**

Following are common complaints to CSC from students about schools.

The instructor does not:

- know the material
- “like me”
- control the class
- know how to teach.

Another complaint often occurs when instructor turnover creates confusion because of different teaching styles and lack of continuity.

Equipment is:

- old
- broken
- outdated
- insufficient.

Supplies are:

- not available when needed
- inadequate.

Textbooks are:

- not used after purchase
- late arriving
- outdated
- copies of textbook pages instead of textbooks.

The student:

- did not receive hands-on training
- was not prepared for the real world
- had to be retrained by the employer
- did not have the aptitude or background necessary for the program
- did not learn anything
- was told to read the book instead of receiving instruction.

**Common
Complaints**
(continued)

The program:

- did not have a class outline or lesson plan for the students
- did not teach the skills needed in workplace.

Placement: The student:

- did not find a job in his or her field of study
- was working, but is not working now and needs placement assistance
- got his own job; school didn't help
- dislikes the job referral
- cannot find a job.

Refunds: The school:

- “said I would not have to pay anything, just sign the loan papers”
- “did not give me an education so why do I have to pay?”
- “the school didn't give me credit for other training I've had”
- “terminated me unfairly”
- closed
- “did not get me a job and I cannot get one, so why should I pay?”

School representatives:

- “told me I could get a full refund anytime if I wasn't satisfied”
 - exaggerated the placement rate
 - exaggerated the earning potential
 - “told me hours were transferable to a college”
 - misrepresented job opportunities
 - said equipment was state of the art
 - didn't fully explain all costs
 - really built this place up
 - made misleading statements.
-

Hints to Resolve Complaints

The following tips may help resolve complaints at the local level.

- Encourage students to use the school complaint process and to communicate with the school staff.
- Inform the staff of the school's complaint procedure.
- Let students know they can talk to school staff, including instructors, without fear of retaliation.
- View complaints as an opportunity to solve problems.

Reminder: A 100% refund is due if any of the following situations exist:

- an unregistered representative enrolled students
- an unapproved instructor taught students
- the school enrolls students in an unapproved program
- the school enrolls students who do not meet admission requirements
- the school fails to notify CSC when using a temporary instructor
- the school uses more than one temporary instructor per class per term.

Penalties and Sanctions Regarding Schools



*Subchapter B, §807.17
Subchapter O, §807.221 through §808.222*

TWC may impose penalties or sanctions for violations of the Act, including:

- collecting a late renewal fee from the school
- denying the school's application for a Certificate of Approval
- revoking the school's Certificate of Approval
- placing restrictions on the school's Certificate of Approval
- denying, suspending, or revoking the registration of the school's representatives
- collecting a late refund penalty from the school

**Penalties and
Sanctions
Regarding
Schools**
(continued)

- assessing an administrative penalty
 - applying for an injunction against the school
 - asking the Attorney General to collect a civil penalty from any person who violates the Act or this chapter
 - ordering a peer review of the school
 - revoking a program approval
 - denying a program approval
 - requiring full or partial refunds to students for program violations or deficiencies
 - suspending the admission of students to the school
 - charging the school an investigation fee to resolve a complaint against the school
 - charging the school interest and penalties on late payments of fee installments.
-

Closed Schools and Tuition Trust Account

Chapter 17

Closed School or College



*Subchapter I,
§132.242*

There are occasions when institutions close before all of the students complete their training. If a school or college closes, Career Schools and Colleges (CSC) will attempt to arrange for the students to attend another school or college to complete their training (a teach-out). Students who are not able to complete their training through a teach-out are entitled to a full refund.



*Subchapter Q,
§807.251*

Teach-out



*Subchapter I,
§132.242*

When a school closes, CSC staff will arrange a teach-out at a nearby school that offers similar programs if possible, for students to complete their training. Teach-outs may be as simple as putting the students into vacant seats in existing classes; or it may require hiring staff from the closed school. It could even require conducting classes at the facilities of the closed school. TWC will contract for the teach-out. When the teach-out is complete, TWC will pay actual additional expenses claimed by the teach-out school that are not reimbursed from other sources.



*Subchapter Q,
§807.251 through
§807.252*

Teach-out
(continued)

The teach-out school must ensure that the sum of the tuition and fees paid to the student's account at the closed school and the teach-out school are no more than the lesser amount the student would have been charged for the complete program at the closed school or the teach-out school.

The teach-out school must give the students credit for training received at the closed school.

Additional Teach-out Information

Additional information concerning closed schools may be found on the following websites:

<http://www.twc.state.tx.us/svcs/propschools/closinfo.html>.

<http://ifap.ed.gov/eannouncements/attachments/0128ClosedSchGdAtt.doc>.

Tuition Trust Account



Subchapter I,
§132.2415 through
§132.242



Subchapter Q,
§807.252

The Tuition Trust Account has two purposes:

- to provide student refunds up to a total of \$150,000 per school closure
- to provide reimbursement to schools providing the teach-out.

Additional facts about teach-out reimbursement:

- Reimbursement for both student refunds and teach-out claims are based upon the fiscal year in which the school closed.
- Claim amounts are subject to review by CSC.

Teach-out reimbursement covers:

- additional teachers' salaries
- additional facilities
- additional books and supplies
- equipment or furniture rental.

Tuition Trust Account
(continued)

When the school notifies CSC that the teach-out is complete, CSC staff will mail a form PS-070, Application for Reimbursement of Teach-out Expenses, to the school (*see Appendix 20*).

In response, the school submits:

- a separate form PS-070 for each program for which a teach-out was conducted
- verifiable documentation for each expense
 - itemized invoices
 - itemized receipts
 - cancelled checks.

Student Refunds



Subchapter I,
§132.2415 through
§132.242

If a school closure prevents students from completing their training, they are due a 100% refund from the owner. If the owner fails to make refunds and a teach-out is unavailable, the Tuition Trust Account (TTA) provides proportionate refunds based on available funds.



Subchapter Q,
§807.251 through
§807.252

If a student does not accept an available teach-out or drops out during the teach-out, the student is due a partial refund based on the amount of training completed.

Exemptions and Unregistered Schools

Chapter 18

Requirement of Licensure or Exemption



Subchapter C,
§132.051
Subchapter A,
§132.004

Chapter 132 of the Texas Education Code requires almost all types of training to be regulated. One way a career school or college may comply with this law is to seek approval from the Texas Workforce Commission (TWC). The other is to apply for a letter of exemption from the regulation requirement. Exemptions can be granted for a school or a specific course offered by a licensed school. The school or educational institution must provide CSC the information necessary to show that the school or course clearly and completely meets the provisions of one or more of the specific exemptions.

Definition of Exemption



Subchapter A,
§132.002 and
§132.003

The regulation requirements have exceptions called *exemptions*. Form PS-017, General Exemptions, has additional information (*see Appendix 12*).

Exemption Advantages

Exemptions offer several advantages, including the fact that exempt schools do not have to go through the approval process. No exemption fees are involved, and the process generally proceeds quickly. Schools can hold exempt training at various sites and can quickly change curriculum.

**Possible
Disadvantages**

It is often difficult to meet the restrictive criteria for exemption qualification. Also, exemption limits targeted training groups and may limit eligibility for various training funds. Approval and licensure from TWC implies credibility, which is a good marketing tool for schools.

**Current
Exceptions to the
Rules**



§132.002 and
§132.003

The following entities may be exempt from certification:

- **Tax Supported Schools, §132.002(a)(1), if:**
more than 50% of the school funds are tax dollars from either a state or a local source. Schools must submit to TWC evidence that taxation supports the school operations.
- **Non-profit Schools, §132.002(a)(2), if:**
the school is owned, controlled, operated, and conducted by a *bona fide* religious, denominational, eleemosynary, or similar public institution that is exempt from property taxation. Community or other charitable organizations typically apply for this exemption.
- **Avocational or Recreational Training, §132.002(a)(3), if:**
a school or training program offers instruction of purely avocational or recreational subjects as determined by the commission. These are courses that do not prepare a person for an entry-level career or enhance existing career skills.
- **Employer-sponsored Training, §132.002(a)(4), if:**
an employer-sponsored a course, courses, or study for the training and preparation of its own employees. No tuition fee is charged to the student. Schools that only solicit and enroll students whose tuition and fees will be paid by their employer may apply for this exemption.

**Current
Exceptions to the
Rules (continued)**

- **Courses Sponsored by Trade, Business or Professional Organizations, §132.002(a)(5), if:** a course or courses are is sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a *closed membership*. (A closed membership accepts only those individuals who meet mandatory characteristics or requirements such as acquiring a particular certification, education, or type of employment. Membership is not closed if any member of the public can join.)

To meet the definition of exempt, the organization must provide other services and benefits to their members in addition to the educational instruction they offer. CSC may ask the organization to furnish their charter and by-laws.

- **Private College or University, §132.002(a)(6), if:** the private college or university awards a recognized baccalaureate or higher degree. The college or university must maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source.

- **Courses Regulated by Other State Agencies or Courses Approved for Continuing Education Credit, §132.002(a)(7), if:** it is a school or course that is otherwise regulated and approved by any other law or rulemaking process of this state. It may be approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c).

The approving entity must be a Texas state agency or rule making authority. Approval from other states is not acceptable.

**Current
Exceptions to the
Rules**
(continued)

- **Courses Regulated by Other State Agencies or Courses Approved for Continuing Education Credit, §132.002(a)(7), if:**
- the schools are exempt because they are approved and regulated by another state agency. Common examples of this are cosmetology schools, which are approved and regulated by the Texas Cosmetology Commission, and driver safety and defensive driving schools, which are regulated by the Texas Education Agency.
- **FAA Aviation Schools or Instructors §132.002(a)(8), if:**
- an aviation school or instructor is approved by and under the supervision of the Federal Aviation Administration. A copy of the FAA Certificate must be submitted with the exemption request.
- **Courses for College Prep and Credentialing Exams §132.002(a)(9), if:**
the school offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination other than a high school equivalency examination. Students by law may not take the examination unless they have completed or substantially completed a particular degree program. It may also be that the student is required to take the examination as a precondition for enrollment in or admission to a particular degree program. Examples of this are a preparatory course for the State Bar Examination or the SAT, ACT, GRE, GMAT entrance exams.
- **Private Schools Offering Primary or Secondary Education §132.002(a)(10), if:**
it is a private school offering primary or secondary education, which may include a kindergarten or pre-kindergarten program. The school must satisfy the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1).

**Current
Exceptions to the
Rules**
(continued)

- **Electrical Trade Association Courses, §132.002(a)(11), if:**
it provides a course or courses of instruction by *bona fide* electrical trade associations for the purpose of:
 - preparing students for electrical tests required for licensing
or
 - providing continuing education to students for the renewal of electrical licenses.

Unions and other organized labor usually offer this type of training.

- **Nonprofit Arts Organization, §132.002(a)(12), if:**
it is a nonprofit arts organization that primarily provides instruction in the dramatic arts and the communications media to persons younger than 19 years of age. The organization must provide a letter explaining how the training will be closed to people 19 years or older.
- **Air Conditioning and Refrigeration Contractors Association Courses, §132.002(a)(13), if:**
it is a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board. It may provide courses or training programs for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by Chapter 1302, Occupations Code.
- **Plumbing Trade Association Courses, §132.002(a)(14), if:**
a plumbing trade association teaches a course to prepare students for a plumbing test or program required for licensing, certification, or endorsement, or to provide continuing education approved by the Texas State Board of Plumbing Examiners.

**Current
Exceptions to the
Rules**
(continued)

- **Hardware or Software Courses Offered by the Manufacturer, §132.002(a)(15), if:**
the school provides a course in the use of technological hardware or software offered to a purchaser or to the purchaser's employee by a person who manufactures and sells, or develops and sells the technology. The seller cannot be primarily in the business of providing such courses in the use of the hardware or software, as determined by the commission. Provide name(s) of specific hardware or software manufactured or developed by the company that may be purchased from the company as a prerequisite for providing training.
 - **Government Sponsored Training with a Closed Enrollment, §132.002(b), if:**
schools offer a course or courses of special study or instruction financed or subsidized by local, state, or federal funds or by any person, firm, association, or agency other than the student involved, on a *contract basis* and having a closed enrollment.
 - **Course Exemption: Development of Career Skills - Recreational or Avocational Subjects, §132.003, if:**
 - it is a course or course of instruction that is 24 hours or less in length, and
 - it is a course or course of instruction that costs less than \$500, and
 - it is a course or course of instruction that is designed to teach one of the following:
 - knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation, or
 - recreational or avocational subjects, and
 - It is a course or course of instruction in which there is not an award of any credits or units toward the completion of another course of instruction of more than 24 classroom hours, on completion of the course or course of instruction.
-

Requesting an Exemption

Businesses or schools that wish to request an exemption may read the applicable section of General Exemptions, form PS-017, which is available for download from the Career Schools and Colleges Forms section of our web site:

<http://propschools.texasworkforce.org>.

Send a letter requesting the exemption, with any required documentation to:

Texas Workforce Commission
Career Schools and Veterans Education Department
101 East 15th Street, Room 202T
Austin, Texas 78778-0001
Attn: Unregistered Schools and Exemptions

There is no charge for the exemption. It generally takes only a few days to review a request. CSC will notify you as to whether your request was approved.

Reporting Unlicensed Schools

Schools believed to be operating without a Certificate of Approval or an exemption may be reported to Career Schools and Colleges staff.

Certificate of Completion

Now that you have read the resource guide, please fill out and sign the Certificate of Completion on page 18.9 to satisfy the training mandate. Mail or fax it to:

Texas Workforce Commission
Career Schools and Veterans Education Department
101 East 15th Street, Room 202T
Austin, Texas 78778-0001

Fax Number: (512) 936-3111

New School Director Certificate of Completion
INSTRUCTIONS

Completion of this form is required for new school directors to meet the requirement for the Career Schools and Colleges training through the self-instructional method.

New school directors should first complete the following:

- read the entire *Directors' Resource Guide – Career Schools and Colleges*
- review the CSC Website – <http://propschools.texasworkforce.org>

After completing the above items, the new director should:

1. Sign and date the New School Director *Certificate of Completion* form on the following page.
2. Mail the New School Director *Certificate of Completion* form to:

*Texas Workforce Commission
Career Schools and Veterans Education Department
101 East 15th Street, Room 202T
Austin, TX 78778-0001*

3. Final approval as school director is pending until the receipt of the completed form.

It is critical to complete the above-required action no later than the 90th day after the school director is requested to take the training. Failure to do so may result in disapproval as school director. Any questions regarding this requirement should be directed to the Career Schools and Colleges.

New School Director
CERTIFICATE OF COMPLETION



This is to certify that I, _____
(printed full name of school director)

currently serving as a school director for

(printed name of school or college and school #)

have completed reading all materials provided in the *Directors' Resource Guide — Career Schools and Colleges*

on this, the _____ day of _____, _____
(day) (month) (year)

(Signature of School Director)

(Date)

Fax or Mail to:

*Texas Workforce Commission
Career Schools and Veterans Education Department
101 East 15th Street, Room 202T
Austin, TX 78778-0001
Fax 512/ 936-3111*

The Law

Regulating Career Schools and Colleges



Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001

CAREER SCHOOLS AND COLLEGES

78TH LEGISLATURE

**EFFECTIVE
SEPTEMBER 1, 2003**

**TEXAS WORKFORCE COMMISSION
101 EAST 15TH STREET
AUSTIN, TEXAS 78778-0001**

DIANE D. RATH
Chair and Commissioner
Representing the Public

RONNY CONGLETON
Commissioner
Representing Labor

RON LEHMAN
Commissioner
Representing Employers

LARRY TEMPLE
Executive Director

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CHAPTER 132. CAREER SCHOOLS AND COLLEGES**Subchapter A. General Provisions****Sec. 132.001. Definitions.**

In this chapter:

- (1) "Career school or college" means any business enterprise operated for a profit or on a nonprofit basis that maintains a place of business within this state or solicits business within this state, that is not specifically exempted by this chapter, and:
 - (A) that offers or maintains a course or courses of instruction or study; or
 - (B) at which place of business such a course or courses of instruction or study are available through classroom instruction or by distance education, or both, to a person for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for avocational or personal improvement.
- (2) "Owner" of a career school or college means:
 - (A) in the case of a career school or college owned by an individual, that individual;
 - (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 career school or college owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least 10 percent of the total of the issued and outstanding shares;
 - (D) in the case of a career school or college in which the ownership interest is held in trust, the beneficiary of that trust; or
 - (E) in the case of a career school or college owned by another legal entity, a person who owns at least 10 percent ownership interest in the entity.
- (3) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from a career school or college for services rendered.

- (4) "Representative" means a person employed by a career school or college, whether the school or college is located within or without this state, to act as an agent, solicitor, broker, or independent contractor to directly procure students for the school or college by solicitation within or without this state at any place.
- (5) "Agency administrator" means the agency administrator of the Texas Workforce Commission or a person, knowledgeable in the administration of regulating career schools and colleges, designated by the agency administrator to administer this chapter.
- (6) "Notice to the career school or college " means written correspondence sent to the address of record for legal service contained in the application for a certificate of approval. "Date of Notice" means the date the notice is mailed by the commission.
- (7) "Support" or "supported" means the primary source and means by which a career school or college derives revenue to perpetuate its operation.
- (8) "Person" means any individual, firm, partnership, association, corporation, or other private entity or combination.
- (9) "Unearned tuition" means total tuition and fees subject to refund under Section 132.061, total tuition and fees collected from students currently enrolled, and total tuition and fees collected from prospective students.
- (10) "Small career school or college " means a career school or college that does not receive any payment from federal funds under 20 U.S.C. Section 1070 et seq. and its subsequent amendments or a prepaid federal or state source as compensation in whole or in part for any student tuition and fees or other charges and either:
- (A) has an annual gross income from student tuition and fees that is less than or equal to \$100,000 for programs regulated by the agency;
 - (B) exclusively offers programs to assist students to prepare for an undergraduate or graduate course of study at a college or university; or
 - (C) exclusively offers programs to assist students, who have obtained, or who are in the process of obtaining, degrees after completing an undergraduate or graduate course of study at a college or university, to prepare for an examination.
- (11) "Commission" means the Texas Workforce Commission.
- (12) "Division" means the division of education of the commission.

- (13) “Distance education” means a formal education process in which:
- (A) the student and instructor are separated by physical distance; and
 - (B) a variety of communication technologies may be used to deliver synchronous or asynchronous instruction to the student.

Sec. 132.0015. Reference to Proprietary School

A reference in this code or another law to a proprietary school means a career school or college.

Sec. 132.002. Exemptions

- (a) The following schools or educational institutions may be exempted from this chapter by the commission under Subsection (d):
- (1) a school or educational institution supported by taxation from either a local or state source;
 - (2) a nonprofit school owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution exempt from property taxation under the laws of this state;
 - (3) a school or training program that offers instruction of purely avocational or recreational subjects as determined by the commission;
 - (4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;
 - (5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;
 - (6) a private college or university that awards a recognized baccalaureate, or higher degree, and that maintains and operates educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source;
 - (7) a school or course that is otherwise regulated and approved under and pursuant to any other law or rulemaking process of this state or approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c);
 - (8) an aviation school or instructor approved by and under the supervision of the Federal Aviation Administration;

- (9) a school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program;
 - (10) a private school offering primary or secondary education, which may include a kindergarten or prekindergarten program, and that satisfies the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1);
 - (11) a course or courses of instruction by bona fide electrical trade associations for the purpose of preparing students for electrical tests required for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses;
 - (12) a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than 19 years of age;
 - (13) a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by Chapter 1302, Occupations Code;
 - (14) a course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, certification, or endorsement or to provide continuing education approved by the Texas State Board of Plumbing Examiners; and
 - (15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.
- (b) Schools offering a course or courses of special study or instruction financed or subsidized by local, state, or federal funds or by any person, firm, association, or agency other than the student involved, on a contract basis and having a closed enrollment, may apply to the commission for exemption of such course or courses from this chapter and such course or courses may be declared exempt by the commission where the commission finds the course or courses to be outside the purview of this chapter.
- (c) If a state agency that issues a license or other authorization for the practice of an occupation elects not to regulate or approve course hours that exceed the minimum education requirements for the issuance of the license or other authorization, the licensing agency shall enter into a memorandum of understanding with the commission for the regulation of those excess course hours under this chapter. Any course taught under a letter of approval or other written authorization issued by the licensing agency before the effective date of

the memorandum is authorized under state law until the course is reviewed by the commission. The licensing agency may terminate the memorandum of understanding on notice to the commission.

- (d) A school or educational institution is exempt from regulation under this chapter only if:
 - (1) the owner of the school or educational institution:
 - (A) applies to the commission for an exemption under this section; and
 - (B) provides to the commission any information considered necessary by the commission to support the owner's application for an exemption; and
 - (2) the commission declares that the school or educational institution is exempt after finding that the school or institution is a school or institution listed in Subsection (a).
- (e) After a school or educational institution is declared exempt by the commission under this section, the commission may inspect the school or institution or require the owner of the school or institution to provide any information the commission considers necessary for the commission to ensure the school or institution's continued compliance with the requirements of the exemption.
- (f) A school or educational institution listed in Subsection (a) may seek a certificate of approval under Subchapter C.
- (g) An institution of higher education or a private or independent institution of higher education, as defined by Section 61.003, that was exempt from regulation under this chapter before September 1, 2003, remains exempt from regulation under this chapter and is not required to comply with this section.

Sec. 132.003. Course Exemption: Development of Career Skills; Recreational or Avocational Subjects

- (a) Except as provided by Subsection (f), a course of instruction is exempt from this chapter if:
 - (1) the length of the course is 24 classroom hours or less;
 - (2) the fee for the course is less than \$500;
 - (3) the course is designed to teach:
 - (A) knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation; or
 - (B) recreational or avocational subjects;
 - (4) on completion of the course, there is not an award of any credits or units toward the completion of another course of instruction of more than 24 classroom hours;

- (5) the person offering the course makes available to registrants a written description of the course content and any refund policy not later than the 14th day before the date the course begins;
 - (6) the person offering the course offers in writing as required by Subdivision (5) a refund of the course fee to any registrant who:
 - (A) completes at least eight classroom hours or one-half of the course, whichever is less;
 - (B) is dissatisfied with the course; and
 - (C) requests a refund and provides in writing to the person a reasonable basis for the registrant's dissatisfaction not later than the 14th day after the date the course is concluded;
 - (7) for a course in which the instructor or the instructor's qualifications are different from the instructor or the instructor's qualifications stated in any advertising, publicity, or solicitation for the course, the person offering the course:
 - (A) offers in writing as required by Subdivision (5) a refund of the course fee to any registrant who, before the course begins, notifies the person that the registrant elects not to attend and requests a refund; and
 - (B) for the three-year period following the date the course is concluded, maintains records sufficient to identify the differences between advertised instructors and their qualifications and actual instructors and their qualifications; and
 - (8) for the three-year period following the date the course is concluded, the person offering the course maintains a record of:
 - (A) attendance of registrants;
 - (B) fees paid by registrants; and
 - (C) refunds paid to registrants.
- (b) A general refund policy that provides for a full refund of fees at any time before the course begins satisfies the requirements of Subsection (a)(7)(A), if the general refund policy is made available in writing to registrants or potential registrants as required by Subsection (a)(5).
- (c) If within the three-year record retention period the commission requests the production of records required under Subsection (a), a failure to produce the records for the commission by the person claiming an exemption for the course creates a rebuttable legal presumption that the course is not exempt from this chapter.

- (d) A course of instruction that is otherwise exempt under Section 132.002 is not required to comply with the requirements of this section to qualify for an exemption from this chapter.
- (e) In case of any conflict between the refund policy requirements of this section and the refund policy requirements of Section 132.061, this section prevails.
- (f) A course of instruction is not exempt under this section if the course is designed to teach or is represented by the person offering the course as teaching knowledge of building, electrical, plumbing, mechanical, fire, or other similar technical codes applicable to the construction, remodeling, or repair of a home, building, or any other structure or improvement to real property in this state.

Sec. 132.004. Exclusive Offering of Exempted Courses by Business Enterprise

A business enterprise that offers exclusively courses of instruction that are exempt under Section 132.002 or 132.003 is exempt from this chapter.

Subchapter B. General Powers and Duties

Sec. 132.021. Texas Workforce Commission

- (a) The commission shall exercise jurisdiction and control of the system of career schools and colleges, and the commission shall carry out supervision of the provisions of this chapter, and enforce minimum standards for approval of career schools and colleges under the operating regulations and policies hereinafter set forth and as may be adopted pursuant to this chapter.
- (b) The commission shall prepare a comparison of the cost to a student of courses of instruction or training programs at career schools and colleges to the cost to a student of similar courses or programs at schools that are exempt from this chapter under Section 132.002.
- (c) The commission may consult a recognized expert in a field of study for assistance in determining minimum program standards under this chapter for that field.
- (d) The commission shall adopt policies and rules necessary for carrying out this chapter.

Sec. 132.022. Duties of Commission

The commission shall carry out the policies of this chapter and enforce the rules adopted under this chapter. The commission shall also certify the names of those career schools and colleges meeting the requirements for a certificate of approval.

Sec. 132.0225. Division of Education

To the extent possible, the agency administrator and commission shall administer their functions under this chapter through the division.

Sec. 132.023. Memorandum of Understanding for Regulation of Career Schools and Colleges

- (a) The commission shall develop, in consultation with the Texas Guaranteed Student Loan Corporation and each state agency that regulates career schools and colleges in this state, a comprehensive strategy to reduce default rates at the regulated career schools and colleges and to improve the overall quality of the programs operated by these schools and colleges.
- (b) The commission shall execute a memorandum of understanding outlining the strategy with the corporation and each state agency regulating career schools and colleges and shall adopt rules to carry out the commission's duties under this section. The Texas Guaranteed Student Loan Corporation shall adopt the memorandum of understanding as procedures of the corporation, and each agency by rule shall adopt the memorandum of understanding.
- (c) The memorandum of understanding shall:
 - (1) require the development and monitoring of indicators that identify career schools and colleges that have excessive loan default rates, poor program performance, or both;
 - (2) require the sharing of specific information relating to the indicators between the commission and the Texas Guaranteed Student Loan Corporation or other agency; and
 - (3) require the application of specific sanctions by the commission or by the Texas Guaranteed Student Loan Corporation or other agency, as appropriate, to lower the default rates, improve program performance, or both.
- (d) If the commission enters into a memorandum of understanding with the Texas Guaranteed Student Loan Corporation related to the regulation of career schools and colleges, the commission may require each career school or college governed by this chapter to provide information to the commission that is necessary for the purposes of the memorandum of understanding.

Subchapter C. Authorized Operation of Proprietary Schools**Sec. 132.051. Certificate of Approval**

- (a) A career school or college may not maintain, advertise, solicit for, or conduct any course of instruction in this state before the later of:
 - (1) the 30th day after the date the school or college applies for a certificate of approval under this chapter; or

- (2) the date the school or college receives a certificate of approval from the commission.
- (b) Any contract entered into with any person for a course of instruction by or on behalf of any person operating any career school or college to which a certificate of approval has not been issued pursuant to this chapter is unenforceable in any action brought thereon. Any note, other instrument of indebtedness, or contract relating to payment for educational services obtained from a career school or college that does not hold a certificate of approval issued under this chapter is unenforceable in any action brought on the note, instrument, or contract.

Sec. 132.052. Application for Certificate of Approval

Every career school or college desiring to operate in this state or do business in this state shall make written application to the commission for a certificate of approval. Such application shall be verified, be in such form as may be prescribed by the commission, and shall furnish the commission such information as the commission may require.

Sec. 132.053. Statutory Waiver Authority

- (a) The commission may establish rules that waive, alter, suspend, or replace any of the following provisions governing small career schools and colleges:
- (1) the fee schedule authorized under Section 132.201, provided that fees under a fee schedule established by rule may not be less than the reasonable administrative cost for regulation or more than the amount that a small career school or college would otherwise pay if it were not classified as a small career school or college;
 - (2) participation in the career school or college tuition trust account required by Section 132.2415;
 - (3) the refund policy provisions of Section 132.061;
 - (4) the examination of a school or college for compliance under Section 132.056(f);
 - (5) the reporting requirements of Section 132.055(o); and
 - (6) the term for which a certificate of approval is issued under Section 132.056(b), provided that a rule adopted under this section may not provide for a term that exceeds three years or is less than one year.
- (b) A rule proposed under this section may be adopted only if it will reduce the regulatory burden for small career schools and colleges and will adequately safeguard the interests of the students of small career schools and colleges to receive either the education for which they have contracted or an appropriate refund.

Sec. 132.054. Small School or College Exemption

The commission may exempt small career schools and colleges from any requirement of this chapter to reduce the cost to small schools and colleges of receiving a certificate of approval.

Sec. 132.055. Criteria

The commission may approve the application of such career school or college when the school or college is found, upon investigation at the premises of the school or college, to have met the following criteria:

- (a) The courses, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum, or instruction is offered. Before a school or college conducts a course of instruction in court reporting, the school or college must produce evidence that the school or college has obtained approval for the curriculum from the Court Reporters Certification Board.
- (b) There is in the school or college adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.
- (c) Educational and experience qualifications of directors, administrators, and instructors are adequate.
- (d) The school or college maintains a written record of the previous education and training of the applicant student and clearly indicates that appropriate credit has been given by the school or college for previous education and training, with the new training period shortened where warranted through use of appropriate skills or achievement tests and the student so notified.
- (e) A copy of the course outline; schedule of tuition, fees, refund policy, and other charges; regulations pertaining to absence, grading policy, and rules of operation and conduct; regulations pertaining to incomplete grades; the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the agency; the current rates of job placement and employment of students issued a certificate of completion; and notification of the availability of the cost comparison information prepared under Section 132.021(b) through the commission will be furnished the student prior to enrollment.
- (f) Except as provided by Section 132.062, on completion of training, the student is given a certificate by the school or college indicating the course and that training was satisfactorily completed.
- (g) Adequate records as prescribed by the commission are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.
- (h) The school or college complies with all local, city, county, municipal, state, and federal regulations, such as fire, building, and sanitation codes. The commission may require such evidence of compliance as is deemed necessary.
- (i) The school or college is financially sound and capable of fulfilling its commitments for training.

- (j) The school's or college's administrators, directors, owners, and instructors are of good reputation and character.
- (k) The school or college has, maintains, and publishes in its catalogue and enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges in the event the student enrolled by the school or college fails to take the course or withdraws or is discontinued therefrom at any time prior to completion.
- (l) The school or college does not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation as determined by the commission.
- (m) Such additional criteria as may be required by the commission.
- (n) The school or college does not use a name like or similar to an existing school or college unless the commission approves the school's or college's use of the name.
- (o) The school or college furnishes to the commission the current rates of students who receive a certificate of completion and of job placement and employment of students issued a certificate of completion.
- (p) The school or college furnishes to the commission for approval or disapproval student admission requirements for each course or program offered by the school or college.
- (q) The school or college furnishes to the commission for approval or disapproval the course hour lengths and curriculum content for each course offered by the school or college.
- (r) The school or college does not owe a penalty under Section 132.152, 132.155, or 132.157.

Sec. 132.056. Issuance of Certificate of Approval; Renewal

- (a) The commission, upon review of an application for a certificate of approval duly submitted in accordance with Section 132.052 and meeting the requirements of Section 132.055, shall issue a certificate of approval to the applicant career school or college. The certificate of approval shall be in a form prescribed by the commission and shall state in a clear and conspicuous manner at least the following information:
 - (1) date of issuance, effective date, and term of approval;
 - (2) correct name and address of the school or college;
 - (3) authority for approval and conditions of approval, if any, referring specifically to the approved catalogue or bulletin published by the school or college;
 - (4) signature of the agency administrator; and
 - (5) any other fair and reasonable representations that are consistent with this chapter and deemed necessary by the commission.

- (b) The term for which a certificate of approval shall be issued may not exceed one year.
- (c) The certificate of approval shall be issued to the owner of the applicant career school or college and is nontransferable. In the event of a change in ownership of the school or college, a new owner must, at least 30 days prior to the change in ownership, apply for a new certificate of approval.
- (d) At least 30 days prior to expiration of a certificate of approval, the career school or college shall forward to the commission an application for renewal. The commission shall reexamine the premises of the school or college as frequently as the commission considers necessary and renew, revoke, or deny renewal of the school's or college's certificate of approval. If a school or college fails to file a complete application for renewal at least 30 days before the expiration date of the certificate of approval, the school or college, as a condition of renewal, must pay, in addition to the annual renewal fee, a late renewal fee in an amount established by commission rule of at least \$100.
- (e) A career school or college not yet in operation when its application for a certificate of approval is filed may not begin operation until receipt of the certificate of approval.
- (f) The commission shall visit a career school or college to reexamine the school or college for compliance with the criteria provided by Section 132.055 not later than three months after the date the school or college begins operation or after a change in ownership of the school or college.

Sec. 132.057. Denial of Certificate of Approval

- (a) If the commission, upon review and consideration of an application for certificate of approval, shall determine the applicant to be unacceptable, the commission shall set forth the reasons for denial, in writing, to the applicant.
- (b) Any applicant whose certificate of approval is denied has the right of appeal under Subchapter D.

Sec. 132.058. Revocation of Certificate of Approval

- (a) The commission may revoke an issued certificate of approval or place reasonable conditions upon the continued approval represented by the certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the commission shall notify the holder of the certificate, in writing, of the impending action and set forth the grounds for the action. The commission may reexamine a career school or college two or more times during each year in which a notice relating to the school or college has been issued or conditions have been imposed on the school or college under this subsection.
- (b) A certificate of approval may be revoked or made conditional if the commission has reasonable cause to believe that the career school or college is guilty of a violation of this chapter or of any rules adopted under this chapter.

Sec. 132.059. Registration of Representatives

- (a) All representatives employed by a career school or college shall register with the commission. Application for registration may be made at any time and shall be based on information submitted in accordance with the provisions of Section 132.052.
- (b) Registration of a representative is effective upon receipt of notice from the commission and remains in effect for a period not in excess of 12 calendar months. Renewal of representative registration shall be in accordance with the renewal application form forwarded to the career school or college by the commission.
- (c) Denial or revocation of registration of a representative by the commission shall be in accordance with the provisions of this chapter applicable to denial or revocation of a certificate of approval. The commission may deny, suspend, or revoke the registration of a representative who has been convicted of a felony, whether within or without this state.
- (d) Career schools and colleges domiciled or having their principal place of business outside of this state that engage representatives to canvass, solicit, or contract with any person within this state, are subject to the requirements for registration of representatives.
- (e) The commission shall deny registration of a representative who owes a penalty under Section 132.152 or 132.155.

Sec. 132.061. Refund Policy

- (a) Except as provided by Subsection (g), as a condition for granting certification each career school or college must maintain a cancellation and settlement policy that must provide a full refund of all monies paid by a student if:
 - (1) the student cancels the enrollment agreement or contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student; or
 - (2) the enrollment of the student was procured as the result of any misrepresentation in advertising, promotional materials of the school or college, or representations by the owner or representatives of the school or college.
- (b) Except as provided by Subsection (g), as a condition for granting certification each career school or college must maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student, after expiration of the 72-hour cancellation privilege, fails to enter the course, withdraws, or is discontinued therefrom at any time prior to completion, and such policy must provide:
 - (1) refunds for resident courses and synchronous distance education courses will be based on the period of enrollment computed on the basis of course time expressed in clock hours;

- (2) the effective date of the termination for refund purposes in residence schools or colleges will be the earliest of the following:
 - (A) the last date of attendance, if the student is terminated by the school or college;
 - (B) the date of receipt of written notice from the student; or
 - (C) 10 school days following the last date of attendance;
- (3) if tuition and fees are collected in advance of entrance, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the residence school or college, not more than \$100 shall be retained by the school or college;
- (4) for the student who enters a residence or a synchronous distance education course of not more than 12 months in length, terminates, or withdraws, the school or college may retain \$100 of tuition and fees and the minimum refund of the remaining tuition and fees will be:
 - (A) during the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition and fees;
 - (B) after the first week or one-tenth of the course, whichever is less, but within the first three weeks or one-fifth of the course, whichever is less, 80 percent of the remaining tuition and fees;
 - (C) after the first three weeks or one-fifth of the course, whichever is less, but within the first quarter of the course, 75 percent of the remaining tuition and fees;
 - (D) during the second quarter of the course, 50 percent of the remaining tuition and fees;
 - (E) during the third quarter of the course, 10 percent of the remaining tuition and fees; or
 - (F) during the last quarter of the course, the student may be considered obligated for the full tuition and fees;
- (5) for residence or synchronous distance education courses more than 12 months in length, the refund shall be applied to each 12-month period paid, or part thereof separately, and the student is entitled to a refund as provided by Subdivision (4);
- (6) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges, where these items are separately stated and shown in the data furnished the student before enrollment, will be made in a reasonable manner acceptable to the commission;

- (7) refunds based on enrollment in residence and synchronous distance education schools or colleges will be totally consummated within 60 days after the effective date of termination;
 - (8) refunds for asynchronous distance education courses will be computed on the basis of the number of lessons in the course;
 - (9) the effective date of the termination for refund purposes in asynchronous distance education courses will be the earliest of the following:
 - (A) the date of notification to the student if the student is terminated;
 - (B) the date of receipt of written notice from the student; or
 - (C) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that the student wishes to remain enrolled;
 - (10) if tuition and fees are collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, not more than \$50 shall be retained by the school or college;
 - (11) in cases of termination or withdrawal after the student has begun the asynchronous distance education course, the school or college may retain \$50 of tuition and fees, and the minimum refund policy must provide that the student will be refunded the pro rata portion of the remaining tuition, fees, and other charges that the number of lessons completed and serviced by the school or college bears to the total number of lessons in the course; and
 - (12) refunds based on enrollment in asynchronous distance education schools or colleges will be totally consummated within 60 days after the effective date of termination.
- (c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the public, the commission may, for good cause shown, amend, modify, or substitute the terms of a career school's or college's policy due to the specialized nature and objective of the school's or college's course of instruction.
- (d) If a course of instruction is discontinued by the career school or college and this prevents the student from completing the course, all tuition and fees paid are then due and refundable.
- (e) If a refund is not made within the period required by this section, the career school or college shall pay a penalty. If the refund is made to a lending institution, the penalty shall also be paid to that institution and applied against the student's loan. The commission annually shall establish the level of the penalty at a level sufficient to provide a deterrent to the retention of student funds. The commission may exempt a school or college from the payment of the penalty if the school or college makes a good faith effort to refund the tuition, fees, and other charges but is unable to locate the student. The school or college shall provide to the commission on request documentation of the effort to locate the student.

- (f) A career school or college shall record a grade of "incomplete" for a student who withdraws but is not entitled to a refund under Subsection (b)(4)(F) if the student requests the grade at the time the student withdraws and the student withdraws for an appropriate reason unrelated to the student's academic status. A student who receives a grade of incomplete may re-enroll in the program during the 12-month period following the date the student withdraws and complete those incomplete subjects without payment of additional tuition.
- (g) A program that is 40 hours or less of class time, or a seminar or workshop, is exempt from the 72-hour rule provided by Subsection (a). The career school or college shall maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student fails to enter the course, withdraws from the course, or is discontinued from the class at any time before completion of the course as provided by this section. The policy must provide that:
- (1) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;
 - (2) the effective date of the termination for refund purposes is the earlier of:
 - (A) the last date of attendance; or
 - (B) the date the school or college receives written notice from the student that the student is withdrawing from the class; and
 - (3) the student will be refunded the pro rata portion of tuition, fees, and other charges that the number of class hours remaining in the course after the effective date of the termination bears to the total number of class hours in the course.
- (h) A closing career school or college shall make a full refund to each student of the school or college who is owed a refund under this section.
- (i) Each owner of a closing career school or college to which a certificate of approval has not been issued under this chapter is personally liable for the amount of any refund owed to a student under Subsection (h).

Sec. 132.062. Withholding Records

A career school or college may withhold a student's transcript or certificate of completion of training until the student has fulfilled the student's financial obligation to the school or college.

Sec. 132.063. Approved Degrees

A career school or college may offer a degree approved by the Texas Higher Education Coordinating Board.

Sec. 132.064. Nonqualification as Small Career School and College

- (a) A career school or college operating as a small career school or college but that has an annual gross income from tuition and fees that exceeds \$100,000 (other than a test preparation school described by Section 132.001(10)(B) or (C)) that intends to receive a payment from federal funds under 20 U.S.C. Section 1070 et seq. or intends to receive prepayment of tuition, fees, or other charges from federal or state funds shall send written notice to the commission. The notice must be sent not later than the following date, as applicable:
- (1) the 60th day after the date on which annual gross income is determined to exceed the maximum;
 - (2) the day before receiving a payment of federal funds under 20 U.S.C. Section 1070 et seq.; or
 - (3) the day before enrolling a student who will prepay tuition, a fee, or another charge in whole or in part from federal or state funds.
- (b) A career school or college that no longer qualifies as a small career school or college shall apply for an initial certificate of approval as a career school or college within 30 days after the date the school has notified the commission that it no longer qualifies as a small career school or college. The commission may apply or prorate any fees paid by the school or college as a small career school or college.
- (c) A career school or college that no longer qualifies as a small career school or college shall submit to the commission an amount of money equal to the difference between the fee for the small career school or college certificate of approval submitted by the school or college and the fee that the school or college would be required to submit after its qualifications as a small career school or college cease.
- (d) The authority of a career school or college to operate under a small career school or college certificate of approval terminates on the final determination of issuance or denial of an initial certificate of approval. If a school or college fails to file a complete application within the period required by Subsection (b), the school or college, as a condition of issuance, must pay a late fee in an amount established by commission rule of at least \$100.

Subchapter D. Appeal**Sec. 132.101. Hearing**

- (a) Should the applicant be dissatisfied with the denial of a certificate of approval by the commission, the applicant has the right to appeal the decision of the commission and request a hearing with the commission or a hearing officer appointed by the commission within 15 days after receipt of notice. Upon receipt of the request for a hearing, the commission shall set a time and place for the hearing and then send notice to the school of the time and place.
- (b) The hearing shall be held within 30 days from the receipt of the request for a hearing.

- (c) At the hearing, an applicant may appear in person or by counsel and present evidence to the commission or a hearing officer appointed by the commission in support of the granting of the permit specified herein. All interested persons may also appear and present oral and documentary evidence to the commission or a hearing officer appointed by the commission concerning the issuance of a certificate of approval to the applicant school.
- (d) Within 10 days after the hearing, the commission shall send notice to the school either affirming or revoking the denial of the certificate of approval.

Sec. 132.102. Judicial Appeal

- (a) The commission's decision to deny a certificate of approval may be appealed to a district court in Travis County.
- (b) Unless stayed by the court on a showing of good cause, the commission's decision may not be superseded during the appeal.
- (c) On the filing of the lawsuit, citation shall be served on the commission. The commission shall prepare a complete record of all proceedings had before the commission or hearing examiner and shall certify a copy of the proceedings to the court. Trial before the court shall be on the basis of the record made before the commission or hearing examiner, and the court shall make its decision based on the record. The commission's decision shall be affirmed by the court if the court finds substantial evidence in the record to justify the decision, unless the court finds the order to be:
 - (1) arbitrary and capricious;
 - (2) in violation of the constitution or laws of this state; or
 - (3) in violation of rules promulgated by the commission pursuant to this chapter.
- (d) The decision of the trial court is subject to appeal in the same manner as any other civil lawsuit under the Texas Rules of Civil Procedure.

Sec. 132.103. Appeal Following Revocation of Certificate of Approval

Appeals concerning revocation of certificates of approval shall be prosecuted in the same manner and under the same provisions as provided for appeals from denial of such certificates.

Subchapter E. Class Action Suits

Sec. 132.121. Class Action

- (a) Any person who is injured by any act taken or permitted in violation of this chapter may, on behalf of the person and others similarly situated, maintain an action in a district court in Travis County, regardless of

the amount in controversy, for temporary or permanent injunctive relief, declaratory relief, or other relief, including damages, such action to be pursued in accordance with Rule 42, Texas Rules of Civil Procedure.

- (b) A party filing such an action must give prompt notice to the attorney general, who shall be permitted to join, on application within 30 days, as a party plaintiff.

Sec. 132.122. Notice

In any class action permitted under this chapter, the court shall direct the defendant to serve on each member of the class the best possible notice. If required in the interest of justice, the court may direct that individual notice be served on all members of the class who can be identified through reasonable efforts. Such notice shall inform the recipient that the recipient is thought to be a member of the class and, if so, the recipient may enter an appearance and join in the suit, either in person or through counsel.

Sec. 132.123. Judgment and Costs

- (a) The court shall enter judgment in each class action brought under this chapter in such form as shall be justified by the facts and the law applicable thereto. Damages shall be awarded only to those members of the class who joined as parties plaintiff, but all other relief granted by the court shall inure to the benefit of all members of the class.
- (b) A plaintiff who prevails in a class action shall be awarded court costs and reasonable attorney's fees in the judgment. A legal aid society or legal services program that represents the plaintiff or plaintiffs in such an action shall be awarded a service fee in lieu of attorney's fees.

Subchapter F. Prohibited Acts

Sec. 132.151. Prohibitions

A person may not:

- (1) operate a career school or college without a certificate of approval issued by the commission;
- (2) solicit prospective students for or on behalf of a career school or college without being registered as a representative of the career school or college as required by this chapter;
- (3) accept contracts or enrollment applications from a representative who is not bonded as required by this chapter;
- (4) utilize advertising designed to mislead or deceive prospective students;
- (5) fail to notify the commission of the discontinuance of the operation of any career school or college within 72 hours of cessation of classes and make available accurate records as required by this chapter;

- (6) fail to secure and file within 30 days an increased bond as required by this chapter;
- (7) negotiate any promissory instrument received as payment of tuition or other charge prior to completion of 75 percent of the course, provided that prior to such time, the instrument may be transferred by assignment to a purchaser who shall be subject to all the defenses available against the career school or college named as payee; or
- (8) violate any provision of this chapter.

Sec. 132.152. Administrative Penalty

- (a) If a person violates Section 132.151, the commission may assess an administrative penalty against that person as provided by this section.
- (b) The commission may assess the administrative penalty in an amount not to exceed \$1,000. In determining the amount of the penalty, the commission shall consider the seriousness of the violation.
- (c) If, after examination of a possible violation and the facts relating to that possible violation, the commission concludes that a violation has occurred, the commission shall issue a preliminary report that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed, and the amount of the penalty to be assessed. Not later than the 10th day after the date on which the commission issues the preliminary report, the commission shall send a copy of the report to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty.
- (d) Not later than the 20th day after the date on which the report is sent, the person charged must either make a written request for a hearing or remit the amount of the administrative penalty to the commission. Failure either to request a hearing or to remit the amount of the administrative penalty within the time provided by this subsection results in a waiver of a right to a hearing under this section. If the person charged requests a hearing, the hearing shall be conducted in the same manner as a hearing on the denial of certificate of approval under Section 132.101. If the hearing results in a finding that a violation has occurred, the commission shall:
 - (1) provide to the person written notice of:
 - (A) the findings established at the hearing; and
 - (B) the amount of the penalty; and
 - (2) enter an order requiring the person to pay the amount of the penalty.

- (e) Not later than the 30th day after the date the person receives the order entered by the commission under Subsection (d), the person shall:
 - (1) pay the amount of the penalty;
 - (2) remit the amount of the penalty to the commission for deposit in an escrow account and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or
 - (3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty and file with the court a sworn affidavit stating that the person is financially unable to pay the amount of the penalty.
- (f) The commission's order is subject to judicial review in the same manner as an appeal of a decision to deny a certificate of approval under Section 132.102.
- (g) If on review the court does not sustain the occurrence of the violation or finds that the amount of the penalty should be reduced, the commission shall remit the appropriate amount to the person charged with the violation not later than the 30th day after the date the court's judgment becomes final.
- (h) If the court sustains the occurrence of the violation:
 - (1) the court:
 - (A) shall order the person to pay the amount of the penalty; and
 - (B) may award to the commission the attorney's fees and court costs incurred by the commission in defending the action; and
 - (2) the commission shall remit the amount of the penalty to the comptroller for deposit in the general revenue fund.
- (i) If the person does not pay the amount of the penalty after the commission's order becomes final for all purposes, the commission may refer the matter to the attorney general for collection of the amount of the penalty.

Sec. 132.153. Competitive Bidding; Advertising

The commission may not adopt rules to restrict competitive bidding or advertising by a career school or college except to prohibit false, misleading, or deceptive competitive bidding or advertising practices. Those rules may not restrict:

- (1) the use of an advertising medium;
- (2) the size or duration of an advertisement; or
- (3) advertisement under a trade name.

Sec. 132.154. Injunctions

- (a) Whenever the commission has probable cause to believe that any career school or college has committed any acts that would be in violation of this chapter, the commission shall apply for an injunction restraining the commission of such acts.
- (b) An action for an injunction under this section shall be brought in Travis County.

Sec. 132.155. Civil Penalty

- (a) A person who violates this chapter or a rule adopted under this chapter is liable for a civil penalty in addition to any injunctive relief or other remedy provided by law. The civil penalty may not exceed \$1,000 a day for each violation.
- (b) The attorney general, at the request of the commission, may bring a civil action to collect a civil penalty under this section.

Sec. 132.156. Sanctions

- (a) If the commission has reasonable cause to believe that a career school or college has violated this chapter or a rule adopted under this chapter, the commission may:
 - (1) order a peer review of the school or college; or
 - (2) suspend the admission of students to the school or college.
- (b) A peer review ordered under this section shall be conducted by a peer review team composed of knowledgeable persons selected by the commission. The commission shall attempt to provide a balance on each team between members assigned to the team who are from this state and those who are from other states. The team shall provide the commission with an objective assessment of the content of the career school's or college's curriculum and its application. The costs of providing a peer review team shall be paid by the school or college.

Sec. 132.157. Penalty for Small Proprietary School

- (a) If a career school or college fails to timely comply with the requirements of Section 132.064, in addition to any other penalties authorized by law, the commission may assess a penalty in an amount not greater than two times the amount that the school or college would have paid in fees and other charges if the school or college had complied with the requirements of Section 132.064 or may assess a penalty in the amount of the tuition or fee charge to any students whose tuition or fees were contracted to be funded by a prepaid federal or state source.
- (b) If the commission finds that the career school or college acted intentionally, the commission may, in addition to any other remedy available under law, assess a penalty against the owner in an amount not greater than four times the amount of the fees and charges that the school or college should have paid or four times the amount of the student tuition that was contracted to be funded from a prepaid federal or state source.
- (c) The failure to notify the commission within four months after the career school's or college's earnings exceed that of a small career school or college gives rise to a rebuttable presumption of intent for purposes of assessment of a penalty.
- (d) The failure to notify the commission within 10 days after a career school or college has enrolled a student whose tuition or fees are paid in whole or in part from a prepaid federal or state source gives rise to a rebuttable presumption of intent for purposes of assessment of a penalty.
- (e) A penalty under this section shall be assessed in accordance with the procedures stated in Section 132.152.

Subchapter G. Fees**Sec. 132.201. Certificate and Registration Fees**

- (a) Certificate and registration fees, except those charged pursuant to Subsection (d), shall be collected by the commission. Each fee shall be in an amount set by the commission in an amount not to exceed 150 percent of each fee in the following schedule:
 - (1) the initial fee for a career school or college:
 - (A) for a certificate of approval is \$2,000; or
 - (B) for a small career school or college certificate of approval is \$1,000;
 - (2) the first renewal fee and each subsequent renewal fee for a career school or college is the greater of:

- (A) an amount that is determined by applying a percentage, not to exceed 0.3 percent, to the gross tuition and fees, excluding refunds as provided by Section 132.061, of the school or college; or
 - (B) \$500;
 - (3) the initial registration fee for a representative is \$60;
 - (4) the annual renewal fee for a representative is \$30;
 - (5) the fee for a change of a name of a career school or college or owner is \$100;
 - (6) the fee for a change of an address of a career school or college is \$180;
 - (7) the fee for a change in the name or address of a representative or a change in the name or address of a career school or college that causes the reissuance of a representative permit is \$10;
 - (8) the application fee for an additional course is \$150, except for seminar and workshop courses, for which the fee is \$25;
 - (9) the application fee for a director, administrative staff member, or instructor is \$15;
 - (10) the application fee for the authority to grant degrees is \$2,000;
 - (11) the application fee for an additional degree course is \$250; and
 - (12) the fee for an inspection required by commission rule of classroom facilities that are separate from the main campus is \$250.
- (b) The commission shall periodically review and recommend adjustments in the level of fees to the legislature.
- (c) For purposes of this section, the gross amount of annual student fees and tuition for a career school or college is the amount determined by the commission based on any report submitted by the school or college to the commission or other information obtained by the commission.
- (d) In connection with the regulation of any career school or college or course through a memorandum of understanding pursuant to Section 132.002(c), the commission shall set an application and annual renewal fee, not to exceed \$2,000. The fee shall be an amount reasonably calculated to cover the administrative costs associated with assuming the additional regulation.
- (e) The fee for an investigation at a career school or college to resolve a complaint filed against the school or college is \$600. The fee may be charged only if:
- (1) the complaint could not have been resolved by telephone or written correspondence only;

- (2) a representative of the commission visits the school or college as a part of the complaint resolution process; and
 - (3) the school or college is found to be at fault.
- (f) The commission may allow payment of any fee authorized under this section or under Section 132.2415 that exceeds \$1,000 to be paid by installment. The commission shall provide for appropriate interest charges and late penalties in addition to any other remedy that is provided for by law for the late payment of a fee installment authorized under this section. The commission may assess a reasonable service charge or interest to be paid by a career school or college that pays a fee by installment in an amount not to exceed 10 percent annually of the fee that is to be paid by installment.
- (g) All fees, interest, or other charges collected under this section shall be used only for the administration of this chapter.
- (h) The commission may apply or prorate a fee paid by a small career school or college that has complied with the notification requirements of Section 132.064 toward an initial certificate as a career school or college in the event that a career school or college has ceased to qualify as a small career school or college during a certification period.
- (i) The commission may charge each career school or college a fee for the cost of a service that collects, analyzes, and reports student-level data in order to assess the outcome of students who attend career schools and colleges. The total amount of the fees charged under this subsection must not exceed the cost of the service to the commission.

Subchapter H. Funding

Sec. 132.221. Funding

- (a) The cost of administration of this chapter shall be included in the appropriation for the commission.
- (b) Fees collected by the commission shall be used to help defray the cost and expense of administering this chapter.

Subchapter I. Protection of Tuition

Sec. 132.2415. Tuition Trust Account

- (a) The Texas Workforce Commission depository bonds guaranty trust account is renamed the career school or college tuition trust account. The career school or college tuition trust account is the account designated to receive all amounts related to the protection of career school or college tuition. The balance of the trust account may not exceed \$1 million.
- (b) The commission may collect annually a fee from each career school or college to be deposited to the credit of the career school or college tuition trust account. The total amount of the fees collected in a year shall

be set by the commission in the amount estimated as necessary to pay the liabilities of the trust account during that year, not to exceed 0.2 percent of the gross amount of tuition and fees charged by career schools and colleges in that year, excluding amounts refunded under Section 132.061.

- (c) If, at the end of a fiscal year, the commission determines that the commission has collected fees under this chapter in excess of the amount necessary to defray the expense of administering this chapter, the commission may transfer any portion of the excess amount to the career school or college tuition trust account.
- (d) From money in the career school or college tuition trust account, the commission shall attempt to provide a full refund to each student of a closed career school or college of the amount owed to the student as determined under Section 132.061. The commission may provide a partial refund to a student only if the commission determines that the amount in the trust account is insufficient to provide a full refund to the student. The commission shall consider the following factors in determining the amount of a partial refund to be paid to a student:
 - (1) the amount of money in the trust account;
 - (2) the cost and number of claims against the trust account resulting from closure of the school or college;
 - (3) the average cost of a claim paid from the trust account in the past; and
 - (4) the availability of other licensed career schools or colleges at which the student may complete the student's training.
- (e) Notwithstanding Subsection (b), in the state fiscal year ending August 31, 2004, the commission may collect a fee under Subsection (b) only if on January 1 of that year the amount in the career school or college tuition trust account is less than \$300,000. This subsection expires September 1, 2005.

Sec. 132.242. Closed School or College

- (a) If a career school or college closes, the commission shall attempt to arrange for students of the closed school or college to attend another career school or college.
- (b) The expense incurred by a career school or college in providing a teachout that is directly related to educating a student placed in the school or college under this section, including the applicable tuition for the period for which the student has paid tuition, shall be paid from the career school or college tuition trust account.
- (c) If the student cannot be placed in another career school or college, the student's tuition and fees shall be refunded under Section 132.061(d).

- (d) If a student does not accept a place that is available and reasonable in another career school or college, the student's tuition and fees shall be refunded under the refund policy maintained by the closing career school or college under Section 132.061.
- (e) For each closed career school or college, refunds shall be paid from the career school or college tuition trust account in an amount not to exceed \$150,000.
- (f) If another career school or college assumes responsibility for the closed career school's or college's students with no significant changes in the quality of training, the student is not entitled to a refund under Subsection (c) or (d).
- (g) Attorney's fees, court costs, or damages may not be paid from the career school or college tuition trust account.

Subchapter J. Cease and Desist Orders

Sec. 132.301. Hearing; Notice

- (a) The commission may set a hearing on whether to issue a cease and desist order against a person under Section 132.303 if:
 - (1) the commission has reason to believe that the person is operating a career school or college without a certificate issued by the commission in violation of Section 132.151; and
 - (2) the person has not responded to more than one written notice from the commission regarding the person's noncompliance with Section 132.151.
- (b) The commission shall serve on the person a statement of charges and a notice of hearing, including a copy of the applicable rules of the commission.

Sec. 132.302. Hearing

Except as agreed by the parties with prior written approval of the commission, a hearing under this subchapter must be held not earlier than the fifth day or later than the 30th day after the date of service of the statement and notice required under Section 132.301.

Sec. 132.303. Cease and Desist Order

After a hearing held under this subchapter, the commission may issue against the person charged with operating a career school or college without a certificate issued by the commission an order that requires that the person immediately cease and desist from violating this chapter.

Sec. 132.304. Enforcement; Referral to the Attorney General

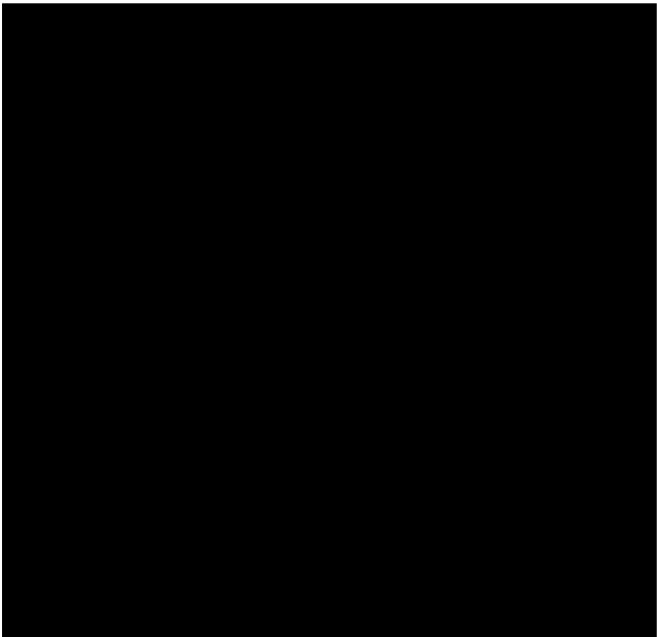
The commission may refer the matter to the consumer protection division of the attorney general's office for enforcement if the commission has reason to believe that a person has violated or failed to respond to a cease and desist order issued under this subchapter.

Sec. 132.305. Effect of Prior Proceedings

The commission may proceed under this chapter or any other applicable law without regard to prior proceedings.

Sec. 132.306. Rules

The commission shall adopt rules as necessary to implement this subchapter.



Texas Workforce
Commission
September 2003

TO THE OWNER/SCHOOL ADDRESSED:

The following are recent amendments to Title 40, Texas Administrative Code, Chapter 807, Texas Career Schools and Colleges Rules.

807.1 changes references to the term "proprietary schools" to "career schools and colleges" to be consistent with legislative changes to the statute.

807.2 changes references to the terms "proprietary schools" to "career schools and colleges" and "correspondence" to "distance education." "Small school" is also redefined.

807.5 is repealed as it is now redundant based on legislative changes to the statute.

807.11 deletes the surety bond requirement because the statute no longer requires a school to obtain a surety bond.

807.12 deletes the surety bond requirement because the statute no longer requires a school to obtain a surety bond.

807.16 deletes requirements for schools that offer associate degree programs, deferring to the authority of the Texas Higher Education Coordinating Board.

807.17 deletes surety bond claims as a form of penalty or sanction as the statute no longer requires a school to obtain a surety bond.

807.31 deletes the reference to bonding, as legislative changes to the statute no longer require a school to obtain a surety bond.

807.33 now requires new schools to submit a projection of income in order to be assessed for the tuition trust account in accordance with legislative changes to the statute.

807.35 deletes the reference to bonding and substitutes language that corresponds with the statutory definition of a small school.

807.61 now requires school directors to be present the majority of the time the school is in operation so that they are accessible to students.

807.65 deletes certain requirements for a director of degree programs, deferring to the authority of the Texas Higher Education Coordinating Board.

807.103 deletes program requirements for degree granting schools, deferring to the authority of the Texas Higher Education Coordinating Board.

807.104 changes references to the term "program" to "course of instruction" to make it clear that both programs and seminars must comply with this section concerning penalties related to courses of instruction.

807.144 now requires enrollment agreements for long-term seminars to facilitate investigations of student complaints and compute refunds.

807.163 changes references to the term "correspondence" to "distance education" to be consistent with legislative changes to the statute.

807.191 changes references to the term "correspondence" to "distance education" to be consistent with legislative changes to the statute.

807.193 changes references to the term "correspondence" to "distance education" to be consistent with legislative changes to the statute.

807.194 changes references to the term "protection fund" to "trust account."

807.251 makes technical corrections to language and adds the requirements for a teach-out from §807.252 for continuity.

807.252 changes references to the term "tuition protection fund" to "tuition trust account" to be consistent with changes to the statute and clarifies the assessment method for new schools. References to bonds are deleted, as changes to the statute no longer require a school to obtain a surety bond. The requirements for a teach-out are deleted, because they were moved to §807.251.

Subchapter R is added as recent legislative changes to the Act gave the Commission the ability to issue cease and desist orders to schools that are operating without a certificate of approval.

The amendments became effective April 26, 2004.

Sincerely,

Connie Jacksits
Program Manager
Career Schools and Veterans Education

STRUCTURE

**TEXAS WORKFORCE COMMISSION STAFF RESPONSIBLE FOR
REGULATION OF CAREER SCHOOLS AND COLLEGES**

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XX. TEXAS WORKFORCE COMMISSION

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

CHAPTER 807. CAREER SCHOOLS AND COLLEGES

SUBCHAPTER A. GENERAL PROVISIONS

§807.1. Title and Purpose

- (a) These rules may be cited as the Career Schools and Colleges rules.
- (b) The purpose of these rules is to implement and interpret the provisions of the Texas Education Code, Chapter 132, Career Schools and Colleges. The Commission shall evaluate each school according to the standards of practice set forth in the Act and this chapter. The Commission will provide assistance, whenever possible, in complying with this chapter.

The provisions of this §807.1 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.2. Definitions

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

- (1) **Academic quarter** -- A period of instruction that includes at least ten weeks of instruction, unless otherwise approved by the Commission.
- (2) **Academic semester** -- A period of instruction that includes at least 15 weeks of instruction, unless otherwise approved by the Commission.
- (3) **Accountant** -- An independent certified public accountant properly registered with the appropriate state board of accountancy.
- (4) **Act** -- Texas Education Code, Chapter 132, Career Schools and Colleges.
- (5) **Advertising** -- Any affirmative act designed to call attention to a school or program for the purpose of encouraging enrollment.
- (6) **Asynchronous distance education** -- Distance education training that the Commission determines is not synchronous.
- (7) **Board** -- A local workforce development board as created under the Workforce and Economic Competitiveness Act.
- (8) **Clock hour** -- Fifty minutes of instruction during a 60-minute period.

- (9) **Commission** -- The Texas Workforce Commission.
- (10) **Coordinating Board** -- The Texas Higher Education Coordinating Board.
- (11) **Distance education course** -- Either a seminar or a program that is offered to non-residence school students via correspondence or other media from a remote site on a self-paced schedule, excluding programs using interactive instruction.
- (12) **Distance education school** -- A school that offers only distance education courses.
- (13) **Course of instruction** -- A program or seminar.
- (14) **Employment** -- A graduating or graduate student's employment in the same or substantially similar occupation for which the student was trained.
- (15) **Good reputation** -- A person is considered to be of good reputation if the person:
- (A) has never been convicted of a felony related to the operation of a school, and the person has been rehabilitated, including completion of parole or probation, from any other convictions that would constitute risk of harm to the school or students as determined by the Commission;
 - (B) has never been successfully sued for fraud or deceptive trade practices within the last 10 years;
 - (C) does not own a school currently in violation of legal requirements, has never owned a school with repeated violations, and has never owned a school that closed with violations including, but not limited to, unpaid refunds; and
 - (D) has not knowingly falsified or withheld information from the Commission.
- (16) **Job placement** -- An affirmative 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.
- (17) **Master student registration list** -- 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.
- (18) **Program** -- A sequence of approved subjects offered by a school that teaches skills and fundamental knowledge required for employment in the stated occupation.
- (19) **Reimbursement contract basis** -- A school operating, or proposing to operate, under a contract with a state or federal entity in which the school receives payment upon completion of the training.

- (20) **Residence school** -- A school that offers at least one program that includes classroom instruction or synchronous distance education.
- (21) **School** -- A "career school or career college," as defined in the Act, that includes each location where courses of instruction shall be offered.
- (22) **Secondary education** -- Successful completion of public, private, or home schooling at the high school level or obtainment of a recognized high school equivalency credential.
- (23) **Seminar** -- A course of instruction that enhances a student's career, as opposed to a program that teaches skills and fundamental knowledge required for a stated occupation. A seminar may include a workshop, an introduction to an occupation or cluster of occupations, a short course that teaches part of the skills and knowledge for a particular occupation, language training, continuing professional education, and review for postsecondary examination.
- (24) **Seminar school** -- A school that offers only seminars.
- (25) **Small school** -- A "small career school or college" as defined in the Act.
- (26) **Stated occupation** -- An occupation for which a program is offered that:
- (A) is recognized by a state or federal law or by a state or federal agency as existing or emerging;
 - (B) is in demand; and
 - (C) requires training to achieve entry-level proficiencies.
- (27) **Student** -- Any individual solicited, enrolled, or trained in Texas by a school.
- (28) **Subject** -- A component of a program that includes specific content designed to advance the practical skills and knowledge necessary to prepare a student for employment in the stated occupation. A subject in a school is similar to a course at a community or technical college.
- (29) **Suspension of enrollments** -- A Commission sanction that requires the school to suspend enrollments, re-enrollments, advertising, and solicitation, and to cease, in any way, advising prospective students, either directly or indirectly, of the available courses of instruction.
- (30) **Synchronous distance education** -- The Commission may determine distance education to be synchronous under the following conditions:
- (A) The training is conducted simultaneously in real time, or the training is conducted so that the manner of delivery ensures that even if the instructor and student are

separated by time, the clock hours of instruction that the student experiences can be determined; and

- (B) There is consistent interaction between the student(s) and the instructor on a schedule that includes a definite time for completion of the program and periodic verifiable student completion/performance measures that allow the application of the progress standards of Subchapter K and attendance standards of Subchapter L of this chapter.

(31) **Tour** -- An inspection of the facilities and equipment pertaining to a course of instruction.

(32) **Week** -- Seven consecutive calendar days.

The provisions of this §807.2 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.3. Memorandum of Understanding for Regulation of Schools

The Act requires the Commission to execute a memorandum of understanding with the Texas Guaranteed Student Loan Corporation and each state agency regulating schools to reduce default rates at the regulated schools and to improve the overall quality of the programs. Said memorandum of understanding is set out at 40 TAC §800.205. Copies are available at the Texas Workforce Commission, 101 East 15th Street, Room 614, Austin, Texas 78778.

The provisions of this §807.3 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.4. Waivers

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

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

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

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

The provisions of this §807.4 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.6. Processing Periods

- (a) The time periods for processing applications from schools, including small businesses, for certificates of approval, as well as approvals for representatives, school directors, and instructors, shall be in accordance with the following time periods.

- (1) The first period is the time from the receipt of an application to the date of the issuance of a written notice approving the application or outlining the reasons why the application is unacceptable. The time periods for each application are:
- (A) original certificate of approval - 40 days;
 - (B) renewed certificate of approval - 40 days;
 - (C) change in ownership certificate of approval - 40 days;
 - (D) original representatives - 21 days;
 - (E) renewed representatives - 21 days;
 - (F) school directors and instructors (approval contingent on issuance of school's approval) - 40 days; and
 - (G) school directors and instructors (approval not contingent on issuance of school's approval) - 55 days.
- (2) The second period is the time from receipt of the last item necessary to complete the application to the date of issuance of written notice approving or denying approval of the application. The time periods for each application are:
- (A) original certificate of approval - 40 days;
 - (B) renewed certificate of approval - 40 days;
 - (C) change in ownership certificate of approval - 40 days;
 - (D) original representative (approval contingent upon issuance of school's approval) - 21 days;

- (E) original representative (approval not contingent upon issuance of school's approval) - 21 days;
 - (F) renewed representative (approval contingent upon issuance of school's approval) - 21 days;
 - (G) school directors and instructors (approval contingent on issuance of school's approval) - 40 days; and
 - (H) school directors and instructors (approval not contingent on issuance of school's approval) - 55 days.
- (b) In the event the application is not processed in the time periods as stated in this section, the applicant has the right to request of the Commission full reimbursement of all filing fees paid in that particular application process. If the Commission does not agree that the established time periods have been violated or finds that good cause existed for exceeding the established periods, the request will be denied. Good cause for exceeding the period established is considered to exist if:
- (1) the number of applications for certificates of approval, representatives, school directors, or instructors as appropriate to be processed exceeds by 15% or more the number processed in the same calendar quarter of the preceding year;
 - (2) another public or private entity utilized in the application process caused the delay; or
 - (3) other conditions exist that give good cause for exceeding the established periods.
- (c) If the request for full reimbursement authorized in this section is denied, the applicant may then request a hearing by appealing to the Commission for a resolution of the dispute. The appeal will be processed in the same manner as other appeals involving schools pursuant to the Act.

The provisions of this §807.6 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER B. CERTIFICATES OF APPROVAL

§807.11. Original approvals

A complete application for an original certificate of approval shall consist of the following:

- (1) a completed application form provided by the Commission;
- (2) complete and correct financial statements, as specified in this chapter, demonstrating the school is financially stable and capable of fulfilling its commitments for training;
- (3) the application fee as specified in this chapter; and
- (4) any other revisions or evidence necessary to bring the school's application for approval to a current and accurate status as requested by the Commission.

The provisions of this §807.11 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.12. Renewal

(a) For small schools, the certificate of approval shall be renewed at least every three years, or more frequently as determined by the Commission. A complete application for renewal of a certificate of approval shall consist of the following:

- (1) complete and correct annual financial statements, as specified in this chapter, demonstrating the school is financially stable and capable of fulfilling its commitments for training;
- (2) the renewal fee and the fee for the tuition trust account, if applicable, specified in this chapter; and
- (3) any other revisions or evidence necessary to bring the school's application for approval to a current and accurate status as requested by the Commission.

(b) For all other schools, the certificate of approval shall be renewed annually. A complete application for renewal of a certificate of approval shall consist of the following:

- (1) a completed application for renewal form provided by the Commission;
- (2) complete and correct annual financial statements for the most recent fiscal year demonstrating the school is financially stable and capable of fulfilling its commitments for training;

- (3) the renewal fee and the fee for the tuition trust account, if applicable, specified by this chapter; and
 - (4) any other revisions or evidence necessary to bring the school's application for approval to a current and accurate status as requested by the Commission.
- (c) The effective, expiration, and issuance dates are indicated on the certificate of approval. The Commission may reflect the date of renewal as the date following the date of expiration of the prior certificate of approval, if the school submitted a timely request for renewal and met all of the requirements contained in this chapter for renewal.
- (d) The complete renewal application shall be postmarked on or before the due date as indicated in the Act.

The provisions of this §807.12 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.13. Change in ownership

- (a) The Commission may consider the addition or deletion of any person defined as an owner under the Act as a change in school ownership. The school may notify the Commission of the change in ownership a minimum of 45 days before the change in ownership to request that the Commission in lieu of a full application accept a partial application.
- (b) The Commission may require submission of a full application for approval for a change in ownership if:
- (1) the Commission has a reasonable basis to believe the change in ownership of the school may significantly affect the school's continued ability to meet the criteria for approval; or
 - (2) the school fails to file notice of the change of ownership at least 45 days prior to the ownership transfer.
- (c) The Commission may require a partial application for approval for a change in ownership if the Commission reasonably believes the change in ownership will not significantly affect the school's continued ability to meet the criteria for approval.
- (d) The purchaser of a school shall accept responsibility for all refund liabilities.
- (e) Management Agreements must be disclosed to the Commission. Parties to a management agreement shall be of good reputation and character.

The provisions of this §807.13 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.14. Locations

- (a) A school shall obtain a certificate of approval for each location where courses of instruction will be offered, unless the school has a certificate of approval and meets one of the exceptions in this section.
- (b) The Commission may approve the following as exempt from applying for approval for a new or additional location, if requested at least 30 days in advance:
 - (1) seminars, including preparation for licensing examinations, educational institution entrance examinations, and reading improvement;
 - (2) classes in no more than one location at a time as an itinerant school;
 - (3) classes at facilities used for additional classrooms for instructional services only, which are within a one-mile radius of the main campus and are dependent on the main campus for administration, supervision, fiscal control, and student services; or
 - (4) short-term programs. Short term programs:
 - (A) include 200 clock hours or less of instruction; and
 - (B) are conducted with at least a 90-day interval between cessation of one program and the beginning of the next.
- (c) The school shall file an application for a certificate of approval to reflect a new or additional location, including all documents deemed necessary by the Commission, and the appropriate fee. The Commission may issue the certificate of approval after inspection of the new facilities.
- (d) If the Commission determines that a move of the school presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.

The provisions of this §807.14 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.15. Notification of Legal Action

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

- (b) A school shall notify the Commission in writing of any legal action described in this section no later than five business days after the action is known to be filed or the school, owner, representative, or management employee is served.
- (c) A school shall include, with the notice required in this section, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.

The provisions of this §807.15 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.16. Associate Degrees

- (a) If a school desires authorization to grant associate degrees, the school shall make application to the Coordinating Board.
- (b) The Commission may recognize the authorization to grant degrees upon receipt of a copy of the letter of authorization issued by the Coordinating Board.

The provisions of this §807.16 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.17. Penalties and Sanctions Regarding Schools

The Commission may impose penalties or sanctions for violations of the Act or this chapter, including:

- (1) collecting a late renewal fee from the school;
- (2) denying the school's application for a certificate of approval;
- (3) revoking the school's certificate of approval;
- (4) placing restrictions on the school's certificate of approval;
- (5) denying, suspending, or revoking the registration of the school's representatives;
- (6) collecting a late refund penalty from the school;
- (7) assessing an administrative penalty;
- (8) applying for an injunction against the school;
- (9) asking the Attorney General to collect a civil penalty from any person who violates the Act or this chapter;
- (10) ordering a peer review of the school;
- (11) revoking a program approval;

- (12) denying a program approval;
- (13) requiring full or partial refunds to students for program violations or deficiencies;
- (14) suspending the admission of students to the school;
- (15) charging the school an investigation fee to resolve a complaint against the school; and
- (16) charging the school interest and penalties on late payments of fee installments.

The provisions of this §807.17 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

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) **GAAP** -- Generally Accepted Accounting Principles.
- (2) **GAAS** -- Generally Accepted Auditing Standards.
- (3) **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."
- (4) **Unearned tuition affidavit** -- A statement of the highest amount of unearned tuition at any time during the most recent fiscal year, the projected highest unearned tuition at any time during the next fiscal year, and the gross amount minus refunds of student tuition and fees earned during the fiscal year in all programs approved under the Act.

The provisions of this §807.31 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.32. Financial Standards

- (a) The balance sheet required in this subchapter shall reflect the following:
 - (1) positive equity or net worth balance;
 - (2) unearned tuition as a current liability;

- (3) a current ratio of at least one-to-one; and
 - (4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.
- (b) Compilations shall be accompanied by the owner's sworn statement.
- (c) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.
- (d) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter. A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.

The provisions of this §807.32 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.33. Financial Requirements for Original Approvals

- (a) The prospective owner shall furnish the Commission with the following:
- (1) for a school owned by a sole proprietor, a reviewed personal balance sheet with notes that disclose the amount of payments for the next five years to meet debt agreements as required by GAAP; or
 - (2) for all other ownership structures, an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.
- (b) The school shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school, and a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of licensure. A school currently operating, or proposing to operate, on a reimbursement contract basis may request a waiver of this section from the Commission. Projected expenses may include the following:
- (1) employee salaries, listed by position title, including withholding, unemployment taxes, and any other related expenses;
 - (2) lease payments for equipment listed by the name of the equipment;

- (3) lease payments for facilities;
 - (4) accounting, legal, and other specifically identified professional fees; and
 - (5) an estimate of other expenses such as advertising, travel, textbooks, office supplies, classroom supplies, printing, telephone, utilities, taxes, and sales commissions.
- (c) The school shall submit a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation.
- (d) The prospective owner shall also furnish such other evidence as may be deemed appropriate by the Commission to establish financial stability.

The provisions of this §807.33 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.34. Financial Requirements for Changes in Ownership

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

The provisions of this §807.34 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.35. Financial Requirements for Renewal

- (a) A school shall submit annual financial statements as set forth in this section that shall be:
- (1) audited by an accountant and consistent with GAAP;
 - (2) reviewed by an accountant and consistent with GAAP (except for the first renewal, which must be audited or compiled); or
 - (3) compiled by an accountant, containing an unearned tuition affidavit and at least one note disclosing the current and long-term liabilities. This note shall be similar to that required by GAAP for reviewed and audited statements. Compiled statements are acceptable under the following conditions:
 - (A) the gross annual revenue from student tuition and fees, less refunds, is less than or equal to \$100,000, or;
 - (B) the courses of instruction are less than one month in length.

- (b) Each school shall furnish financial statements in association with an accountant annually and not later than 180 days from the close of the school's fiscal year. These statements shall include the following:
- (1) balance sheet;
 - (2) statement of results of operation, which includes a statement of income and retained earnings;
 - (3) statement of cash flows; and
 - (4) the gross amount minus refunds of annual student tuition and fees for each school, separated from other revenues unrelated to training.
- (c) A school with a gross annual revenue from student tuition and fees, less refunds, less than or equal to \$100,000 may submit all of the following in lieu of the financial statements required in this section:
- (1) an unearned tuition affidavit;
 - (2) a copy of the annual income tax form filed specifically for the business; and
 - (3) an owner's sworn statement certifying that the unearned tuition affidavit and the copy of the annual income tax form are true and correct.
- (d) A school that is a subsidiary of a corporation may submit, in lieu of the statements required in this section, the annual audited financial statements of the parent corporation provided that:
- (1) said statements are accompanied by an audited list of any student tuition refunds payable by the subsidiary school at the close of its fiscal year. The statements shall also be accompanied by an owner's sworn statement reflecting the gross amount minus refunds of student tuition and fees earned during the fiscal year on all programs approved under the Act; and
 - (2) the parent corporation ensures that each student enrolled in the subsidiary school receives either the training agreed upon or a refund as provided in the Act, and submits either a certified resolution of its board of directors to this effect or any other evidence as deemed appropriate by the Commission to establish financial responsibility by the parent corporation.

The provisions of this §807.35 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.36. Interim Financial Statements

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

The provisions of this §807.36 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.37. Commission Ordered Audits

If the Commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the school, the Commission may require at the school's expense:

- (1) an audit of a school that has been certified by an accountant; or
- (2) the owner to furnish any other evidence deemed appropriate by the Commission to establish financial stability.

The provisions of this §807.37 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER D. REPRESENTATIVES

§807.51. Representative Requirements

- (a) The school shall apply annually to register representatives on forms provided by the Commission and with the appropriate fee.
- (b) A representative shall be of good reputation and under the control of the school and is deemed to be the agent of the school. The school is responsible for any representations or misrepresentations, expressed or implied, made by a representative.
- (c) Any student solicited or enrolled by an unregistered representative is entitled to a refund of all monies paid and a release from all obligations. Any contract signed by a prospective student as a result of solicitation or enrollment by an unregistered representative is null and void and unenforceable.

The provisions of this §807.51 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.52. Representative Standards

A representative shall:

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

The provisions of this §807.52 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.53. Representative Limitations

- (a) The representative shall not begin solicitation of students until the school receives notice of approval for the school and registration of the representative from the Commission.
- (b) Employees and other agents of recruiting firms shall not serve as representatives.
- (c) A representative shall not:
 - (1) solicit in public places other than educational settings, job fairs, or organized meetings;
 - (2) offer as an inducement or enticement any material consideration to a prospective student prior to enrollment, such as cash, food, housing, or gifts;
 - (3) administer the entrance test;
 - (4) advise students about financial aid, other than informing the students of the general availability of financial aid;
 - (5) give false, misleading, or deceptive information about any aspect of the school's operation, programs, completion or employment rates, examination success rates, job placement, or salary potential;
 - (6) concurrently solicit for or represent more than one school, unless the owner of each school being represented is informed that the representative is also soliciting for or representing other schools;
 - (7) engage in acts or practices that have a tendency to intimidate, coerce, or mislead a prospective student into accepting an enrollment;

- (8) represent that a school or program has sponsorship, credentials, approval, characteristics, credit transferability, uses, benefits, or qualities that it does not have;
- (9) discredit another school or its programs by false or misleading representation of facts;
- (10) solicit enrollments in a program that has not been approved by the Commission;
- (11) solicit students for a school through an employment agency; or
- (12) violate any legal requirement or prohibition contained in the Act or this chapter.

The provisions of this §807.53 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

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 April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.62. School Director Qualifications and Duties

- (a) A school director of a small school shall have administrative or management experience. A school director of a small school shall be of good reputation and is not required to attend a Commission-sponsored workshop prior to initial approval by the Commission.
- (b) A school director of other than a small school shall be of good reputation and have a total of five years of administrative or management experience. An equivalent duration of higher education, college or university, may be substituted for each year of experience.
- (c) The school shall obtain Commission approval for the school director before employment of the school director.
- (d) A school director shall attend a Commission-sponsored workshop and demonstrate a proficiency of the knowledge required to operate a school before final Commission approval may be granted. The Commission may require a school director to attend additional workshops scheduled by the Commission in order to maintain skills and continue as an approved school director.

- (e) The school director is responsible for the courses of instruction, organization of classes, designation of a liaison for Commission compliance visits, maintenance of the school facilities and proper administrative records, and all other matters related to the administration of the school, as determined by the Commission.
- (f) The school director shall sign and agree to the terms of the Director's Statement.
- (g) The Commission may require the school director to attend additional training to continue approved director status if a school has more than one substantiated complaint from students during a one-year period. If the school has repeat violations from a previous year under the same director, the Commission may revoke the approval of the school director.
- (h) The school director shall:
 - (1) ensure that all facilities, including housing endorsed by the school, comply with local, city, county, municipal, state, and federal regulations such as, but not limited to, fire, building, and sanitation codes; and
 - (2) inspect facilities, including housing, before endorsement.
- (i) The Commission shall grandfather the director of a school from meeting the requirements contained in this section, providing that the school has submitted the application for that school director to the Commission prior to the effective date of this section, and the application results in approval by the Commission.

The provisions of this §807.62 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.63. Acting School Director

- (a) The Commission may allow a school to designate an acting school director for a period not to exceed 90 days or as otherwise approved by the Commission, who is:
 - (1) a currently approved school director at another location with the same owner to facilitate the approval process at a new location;
 - (2) a new school director pending approval by the Commission; or
 - (3) required by an emergency as determined by the Commission.

- (b) The school shall provide written notice to the Commission, delivered by the end of the first day following the appointment of the acting school director.

The provisions of this §807.63 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.64. Director of Education Requirements

- (a) A school may have a director of education. The Commission shall grandfather schools from meeting the director of education requirements contained in this section for a particular director of education provided that the school has submitted the application for approval of the director of education to the Commission prior to the effective date of this section and the application results in approval by the Commission.
- (b) If the school employs a director of education, the director shall meet the same qualifications as an instructor and, in addition, shall have:
 - (1) one year of employment as a postsecondary instructor;
 - (2) one year of employment as a supervisor; and
 - (3) a bachelor's degree, appropriate for the skills required, as determined by the Commission.

The provisions of this §807.64 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.65. Director of Degree Programs Requirements

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

The provisions of this §807.65 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

SUBCHAPTER F. INSTRUCTORS

§807.81. Instructor Qualifications

- (a) The instructor shall be of good reputation and shall not be a current student in the same or similar program, as determined by the Commission, in which the instructor teaches.
- (b) Instructors shall possess and affirm on forms provided by the Commission that the instructor has one of the following qualifications that applies to the subject area to be taught. In such cases

where the practical experience is gained on a seasonal basis as an industry standard, the season of at least three months of experience shall be considered as one year of experience.

- (1) The instructor has a master's degree or higher that:
 - (A) includes satisfactory completion of six semester credit hours or eight quarter credit hours in the subject to be taught;
 - (B) includes satisfactory completion of three semester credit hours or four quarter credit hours in the subject area and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a technical field;
 - (C) includes satisfactory completion of three semester credit hours, or four quarter credit hours in the subject area to be taught, if the subject to be taught is in a non-technical field; or
 - (D) includes one year of related practical experience in the subject to be taught within the ten years immediately preceding employment by the school, if the subject to be taught is in a non-technical field.

- (2) The instructor has a bachelor's degree that:
 - (A) includes nine semester hours or 12 quarter hours related to the subject area to be taught;
 - (B) includes satisfactory completion of six semester credit hours or eight quarter credit hours in the subject area to be taught and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a technical field;
 - (C) includes satisfactory completion of three semester credit hours or four quarter credit hours in the subject area and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a non-technical field; or
 - (D) includes two years of related practical experience within the ten years immediately preceding employment by the school.

- (3) The instructor has an associate's degree that:
 - (A) includes satisfactory completion of nine semester credit hours or 12 quarter hours in the subject area to be taught and two years of related practical experience within the ten years immediately preceding employment by the school; or

- (B) includes three years of related practical experience within the ten years immediately preceding employment by the school.
 - (4) The instructor has a secondary education if it includes a certificate of completion from a recognized postsecondary school for at least a 900 clock-hour program in a relevant subject area and four years of related practical experience within the ten years immediately preceding employment by the school; or
 - (5) The instructor has proof of satisfactory completion of secondary education if accompanied by five years of related practical experience within the ten years immediately preceding employment by the school.
- (c) In addition to the other applicable requirements for instructors, including the good reputation requirement, the following qualifications apply to the specific instructors listed in this subsection.
- (1) The Commission requires that a court reporting instructor of only machine shorthand theory and speedbuilding shall have:
 - (A) an associate's degree or higher and certificate of completion of machine shorthand theory requirements in an accredited court reporting program;
 - (B) an associate's degree in court reporting from any state-recognized school;
 - (C) a Registered Professional Reporter or Certified Shorthand Reporter certification from any state; or
 - (D) a certificate of completion of a court reporting program from a state-certified school.
 - (2) The Commission requires that a court procedures and technology instructor shall have:
 - (A) a Registered Professional Reporter or Certified Shorthand Reporter certification; and
 - (B) one year of court reporting experience.
 - (3) The Commission requires that a modeling instructor shall have, at a minimum:
 - (A) a secondary education and certificate of completion from a modeling program of at least 45 clock hours from a state recognized school and at least five verifiable paid modeling jobs completed within the past five years; or
 - (B) a secondary education and at least ten verifiable paid modeling jobs completed within the past five years.

- (4) The Commission requires that a truck driving instructor shall have, at a minimum:
 - (A) a secondary education;
 - (B) certified proof of successful completion of 40 clock hours in safety education and driver training as required by this chapter; and
 - (C) three years of full-time tractor trailer driving experience within the ten years immediately preceding employment by the school.
- (5) The Commission requires that a bartending instructor shall be certified by the Texas Alcoholic Beverage Commission as having completed the required awareness course.
- (d) The director shall ensure that an instructor applicant demonstrates sufficient language to teach the subject for which the instructor is applying to teach.
- (e) The Commission shall grandfather schools from meeting the instructor requirements contained in this section for a particular instructor provided that the school has submitted the application for approval of the instructor to the Commission prior to the effective date of this section and the application results in approval by the Commission.
- (f) For those instructors who return to the school prior to one full year of absence, and who will be teaching the same subjects as previously approved, the school shall document the leave and reinstatement dates in the instructor's personnel file. When an instructor begins teaching new subjects or the absence was more than one year, the school shall submit a new application to the Commission.

The provisions of this §807.81 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.82. Temporary Instructors

- (a) The Commission may allow a school to use a previously unapproved instructor to teach temporarily for a reasonable amount of time in the case of an emergency, as determined by the Commission.
- (b) In such circumstances, the school shall provide written notice to the Commission delivered no later than the first day the temporary instructor begins teaching. The notice shall include:
 - (1) the subject to be taught;
 - (2) the name of the approved instructor;

- (3) the name of the temporary instructor; and
 - (4) the reason for the temporary instructor.
- (c) Failure to properly notify the Commission shall result in penalties for the use of an unapproved instructor.
 - (d) The temporary instructor shall have practical experience or education in the subject area to be taught, and shall not have been previously disapproved to teach the subject.
 - (e) There shall be no more than one temporary instructor per grading period in an individual subject, unless specifically approved in advance by the Commission.
 - (f) Failure to comply with this section shall result in penalties, up to and including, a full refund to all students attending such classes.

The provisions of this §807.82 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.83. Instructor Application

- (a) A school that has been licensed for at least one year and is accredited by an agency recognized by the U. S. Secretary of Education is not required to submit instructor applications to the Commission for approval. Documentation that the instructor meets the requirements of this chapter must be kept on file at the school and available for review immediately upon request.
- (b) The school shall file an application for approval of an instructor on forms provided by the Commission in accordance with the following criteria and ensure that the instructor is of good reputation.
 - (1) The application shall be postmarked within five calendar days of employment as an instructor subject to the conditions outlined in this subchapter. A school may employ an instructor pending approval by the Commission.
 - (2) Depending upon the qualifications indicated on the application, the application shall include one or more of the following:
 - (A) a legible copy of the postsecondary certificate or degree, or a transcript indicating appropriate coursework completed, as applicable;
 - (B) proof of a current occupational license; and
 - (C) proof of secondary education.

- (c) A school with degree programs shall ensure that instructors are of good reputation and meet all the qualifications required by the Coordinating Board.
- (d) The Commission may approve a variance from the specific qualifications contained in Section 807.81 of this subchapter with sufficient justification and an assurance that the program quality will not be lessened.
- (e) The Commission may consider current approvals of instructors by other Texas state agencies responsible for approval and regulation of the program, or any professional certifications held by the instructor when submitted with the Commission's instructor application. The Commission will accept notification, in lieu of a new instructor application, for any instructor that has a current approval by the Commission to teach the same subjects at other schools that have the same owners.
- (f) The Commission may require the school director of an accredited school to file applications for instructors if there have been two substantiated complaints regarding instructors in the previous year, or if the school is unable to produce, when requested, documentation that all instructors meet the requirements of this subchapter.
- (g) The Commission may require a school director to submit and receive approvals for instructor applications in advance of employing the instructors for a period of one year if the school has had three instructor applications finally disapproved within the previous two years.

The provisions of this §807.83 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.84. School Responsibilities Regarding Instructors

- (a) The school shall ensure that an appropriate number of instructors, as determined by the Commission, have proper licensure or certificates required for the stated occupation's objective. The holder of the license or certificate shall actively participate in program development and revisions.
- (b) The school shall ensure continuity of instruction through reasonable retention of instructors to provide students with a quality education.
- (c) The school shall implement, maintain, and update annually a written plan for staff development, which includes, at a minimum, continuing education, staff meetings, attendance at trade and professional conferences, and observation of, or participation in, on-the-job activities.
- (d) The school director or director of education shall formally evaluate each instructor in writing at least annually, subject to review by the Commission.
- (e) The school director or director of education shall ensure that students are allowed the opportunity to formally evaluate each instructor in writing at least annually and incorporate said

evaluation in the instructor's overall evaluation. These student evaluations are subject to review by the Commission.

- (f) The school shall provide in-service training within the first three months of teaching to those instructors hired lacking teaching experience. In-service training includes planned professional development opportunities that enable inexperienced instructors to learn and develop effective teaching strategies and skills. Topics shall include competency-based training, instructional methods, adult learning styles, and student learning and skills assessment. Competency-based training specifies the skills and skill levels required to complete a training program, develops and organizes teaching and learning methods to enable students to achieve the identified skills and levels of proficiency, and uses criterion-referenced evaluation to measure achievement.
- (g) The school shall provide and document in-service training that provides updates on skills, knowledge, and technology required by business and industry for those instructors who have taught for two years, but have not gained relevant work experience during the two-year period.

The provisions of this §807.84 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER G. COURSES OF INSTRUCTION

§807.91. Definitions Relating to Courses of Instruction

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

- (1) **Externship** -- Practical, program-related, off-campus training under direct or indirect instructor supervision, with a preplanned outline of experiences and competencies.
- (2) **Laboratory experience** -- A specific experience of observation, experimentation, practice, study, technical investigation, analysis, and practical application of theory or verbal instruction involving hands-on supervised study in a selected vocation or subject.
- (3) **Lecture** -- A presentation of theories, concepts, procedures, or information about a particular subject.
- (4) **New program** -- A program:
 - (A) not previously offered;
 - (B) previously offered and then discontinued;
 - (C) with a revised objective such that the program provides preparation for different jobs than those for which the program was originally approved (examples: legal secretary to

paralegal; dental technician to medical technician; computer operator to computer programmer); or

- (D) with a 25% or more change within a 12-month period to the total number of hours, content, or lessons (examples: from 1,000 clock hours to 750; 20 lessons to 30; 600 clock hours to 900, 60 semester credit hours to 80).

(5) **New seminar** -- A seminar:

- (A) not previously offered;
- (B) previously offered and then discontinued;
- (C) with a revised objective; or
- (D) with a 25% 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, subject title, objective description (but not the detailed objective), subject clock or credit hours, or subject hours of lecture, laboratory, or externship. Scheduling and price changes are catalog changes, not revisions.

The provisions of this §807.91 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.92. General Information for Courses of Instruction

- (a) A school submitting applications for approval of seminars shall use abbreviated forms provided by the Commission.
- (b) No subject or program shall be approved by the Commission unless the school demonstrates that the program's quality, content, and length reasonably and adequately impart the job skills and knowledge necessary for the student to obtain employment in the stated occupation.
- (c) A school may not solicit students, otherwise advertise, or conduct classes for a course of instruction prior to the Commission's approval of the course of instruction. Any such activity by the school, prior to the Commission's approval of the course of instruction, shall constitute a misrepresentation by the school and shall entitle each student in the course of instruction to a full refund of all tuition and fees paid by the student and release from all obligations.
- (d) The school shall establish and maintain a formal advisory committee of at least five members, unless the Commission approves a lesser number of persons in advance, for each type of program in excess of 200 clock hours in length. At least annually, the committee shall evaluate the curriculum, instructional materials and media, equipment, and facilities to ensure they meet

the needs of the job market. The school shall have written documentation of the evaluation available for review by the Commission. If the school does not follow an advisory committee recommendation, the school shall maintain written documentation of the justification for not following the recommendation.

- (e) If the applicant requests approval to measure programs in credit hours, the following conversion table shall be used.
 - (1) One academic quarter credit hour equals a minimum of:
 - (A) 10 clock hours of classroom lecture;
 - (B) 20 clock hours of laboratory experience; or
 - (C) 30 clock hours of externship.
 - (2) One academic semester credit hour is equal to a minimum of:
 - (A) 15 clock hours of classroom lecture;
 - (B) 30 clock hours of laboratory experience; or
 - (C) 45 clock hours of externship.
 - (3) The school shall calculate lecture, laboratory, and externship credit hour conversions individually for each subject, rounding down to the nearest half credit hour. The school shall add the total for the credit hours for lecture, laboratory, and externship to determine the total credit hours for a subject.

The provisions of this §807.92 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.93. Applications for Additional Courses of Instruction

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

- (b) The Commission may require an abbreviated program application if:
 - (1) the school has the exact program approved at another location;
 - (2) the program objective changes;
 - (3) the program length changes 25% or more; or
 - (4) the school's completion and employment rates are exemplary, as determined by the Commission.
- (c) The Commission may deny an application for approval of an additional course of instruction if the school is not in full compliance with the Act or this chapter.

The provisions of this §807.93 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.94. Stated Occupation

- (a) The school shall ensure that each program prepares the student for the stated occupation.
- (b) The school shall demonstrate that a student who successfully completes the program is more likely to be employed in the stated occupation than an individual who does not complete the program, all other things being equal.
- (c) The school shall identify a demonstrable occupational demand for the stated occupation. The Commission 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 boards, if approved by the Commission, or other local or state entities;
 - (3) references to advertisements in media for employment;
 - (4) occupation employment rate of students;
 - (5) percentage of graduating students who have previously completed the same or 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; and
- (7) reports or publications relating to the specific occupational demand.

The provisions of this §807.94 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.95. Curriculum Content

- (a) The school shall:
 - (1) provide competency-based programs;
 - (2) assess skills using primarily performance-based methods;
 - (3) use instructional media, methods, and materials appropriate for the program content and students' knowledge and abilities;
 - (4) offer programs in a logical sequence of knowledge and skills; and
 - (5) if deemed appropriate by the Commission, provide an externship or a simulation of the workplace for the program.
- (b) Each subject in the program shall teach the practical skills and knowledge required for employment in the stated occupation. The proportion of lecture, laboratory, and externship hours for each subject and for the program shall be reasonable for the skills and knowledge to be learned for the stated occupation.
- (c) The Commission may use or validate existing skill standards or competencies, or develop statewide skill standards with the assistance of industry, schools, and other relevant entities as determined by the Commission.

The provisions of this §807.95 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.96. Curriculum Length

- (a) Each subject submitted for approval shall identify the clock or credit hours allocated to that subject. A subject or program that exceeds a length reasonable to prepare the student for the stated occupation shall not be approved.

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

The provisions of this §807.96 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.97. Program Title

- (a) Each program submitted for approval shall be identified by a title.
- (b) The title shall clearly identify the stated occupation and shall be a title commonly used by business or industry.
- (c) The Commission shall not approve false, misleading, or deceptive program titles.

The provisions of this §807.97 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.98. Equipment

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

The provisions of this §807.98 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.99. Facilities

- (a) In determining adequate space for lecture and laboratory experiences, the Commission shall consider that the amount of lecture and laboratory space meets the use requirements of the maximum number of current students in class with appropriate seating facilities and/or workstations, as needed by the activity patterns of the program.

- (b) Enrollment shall not exceed the design characteristics of the available workstations.

The provisions of this §807.99 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.100. Admission Requirements Relating to Programs

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

The provisions of this §807.100 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.101. School Responsibilities Regarding Programs

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

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

The provisions of this §807.101 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.102. Program Revisions

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

The provisions of this §807.102 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.103. Program Requirements for Degree Granting Schools

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

The provisions of this §807.103 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.104. Penalties Relating to Courses of Instruction

- (a) If an approved course of instruction is discontinued for any reason, the Commission shall be notified within 72 hours of discontinuance and furnished with the names and addresses of any students who were prevented from completion of the course of instruction due to discontinuance. Should the school fail to make arrangements satisfactory to the students and the Commission for the completion of the course of instruction, the full amount of all tuition and fees paid by the students are then due and refundable. Any course of instruction discontinued will be removed from the list of approved courses of instruction.
- (b) The Commission may suspend enrollments in a particular course of instruction at any time the Commission finds cause. For purposes of this subsection, cause includes, but is not limited to:
 - (1) inadequate instruction;
 - (2) unapproved or inadequate curriculum;
 - (3) inadequate equipment; or
 - (4) inadequate facilities.
- (c) If a school begins teaching a course of instruction or revised course of instruction that has not been approved by the Commission, the Commission may require the school to refund to the enrolled students all or a portion of the tuition fees.
- (d) If upon review and consideration of an original, renewal, or revised application for course of instruction approval, the Commission determines that the applicant fails to meet the requirements in the Act or this chapter, the Commission shall notify the school, setting forth in writing the reasons for the denial. This may include summaries of peer evaluations from both educators and employers offering similar courses of instruction.
- (e) The Commission may revoke approval of a school's course of instruction at any time the Commission finds cause. For purposes of this subsection, cause includes, but is not limited to:
 - (1) any statement contained in the application for the course of instruction approval which is untrue;

- (2) the school's failure to maintain the instructors, facilities, equipment, or courses of instruction, or course of instruction outcomes on the basis of which approval was issued;
 - (3) advertising made on behalf of the school which is false, misleading, or deceptive, including those that use the word "associate" to describe a degree other than those approved by the Coordinating Board;
 - (4) courses of instruction without clearly stated limited transferability if there are no articulation agreements with other postsecondary institutions in the same geographic area;
 - (5) courses of instruction for which financial aid is advertised but is not available;
 - (6) repeated violations by the school that negatively impact the quality of a particular course of instruction; or
 - (7) violations by the school of any applicable provision of the Act or this chapter.
- (f) A school whose course of instruction approval is denied or revoked shall have the right to appeal. The Commission will conduct hearings in accordance with Commission policies and procedures applicable to the appeal.

The provisions of this §807.104 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

SUBCHAPTER H. APPLICATION FEES AND OTHER CHARGES

§807.111. Fee Schedule

The Commission shall collect fees according to the following schedule.

- (1) The initial fee for a certificate of approval for a small school is \$1,001.
- (2) The initial fee for any other school is \$3,000.
- (3) In the event of a change in ownership of the school, the new owner shall pay the same fee as that charged for an initial fee for a school.
- (4) The initial registration fee for a representative is \$90.
- (5) The annual renewal fee for a representative is \$45.
- (6) The fee for a change of name of the school or owner is \$150.
- (7) The fee for a change of address of a school is \$270.

- (8) The fee for a change in the name or address of a representative or a change of the name or address of a school that causes the reissuance of the notice of permitted representative is \$15.
- (9) The application fee for a course of instruction that is an additional program is \$225.
- (10) The application fee for a course of instruction that is a seminar program is \$35.
- (11) The application fee for a school director, administrative staff member, or instructor is \$20.
- (12) The fee for an inspection of classroom facilities that are separate from the main campus is \$375.
- (13) The fee for an investigation of a complaint against a school is \$400, if assessed.

The provisions of this §807.111 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.112. Renewal Fees

- (a) For small schools, if a certificate of approval is issued for more than one year, the renewal fee is \$1,001, which may be paid with \$501 the first year and \$250 on the anniversary date of the certificate for each subsequent year.
- (b) For all other schools, the renewal fee is based on the gross amount minus refunds of annual student tuition and fees. The renewal fee is the greater of:
 - (1) 0.31% of the school's gross tuition and fees, excluding refunds as provided by the Act; or
 - (2) \$500.
- (c) For all schools, the Commission shall assess a penalty of 10% of the renewal fee, not less than \$200 or more than \$1,000, if the school fails to file a complete application for renewal at least 30 days before the expiration date of the certificate of approval.

The provisions of this §807.112 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.113. Installment Payments

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

- (b) Failure to pay any installment by the due date may result in one or more of the following:
 - (1) a penalty being assessed in the amount of 50% of the total amount of the fee;
 - (2) full payment of the penalty and outstanding balance due within 30 days; or
 - (3) suspension of participation in the installment payment plan for the next renewal period.

The provisions of this §807.113 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER I. ADVERTISING

§807.121. General Information for Advertising

- (a) A school shall not make deceptive statements in attempting to enroll students.
- (b) The Commission may require a school to furnish proof to the Commission of any of its advertising claims, when requested.

The provisions of this §807.121 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.122. Advertisement Method

- (a) A school may advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.
- (b) A school shall not be advertised under any "help wanted," "employment," or similar classification.
- (c) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.
- (d) A school shall not use terms to describe the significance of the approval that specify or connote greater approval. Terms that schools may not use to connote greater approval by the Commission include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended." A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the Commission.

- (e) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

The provisions of this §807.122 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.123. Advertisement Content

- (a) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.
- (b) Advertisements shall not include:
 - (1) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;
 - (2) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government; or
 - (3) representation of the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school.
- (c) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.
- (d) A school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.
- (e) A school shall not use a photograph, cut, engraving, illustration or graphic in advertising in such a manner as to:
 - (1) convey a false impression of size, importance, or location of the school, equipment, or facilities associated with the school, or
 - (2) circumvent any of the requirements of this chapter regarding written or oral statements.

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

The provisions of this §807.123 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.124. Financial Incentives

- (a) Advertisements shall not:
 - (1) state that students shall be guaranteed employment while enrolled in the school;
 - (2) state that employment shall be guaranteed for students after graduation; or
 - (3) misrepresent opportunities for employment upon completion of any program.
- (b) Advertisements shall not contain dollar amounts as representative or indicative of the earning potential of graduates unless those dollar amounts have been published by the United States Department of Labor. This provision shall not be construed as prohibiting the school from providing earning potential to the student individually on the student's receipt of enrollment policies or other such Commission-approved document.
- (c) Advertisements for student tuition loans shall:
 - (1) contain the language "financial aid available, if qualified"; and
 - (2) appear in type no larger than the font used for the name of the school and in similar color and style.
- (d) Advertising of student tuition loans as described in this section does not preclude disclosure of the school's eligibility under the various state and federal loan programs.

The provisions of this §807.124 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.125. Catalog

- (a) The catalog shall include the following:
 - (1) table of contents or index;
 - (2) name and complete street address of the school;
 - (3) volume number, date of publication, and effective dates;

- (4) history of any accreditations or approvals, including statement of approval and regulation by the Commission;
 - (5) description of space, facilities, and equipment;
 - (6) list of all trustees, directors, officers of the corporation, and owners;
 - (7) list of management staff and faculty, including education relating to the areas of instruction;
 - (8) tuition, fees, other charges, and applicable scholarship terms;
 - (9) school calendar;
 - (10) school hours of operation and class schedule, including the amount of time allocated for breaks and mealtimes;
 - (11) policies regarding enrollment, including entrance requirements, previous education credit, cancellation and refund, progress, attendance, leave of absence, and conduct;
 - (12) veterans administration refund policy, if applicable;
 - (13) description of courses of instruction, including the number of clock hours of a seminar, seminar topic, lecture, lab, and externship, as well as credit hours in each subject, if applicable;
 - (14) description of each subject;
 - (15) description of the grading policy, including requirements for graduation;
 - (16) description of placement assistance, if available;
 - (17) statement of policies regarding grievances; and
 - (18) a statement signed by the owner or director indicating that all of the information contained in the catalog is true and correct.
- (b) Any subjects defined as self-paced shall be noted as such in the catalog.

The provisions of this §807.125 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.126. Advertisement Monitoring

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

The provisions of this §807.126 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER J. ADMISSION

§807.141. General Information for Admission

- (a) The Commission may approve specific admission requirements for seminars and small schools.
- (b) Small schools with programs of 40 clock hours or less, individual subject offerings, and seminars are not required to grant credit for previous education and training.
- (c) The school shall make appropriate adjustments to the program length and price based upon credit granted for previous education and training, where warranted.
- (d) For a school having specific term-beginning dates, a school may not start students after the third day of classes during any given term, except in those cases where appropriate credit for previous education and training has been given according to the Act and this chapter.
- (e) A continuously enrolled student has the right to graduate under the academic requirements stated in the catalog in effect at the time of the student's enrollment.

The provisions of this §807.141 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.142. Admission Requirements

- (a) The school shall require for admission into its programs proof of one of the following:
 - (1) secondary education;
 - (2) successful completion or the equivalent of one full-time academic semester (12 academic semester hours) or academic quarter (18 academic quarter hours) at an accredited college, university, or other postsecondary school; or
 - (3) for certificate programs only, proven ability-to-benefit by obtaining a satisfactory score on the approved entrance test.

- (b) Entrance test requirements shall be in accordance with the following provisions.
 - (1) Any entrance test shall be a nationally recognized standardized test or a nonstandardized test developed by the appropriate industry and approved by the Commission. A nonstandardized test shall be validated by a qualified third party, such as an expert in tests and measurements, for both appropriateness and the specific score level required for admission into the program. The name of the test and its publisher, any time limitations, a minimum acceptable score, and an explanation of score meanings, as referenced in the test material, shall be provided to the student with a copy of the test, if the test is not already on file with the Commission.
 - (2) If multiple opportunities are allowed for retaking the same entrance test, such students shall wait a minimum of five calendar days prior to retaking the test. A student may take a second entrance test on the same day provided a substantially different test is administered. This shall be stated in the admissions policy published in the school catalog.
 - (3) A representative is not allowed to administer the test, nor is anyone allowed to assist the student in answering the questions.
 - (4) If the entrance test reveals the student to be ineligible as an ability-to-benefit student, the student may be enrolled as a remedial student. The school shall have an evaluation procedure approved by the Commission to determine remedial needs and to determine when the required level of remediation has been reached. The school shall also have a remediation plan for such students consisting of subjects approved by the Commission as a part of the program. The students may be charged for the remedial portion of the program on an hourly pro rata basis, but the student is not obligated for the tuition and fees of the program until the entrance requirements are met.

- (c) Evidence shall be maintained in each student's file to show the admissions requirements have been met. A full refund of all monies paid and a full release from all obligations shall be due, as

determined by the Commission, to any student for whom the school cannot establish that the admission requirements were met.

The provisions of this §807.142 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.143. Receipt of Enrollment Policies

- (a) For all enrollments other than for seminars, individual subjects, and small schools with programs of 40 clock hours or less, each school shall use a form provided by the Commission to verify the prospective student's receipt of the information required in this section.
- (b) Unless otherwise required in this chapter, prior to enrollment the school shall furnish the following to each prospective student:
 - (1) a school catalog and program outline, unless the prospective student enrolls in a seminar;
 - (2) a schedule of tuition, fees, and other charges;
 - (3) the cancellation and refund policy;
 - (4) the attendance, progress, and grievance policies;
 - (5) the rules of operation and conduct;
 - (6) if available, the average starting salary per pay period and annually for the prospective student's stated occupation, and information regarding the number of job openings in the program objective field in a specified area within the last 12 months, including the name of the information source;
 - (7) the regulations pertaining to incomplete grades;
 - (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; and
 - (11) the job placement and employment data for the stated occupation as required in this chapter.
- (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 §807.143 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.144. Enrollment Agreement

- (a) A school does not need an enrollment agreement to enroll a student in a seminar that will be completed within three consecutive calendar days.
- (b) For distance education schools, the enrollment agreement shall specify the amount of time allotted to the student to complete the program.
- (c) A school shall submit an enrollment agreement to the Commission for approval.
- (d) A school shall use only an approved enrollment agreement to enroll students.
- (e) The executed enrollment agreement shall include, but is not limited to, the following:
 - (1) full and correct name and location of the school;
 - (2) program title, tuition, fees, reasonable estimate cost of books and supplies, any other expenses, total cost of the program, items subject to cost change, method of payment and payment schedule, disclosure statement if interest is charged on more than three payments, and detachable buyer's right to cancel if enrollment is procured off campus;
 - (3) date training is to begin and program length;
 - (4) name, address, and signature of the student;
 - (5) statement by the school that the student will receive a copy of the school enrollment agreement and catalog at the time of signing by the student;
 - (6) cancellation and refund policy; and

- (7) a Federal Trade Commission statement for holder in due course, unless no loans, grants, or installment payments are involved.
- (f) The school shall provide a notice of cancellation, attached to the enrollment agreement, for any student enrolled off the school premises. The notice shall:
 - (1) be in duplicate;
 - (2) be easily detachable;
 - (3) be printed in boldface type, with a minimum font of 10 point;
 - (4) contain the date of the enrollment agreement, name and address of school, the date on which the statutory 72-hour cancellation privilege will expire, and any other provisions as determined by the Commission;
 - (5) be printed in the same language as used in the enrollment agreement; and
 - (6) be in such a form that can be used by the student to notify the school of the student's desire to cancel by dating, signing, and mailing or otherwise delivering the form to the school's address shown.
- (g) A copy of the enrollment agreement form shall be given to the student and a copy maintained as a part of the student's file.
- (h) The Commission may permit a school to submit an abbreviated enrollment agreement for students enrolled on a reimbursement contract basis.

The provisions of this §807.144 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.145. Conduct Policy

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

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

The provisions of this §807.145 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.146. Tuition and Fees

- (a) A school shall disclose to potential students all tuition, fees, and other charges, and state such information in the school's application for a certificate of approval. The school may not use an estimated tuition amount, nor may the school increase the student's tuition if the student remains continuously enrolled and completes the training as approved at the time of admission. If the school charges to repeat subjects, the amount of the charges must be disclosed to the student.
- (b) A school shall make available for review by the Commission upon request:
 - (1) a description of the methods of payment that are available to enrolling students;
 - (2) the names and addresses of lending institutions used by the school for student tuition loans; and
 - (3) the true annual percentage rate and any other fees or charges associated with student tuition loans.
- (c) A school shall refund or forfeit any tuition, fees, or other charges not previously disclosed to the Commission.
- (d) A school may offer scholarships providing the terms of scholarships are disclosed to the Commission.
- (e) The school shall maintain, in a permanent format that is acceptable and readily accessible to the Commission, a record of any funds received from, or on behalf of, the student. A school shall clearly identify the payor, the type of funding, and the reason for the charges. These records shall be posted and kept current.
- (f) A school shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the Commission. Each separately charged item shall be clearly itemized on a student-signed receipt.

The provisions of this §807.146 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.147. Admission Requirements for Degree Granting Schools

- (a) Students who transfer from other postsecondary schools shall complete at least 20 academic semester hours or 30 academic quarter hours in residency at the school that will grant the degree. This does not apply to transfers within the same school system.

- (b) A school shall allow students attending at the time a school becomes a degree granting school to earn a degree, providing the student:
 - (1) meets all the prerequisites for acceptance into the degree program; and
 - (2) satisfactorily completes all courses or equivalent courses of the degree program.
- (c) Former students shall meet all the prerequisites for acceptance into the degree program and shall satisfactorily complete all courses or equivalent courses in the approved degree program to qualify for a degree.

The provisions of this §807.147 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER K. PROGRESS STANDARDS

§807.161. General Requirements for Progress Standards

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

The provisions of this §807.161 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.162. Progress Requirements for Residence Schools

- (a) For programs of 40 clock hours or less, the school is only required to give a final exam at the end of the program to determine whether the student has sufficient knowledge to warrant a certificate of completion, in lieu of a progress evaluation.

- (b) For programs of 41 to 200 clock hours, the school shall record a student's grades at the midpoint and end of each progress evaluation period. A student not making satisfactory progress at the midpoint shall be placed on academic probation for the remainder of the progress evaluation period. If the student does not achieve satisfactory progress by the end of the probationary period, the student's enrollment shall be terminated.
- (c) For schools approved on a clock hour basis and offering programs in excess of 200 hours, the school shall evaluate progress at least every eight weeks. A school approved on a credit hour basis shall evaluate progress at the midpoint and end-of-term for academic semester or academic quarter or at least every eight weeks. For programs in excess of 200 clock hours, the following shall apply.
 - (1) The school shall place a student making unsatisfactory progress for the program at the end of a progress evaluation period on academic probation for the next progress evaluation period. If the student on academic probation achieves satisfactory progress for the subsequent progress evaluation period, but does not achieve the required grades to meet overall satisfactory progress for the program, the student may be continued on academic probation for one more progress evaluation period.
 - (2) If a student on academic probation fails to achieve satisfactory progress for the first probationary progress evaluation period, the student's enrollment shall be terminated.
 - (3) The enrollment of a student who fails to achieve overall satisfactory progress for the program at the end of two successive probationary progress evaluation periods shall be terminated.
- (d) When a student is placed on academic probation, the school shall counsel the student prior to the student returning to class. The date, action taken, and terms of probation shall be clearly indicated in the student's permanent file.
- (e) The school may allow a student whose enrollment was terminated for unsatisfactory progress to reenroll after a minimum of one progress evaluation period. Such reenrollment does not circumvent the approved refund policy.
- (f) The school shall place a student who returns after their enrollment was terminated for unsatisfactory progress on academic probation for the next grading period. The school shall advise the student of this action and document the student's file accordingly. If the student does not demonstrate satisfactory progress at the end of this probationary period, that student's enrollment shall be terminated.

The provisions of this §807.162 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.163. Progress Requirements for Distance Education Schools

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

The provisions of this §807.163 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.164. Progress Requirements for Degree Granting Schools

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

- (1) a student progress evaluation every academic semester, academic quarter, or at least every eight weeks in block-time programs;
- (2) a minimum grade point average for graduation from all degree programs of 2.0 based on a 4.0 scale, and that a student achieve a passing grade in all required subjects;
- (3) a probationary period of one academic semester, academic quarter, or approved grading period following the end of the academic semester, academic quarter, or approved grading period in which the student's grades become unsatisfactory; and

- (4) provisions for termination at the end of not more than two consecutive probationary periods if the student's cumulative grade point average does not improve to the level required for graduation.

The provisions of this §807.164 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER L. ATTENDANCE STANDARDS

§807.171. General Requirements for Attendance

- (a) Seminar programs that begin and end during one day are not required to maintain an attendance policy.
- (b) The Commission may approve specific attendance requirements for self-paced, competency-based programs.
- (c) No provision in this subchapter shall require a school to terminate the enrollment of a student for lack of attendance at a point at which a refund would not be due.
- (d) A school shall charge for a full day of absence when the student fails to attend all of the scheduled classes on that day. The school shall charge for a partial day of absence for any period of absence during the day.
- (e) A school shall not consider school holidays, such as summer vacation and Christmas holidays, etc., as days of absence.

The provisions of this §807.171 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479

§807.172. Attendance Requirements for Degree Granting Schools

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

- (1) provisions for termination or probation during the next academic quarter, academic semester, or approved term when a student is absent for more than 20% of the scheduled clock hours during an academic quarter, academic semester, or approved term;
- (2) provisions for termination when a student is absent for more than 20% of the scheduled clock hours during the probationary academic quarter, academic semester, or approved term; and

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

The provisions of this §807.172 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.173. Termination of Enrollment

- (a) A school shall terminate the enrollment of a student who accumulates the lesser of the following amounts of absences:
 - (1) more than 10 consecutive school days;
 - (2) more than 20% of the total clock hours in a program of more than 200 clock hours;
 - (3) more than 25% of the total clock hours, if the program or individual subject is 41 to 200 clock hours in length;
 - (4) more than 25% of the total clock hours for seminars, individual subjects, or programs of 40 clock hours or less; or
 - (5) any number of days if the student fails to return as scheduled from an approved leave of absence.
- (b) Students whose enrollments are terminated for violation of the attendance policy may not reenroll before the start of the next progress evaluation period. This provision does not circumvent the approved refund policy.

The provisions of this §807.173 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.174. Make-up Work

- (a) No more than 5% of the total clock hours for a program may be made up.
- (b) The school shall submit make-up work policies to the Commission for approval.
- (c) Make-up work shall:
 - (1) be supervised by an instructor approved for the subject being made up;
 - (2) require the student to demonstrate substantially the same level of knowledge or competence expected of a student who attended the scheduled class session;

- (3) be completed within two weeks of the end of the grading period during which the absence occurred;
- (4) be documented by the school as being completed, recording the date, time, duration of the make-up session, and the name of the supervising instructor; and
- (5) be signed and dated by the student to acknowledge the make-up session.

The provisions of this §807.174 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.175. Leaves of Absence

- (a) Seminars and small schools with programs of 40 clock hours or less shall not grant leaves of absence.
- (b) A school director may grant a leave of absence after determining that good cause is shown.
- (c) In a 12-month calendar period, a student may have no more than two leaves of absence. For a program of 200 clock hours or less, a student may be on leave of absence for a total of 30 calendar days. For programs of more than 200 clock hours, a student may be on leave of absence for a total of 60 calendar days.
- (d) School attendance records shall clearly define the dates of the leave of absence. A written statement as to why the leave of absence was granted, signed by both the student and the school director indicating approval, shall be placed in the student's permanent file.
- (e) In addition to the requirements concerning leaves of absence in this subchapter, a school offering degree programs that schedules their courses on an academic quarter or academic semester basis may include in their attendance policies provisions for summer leaves of absence. These leaves of absence shall not exceed the lesser of 120 days or the interval between the end of the spring academic quarter or academic semester and the start of the fall academic quarter or academic semester.

The provisions of this §807.175 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

SUBCHAPTER M. CANCELLATION AND REFUND POLICY

§807.191. Right to Cancel after Tour

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

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

The provisions of this §807.191 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.192. Consummation of Refund

- (a) A school shall document refunds by written record indicating the date of the refund transaction, the name of the student receiving the refund, the total amount refunded, and the specific reason for the refund. Proof of consummation shall be on file within 120 days of the effective date of termination and shall include:
 - (1) copies of both sides of the cancelled check;
 - (2) printed proof of completed transaction of electronic funds transfer or other similar electronic means; or
 - (3) documentation of an awarded credit to a credit card or other similar account.
- (b) To ensure a school's good faith effort to timely consummate a refund owed directly to a student, the student's file shall contain evidence of the following proof of a certified mailing of the refund to the:
 - (1) student's last known address;
 - (2) student's permanent address, if different from the student's last known address; or
 - (3) address of the student's parent or legal guardian, if different from the student's last known and permanent addresses.
- (c) If after making a good faith effort to timely consummate a refund, the school is unable to consummate the refund, the school shall forward to the Commission the appropriate refund amount and any pertinent student information to assist the Commission in locating the student.

The provisions of this §807.192 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.193. Refund Requirements for Residence Schools

- (a) Students are entitled to a full refund for classes attended if the school does not provide a class with:
 - (1) an approved instructor;
 - (2) an instructor for whom an application has been properly submitted to the Commission; or
 - (3) a temporary instructor for whom the school submitted notice to the Commission.
- (b) If a class has no instructor for more than one class period, students are entitled to a full refund for each such class attended.
- (c) The length of a program, for purposes of calculating refunds owed, is the shortest scheduled time period in which the program may be completed by continuous attendance of a full-time student.
- (d) A school shall calculate refunds for students based upon scheduled hours of classes through the last date of attendance. A school shall not count leaves of absence, suspensions, school holidays, days when classes are not offered, and summer vacations for purposes of calculating a student's refund.
- (e) For all schools other than distance education, combination distance education-residence, and seminars, a student may cancel enrollment, request a full refund, and request a release from any obligations to the school within three days, excluding Saturdays, Sundays and legal holidays following:
 - (1) the first day of the student's scheduled classes if the student is not provided an opportunity to tour the school facilities, which includes inspection of equipment, before signing an enrollment contract; or
 - (2) the day the tour of the school facilities, including inspection of the equipment, is completed, when provided before the first day of the student's scheduled classes.

The provisions of this §807.193 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.194. Penalties Relating to Refunds

- (a) A penalty shall be paid on any refund not consummated in a timely manner as required by the Act. The penalty assessment shall begin on the first day following the expiration of the statutorily defined refund period and end on the day preceding the date the refund is consummated.

- (b) Penalties assessed on late refunds for grants shall be paid to the tuition trust account if the amount is \$15 or less. Any other penalty assessed on a school's late payment of student refunds shall be disbursed in the following order of priority:
- (1) to the student's account at a lending institution for the balance of principal and interest on the student loan;
 - (2) to the student for tuition and fees paid directly by the student; and
 - (3) to the tuition trust account for any remaining balance of assessed penalty.
- (c) If the Commission determines that the method used by the school to calculate refunds is in error or the school does not routinely pay refunds within the time required by the Act, the school shall submit an audited report conducted by an accountant of the refunds due former students that includes any penalty due as specified in the Act. An audit opinion letter shall accompany a schedule of student refunds due, which discloses the following information for the four years prior to the date of the Commission's request:
- (1) student information, including name, address, and social security number;
 - (2) pertinent dates, including last date of attendance and date of termination; and
 - (3) refund information, including amount of refund with principal, penalty, and any balance due separately stated, payee, and date and check number of payment if payment has been made.

The provisions of this §807.194 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

SUBCHAPTER N. RECORDS

§807.211. General Information for Records

- (a) A school shall permanently maintain a master student registration list (MSRL). If the school maintains the MSRL in electronic form, the school must be able to produce a printed copy immediately upon request. The MSRL must contain at least the following information:
- (1) date of applicable entry;
 - (2) name of student;
 - (3) address of student including city, state, and zip code;
 - (4) telephone number;
 - (5) social security number;

- (6) date of birth; and
 - (7) name of program.
- (b) A school shall maintain current records and necessary data for each student required to be on the master student registration list to show compliance with the Act and this chapter. These records shall be:
- (1) maintained on-site; and
 - (2) made available to the Commission for inspection.
- (c) If applicable, the school shall maintain and ensure that copies of the accreditation authorization and letter of eligibility from the United States Department of Education are available for Commission review.
- (d) Degree granting schools shall maintain a copy of the certificate of authorization from the Coordinating Board for each authorized degree program.
- (e) The Commission may conduct unannounced compliance inspections.
- (f) A school shall maintain complete records of all advertising, sales, and enrollment materials used by or on behalf of the school for a five-year period. Materials maintained shall include, but not be limited to, direct mail pieces, brochures, printed literature, films, leaflets, handbills, fliers, video and audio tapes disseminated through the broadcast media, materials disseminated through the print media or Internet, and sales and recruitment manuals used to instruct sales personnel.

The provisions of this §807.211 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.212. Student Records

- (a) A school shall permanently maintain student transcripts of academic records. A school shall provide such transcripts to students and prospective employers at a reasonable charge if the student has fulfilled the financial obligation to the school and is neither in default nor owes a refund to any federal or state student financial aid program.
- (b) A school shall retain financial records in accordance with federal retention requirements.
- (c) A school shall retain all student records for at least a five-year period and these records shall include:
 - (1) a written record of previous education and training on a form provided by the Commission;
and

- (2) official transcripts from all previous postsecondary schools attended by the student.

The provisions of this §807.212 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.213. Attendance Record Keeping

- (a) Schools are not required to take attendance. However, if a school does not take attendance, it must develop an alternative method to accurately determine a student's last date of attendance for refund purposes and to monitor absences. This alternative method must be approved in writing by the Commission.
- (b) A school offering seminars or other programs where students do not change instructors during the school day, are not required to maintain a separate master record of attendance, if the school voluntarily takes attendance.
- (c) A school shall maintain a master record of attendance on each student that clearly indicates the number of scheduled hours each day and the hours of absence, if the school voluntarily takes attendance.
- (d) If the school voluntarily takes attendance, each instructor shall maintain a record of attendance, which shall indicate a positive record of each student's attendance. Entries in the record of attendance shall be made in ink or other permanent medium, including scantron or other permanent computer records, and shall not be changed in a manner that precludes reading the original entry.

The provisions of this §807.213 adopted to be effective February 24, 2003, as published in the Texas Register, February 21, 2003, 28 TexReg 1651.

§807.214. Employment Records

- (a) A school offering programs approved for an occupational objective shall complete the labor market information survey on forms provided by the Commission and submit them on or before the date provided in the survey packet as requested by the Commission.
- (b) A school shall report program completion, job placement, and employment data on an annual basis in each program approved for an occupational objective.
 - (1) The school shall provide the data in a form acceptable to the Commission.

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

The provisions of this §807.214 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER O. COMPLAINTS

§807.221. School Policy Regarding Complaints

The school shall:

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

The provisions of this §807.221 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.222. Complaints and Investigations

- (a) The Commission may investigate a complaint about a school and may determine the extent of investigation needed by considering various factors, such as:
 - (1) the seriousness of the alleged violation;
 - (2) the source of the complaint;
 - (3) the school's history of compliance and complaints;
 - (4) the timeliness of the complaint; and
 - (5) any other reasonable matter deemed appropriate.
- (b) The Commission may require documentation or other evidence of the violation before initiating a complaint investigation.

- (c) The investigation fee authorized by the Act is based on a per site visit. The school director shall be notified that an on-site visit was conducted when the investigation results in assessment of a fee.

The provisions of this §807.222 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER P. TRUCK DRIVER TRAINING PROGRAMS

§807.231. General Information Relating to Truck Driver Training

A school providing truck driver training shall ensure that the truck driver instructors complete a 40 clock hour truck driver instructor development course.

The provisions of this §807.231 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.232. Truck Driver Instructor Development Course

- (a) A school shall apply to the Commission for approval to provide a truck driver instructor development course.
- (b) The instructor development course shall consist of 40 clock hours, which includes at least the following topics.
- (1) Five hours shall cover techniques of instruction including: qualities of a competent instructor, the learning process, methods of teaching, development of efficient teaching habits, demonstration teaching, the use of instruction material and training aids, course preparation, lesson plans, testing and evaluation, and the duration and frequency of lessons.
 - (2) Two hours shall cover personality factors affecting the driver and pedestrian including: natural abilities; senses; mind and nerves; bones and muscles; knowledge of vehicle, road, traffic, and self; attitudes and emotions; reaction time; and reactions to alcohol, carbon monoxide, over-the-counter drugs, prescription drugs, illegal drugs, heart ailments, epilepsy, diabetes, insanity, exhaustion, tension, and monotony.
 - (3) Six hours shall cover state laws as located in the Texas Motor Vehicle Law book relating to the operation of motor vehicles including: driver's license, vehicle registration, certificate of title, operation of vehicles, uniform act, miscellaneous offenses, and safety responsibility.
 - (4) Eight hours shall cover driving procedures including: handling--city, rural, night, mountain, and freeway driving; fog, rain, sandstorms, and other hazardous weather conditions; road hazards and recovery procedures for slick roads; blowout hazards and running off the road; traffic signs, markings, and signals; use of rearview mirrors; vehicle braking and

stopping distances; following distances; right-of-way, when and how to yield it; vehicle acceleration and deceleration; yielding right-of-way to emergency vehicles; driver signals; proper passing procedures; procedures and problems for passing on two and three-lane roadways; and super-size motorized equipment.

- (5) Three hours shall cover physical forces affecting the motor vehicle in motion including: forces of gravity; friction; acceleration, mass, and force; inertia and centrifugal force; kinetic energy and momentum; kinetic energy and braking; and horsepower and acceleration.
- (6) Two hours shall cover highway characteristics including: primary, secondary, expressway, freeway, farm or ranch road, two-way two-lane, two-way three-lane, two-way multilane, two-way multilane divided, one-way multilane, parking, and traffic controls. Traffic control topics consist of the following:
 - (A) sign topics including shape, color, location and importance;
 - (B) traffic marking topics including center and lane lines, no passing zone, transition markings, turn lane marking, stop lines, crosswalk lines, etc.; and
 - (C) signal topics including classification, location, type, timing.
- (7) Two hours shall cover automobile systems and maintenance including: electrical system--generator, alternator, battery, lighting, and electric-powered equipment; cooling system--lubrication and fuel systems; power train--engine, transmission, and differential; brake system--wheels and tires, caster, camber, toe-in, balance, inflation, tire condition, and care; exhaust system; instruments and gauges; compartment adjustments--seat, ventilation, mirrors, headrests, seat belts, and shoulder harness; starting the engine and warm-up procedures; safety devices--door locks, headrests; and miscellaneous features--windshield wipers, heater, and defroster.
- (8) Two hours shall cover behind-the-wheel elementary lessons with demonstration in an appropriate vehicle and practice to be performed in the presence of the instructor including: starting; steering; stopping; shifting gears; backing; turning--right and left; and parking and starting on grade.
- (9) Six hours shall cover behind-the-wheel driving safety lessons with demonstration in an appropriate vehicle and practice to be performed in the presence of the instructor including: developing good seeing habits; speed control; safe following; lane driving and lane changing; intersections and right-of-way; proper signaling; correct turn procedures; detecting of and handling problems--vehicle, cycle, pedestrian; freeway driving--ramp use, entering, exiting, lane use, emergency stopping; parking procedures; entering traffic from parked position; and night driving.
- (10) Two hours shall cover school and instructor approval requirements including the following: school approval requirements, instructor approval requirements, classroom and automotive

equipment requirements, required student records, contract requirements, and department of instructors.

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

The provisions of this §807.232 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.233. Behind-the-Wheel Instruction

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

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

The provisions of this §807.233 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.234. Motor Vehicle Insurance

A school providing truck driver training shall ensure that:

- (1) a current list of vehicles used in truck driver training is filed with the Commission on a form provided by the Commission;
- (2) an insurance certificate accompanies each motor vehicle used in training and is filed with the Commission on or before the date the school files an original or renewal application for approval of the program with the Commission;
- (3) an insuring company or carrier issues an insurance certificate on a form furnished by the Commission directly to the Commission, which states the insurance company or carrier has issued a policy or policies of insurance, and the amounts of insurance for each vehicle listed on the list of vehicles used in truck driver training;
- (4) a written notice is provided to the Commission by registered or certified mail at least 10 days prior to the expiration date of insurance coverage of a listed vehicle; and

- (5) a copy of the written notice of cancellation of insurance on any listed vehicle is provided to the Commission by registered or certified mail immediately upon receipt of notice by the school.

The provisions of this §807.234 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

§807.235. Prohibited Activities Regarding Truck Driver Training

- (a) A school, a trainer of truck driver instructors, or a truck driver instructor shall not:
 - (1) allow an instructor to give instruction or allow a student to secure instruction in the classroom or in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, or other such impairment;
 - (2) permit a student to operate a motor vehicle without a valid driver's license or instruction permit in the student's possession during behind-the-wheel instruction;
 - (3) permit more than a ratio of four students per vehicle and three vehicles per instructor on truck driving ranges;
 - (4) permit more than four students per vehicle per instructor during street instruction for truck driver training; or
 - (5) advertise or otherwise state or imply that a driver's license or permit is guaranteed or assured to any student or individual who may take or complete any instruction or course of instruction, enroll, or otherwise receive instruction in any truck driver training school.
- (b) The Commission may suspend, revoke, or refuse to renew approval of a truck driver instructor or a trainer of truck driver instructors, upon determining that the applicant or instructor has been:
 - (1) convicted under the laws of this state, another state, or the United States of any felony; of an offense of criminally negligent homicide committed as a result of the person's operation of a motor vehicle; of an offense involving driving while intoxicated or under the influence; or of an offense involving tampering with a governmental record; or

- (2) found incompetent or is incompetent to:
 - (A) safely operate a motor vehicle; or
 - (B) properly conduct classroom or behind-the-wheel instruction.

The provisions of this §807.235 adopted to be effective August 16, 1998, as published in the Texas Register, August 14, 1998, 23 TexReg 8479.

SUBCHAPTER Q. CLOSED SCHOOLS

§807.251. School Closures

- (a) The Commission may declare a school to be closed when:
 - (1) written notification is received by the Commission from the school owner stating the school will close;
 - (2) Commission determines that the school facility has been vacated without prior notification of a change of address given to the Commission;
 - (3) an owner with multiple school locations transfers all students from one school location to another school location;
 - (4) the school dismisses all students, contrary to the school's class schedule as printed in the school catalog; or
 - (5) the school fails to maintain the faculty, facilities, equipment, or courses of instruction on the basis for which approval was issued.
- (b) After the Commission determines that a school will close or is closed, the Commission will attempt to notify students concerning their options to accept a teach-out or to receive a proportional tuition refund based on available funds. Notification to students may include constructive notice in news media, student meetings, or mailings to students.
- (c) Each teach-out requires approval of the Commission to determine whether the course of instruction is available, reasonable, and comparable with the course of instruction of the closed school. The teach-out is subject to the following conditions:
 - (1) Transfers of students from a closed school to another school under the same ownership shall not constitute a teach-out.
 - (2) In order to be eligible for a teach-out, students shall submit a signed statement of acceptance to the teach-out school by the deadline as established by the Commission.

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

The provisions of this §807.251 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.252. Tuition Trust Account

- (a) In a year in which the Commission determines it is necessary to charge a fee under §132.2415(b) of the Act, each school shall make a payment to the tuition trust account at the time the school renewal fee is paid.
- (b) The amount in the tuition trust account, as provided in the Act, is an accrued balance. The accrued balance is the cash balance of the tuition trust account less the sum of the accrued liabilities from unpaid student refunds and teach-out claims.
- (c) Disbursements shall be made from the tuition trust account for student refunds and reimbursable teach-out expenses incurred during each 12-month period ending August 31, and shall be:
 - (1) made first for student refunds in accordance with §132.2415(d) of the Act;
 - (2) disbursed for reimbursable teach-out expenses based upon remaining funds; and
 - (3) calculated after other funding sources have been determined.
- (d) Following the graduation or termination of the students from the teach-out school, the teach-out school shall determine actual expenses and submit a claim for reimbursement to the Commission on or before the date provided in the application packet. The teach-out school shall:
 - (1) not claim expenses for facilities, equipment, utilities, or other items which were owned, rented, used, or otherwise obligated by the school prior to the Commission's approval of the teach-out program, even though such items may be used for the teach-out program;
 - (2) be limited to expenses for tuition and fees that are non-recoverable from all financial resources, including grants and loans; and
 - (3) ensure that the sum of the tuition and fees paid to the student's account at the closed school and the teach-out school is the lesser amount the student would have been charged for the complete program at the closed school or the teach-out school.
- (e) For schools in their first two years of operation that have not been required to furnish financial statements to comply with §807.35(b), the payment to the tuition trust account shall be calculated at the rate determined by the Commission using the projected gross amount of tuition and fees, as required in §807.33(c), to be charged by the school for the year in which the

payment is collected. Once the school has submitted the actual amount of tuition and fees collected by the school in compliance with §807.35(b), the Commission shall reconcile the projected and actual amounts of tuition and fees collected. Upon reconciliation, the Commission shall determine if the school is entitled to a refund or must pay an additional amount to the tuition trust account.

The provisions of this §807.252 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

SUBCHAPTER R. CEASE AND DESIST ORDERS

§807.271. Definitions Relating to Cease and Desist Orders

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

- (1) **Hearing** -- hearing is an informal, orderly, and readily available proceeding held before an impartial hearing officer. At hearing, a party may present evidence to show that the request for the issuance of a cease and desist order should be granted or denied.
- (2) **Hearing officer** -- hearing officer is a Commission employee designated to conduct a fair hearing and issue written findings of fact, conclusions of law and an administrative decision concerning the request for the issuance of a cease and desist order.
- (3) **Party** -- the person or Commission, with the right to participate in the hearing authorized by the Act.
- (4) **Person** -- Any individual, firm, partnership, association, corporation or other private entity or combination that is allegedly operating a career school or college without a certificate of approval issued by the Commission under the Act.

The provisions of this §807.271 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

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

Upon application by the staff of the Commission if it is believed a person is operating a career school or college without a certificate of approval in violation of §132.151 of the Act, the Executive Director may issue a statement of charges and notice of hearing to consider the issuance of a cease and desist order.

The provisions of this §807.272 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

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

The statement of charges and notice of hearing issued by the Executive Director must contain the following information:

- (a) the name and last known address of the person against whom the order may be entered;
- (b) a short and plain statement of the reasons the Commission believes the person is operating a career school or college without a certificate of approval;
- (c) a copy of the Commission's Career Schools and Colleges rules, Title 40, Chapter 807 of the Administrative Code; and,
- (d) the date, time and location of the hearing.

The provisions of this §807.273 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.274. Service of Statement and Charges and Hearing Notice for the Issuance of Cease and Desist Orders

The statement of charges and notice of hearing to consider a cease and desist order shall be served by Certified Mail, Return Receipt Requested, on the person against whom the order may be entered. Notice is presumed received 5 days from the date it is mailed by the Executive Director.

The provisions of this §807.274 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.275. Agreements to Hold the Hearing at a Later Date

Agreements to hold the hearing at a later date must be mutual, in writing and submitted to the designated hearing officer no later than 2 days prior to the date of the scheduled hearing.

The provisions of this §807.275 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.276. Hearing

- (a) The hearing for consideration of the issuance of a cease and desist order shall be held in person before a hearing officer appointed by the Commission and conducted in Austin, Texas.
- (b) At the hearing, the Commission shall present evidence in support of its request for the issuance of the cease and desist order demonstrating that the person is operating a career school or college without a certificate of authority.

- (c) The person or the person's hearing representative may present evidence to rebut the Commission's request for the issuance of the cease and desist order.

The provisions of this §807.276 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.277. Evidence

- (a) Evidence Generally. The parties are not bound by technical rules of evidence. Evidence will be admitted and given probative effect if it possesses probative value and is relevant as determined by the hearing officer.
- (b) Exchange of Documentary Evidence. Any documentary evidence to be presented during the hearing shall be exchanged with all parties with a copy to the hearing officer 5 days in advance of the hearing. A party has the right to review, upon request, any documentary materials submitted to or by the hearing officer.
- (c) Stipulations. The parties, with the consent of the hearing officer, may agree in writing to the facts involved.
- (d) Discovery. The hearing officer may order other forms of discovery deemed appropriate.
- (e) Experts and Evaluations. The hearing officer may order, on its own motion or at a party's request and expense, if relevant and useful, an independent expert or a professional evaluation from a source satisfactory to the parties and the Commission.
- (f) Ex parte communications. Private (ex parte) communications of information, whether oral or written, about the substantive issues concerning the hearing are allowed only if the substance is shared with all parties. The hearing officer will provide all parties with the oral or written information.
- (g) Confidential information. Statutorily confidential information shall be protected in accordance with state and federal law.

The provisions of this §807.277 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.278. Hearing Officer Disqualification and Withdrawal

- (a) A hearing officer is disqualified if the hearing officer directly participated in the recommendation to set the hearing to consider the issuance of a cease and desist order. The hearing officer participated if the hearing officer:
 - (1) reviewed either the file or a summary of it to assist in making the recommendation; or
 - (2) has a personal interest in the outcome of the hearing.

- (b) The hearing officer may withdraw from the hearing to avoid the appearance of impropriety or partiality. Upon withdrawal, the Commission will select an alternate hearing officer.

The provisions of this §807.278 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.279. Hearing Procedure

- (a) General Procedure. All hearings shall be conducted informally and in such manner as to ascertain the substantial rights of the parties. The hearing officer shall develop the evidence. All issues relevant to the request for the issuance of a cease and desist order shall be considered and addressed.

- (1) Presentation of Evidence. When a party appears, the hearing officer shall place the party and any witnesses under oath, examine such party and the party's witnesses, if any, and allow presentation of witnesses and other evidence by each party as may be pertinent.
- (2) Cross-Examination. The parties, witnesses and evidence are subject to cross-examination by the other parties or the hearing officer. A party has the right to object to and confront evidence offered at hearing by the hearing officer or the other parties.
- (3) Additional Evidence. The hearing officer, with or without notice to any of the parties, may request, receive and enter into the record such additional evidence as necessary for a full and fair hearing on the matter, provided that a party shall be given an opportunity to rebut such evidence if it is to be used against the party's interest.

- (b) Hearing Representative. Each party may authorize a hearing representative to assist in presenting the argument and evidence of the party. A hearing representative is any individual authorized by a party who assists the party in presenting its argument and evidence.

- (c) Records.

- (1) The hearing shall be tape-recorded and the hearing record will include the audiotape of the proceeding and any relevant evidence relied on by the hearing officer in reaching the decision, including any electronic printouts.
 - (A) A party may request a copy of the audiotaped hearing at no cost.
 - (B) A party requesting a transcript of a proceeding must pay the cost of transcription.
- (2) The hearing record must be maintained as long as required by federal or state law.

The provisions of this §807.279 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.280. Continuance of Hearing

- (a) A continuance of a hearing may be ordered at the discretion of the hearing officer if:
 - (1) there is insufficient evidence upon which to make a decision;
 - (2) a party needs additional time to examine evidence presented at the hearing;
 - (3) the hearing officer considers it necessary to consult additional sources for information or testimony; or
 - (4) any other reason deemed appropriate by the hearing officer.
- (b) The hearing officer must advise the parties of the reason for the continuance and any additional information required. Any testimony taken by the hearing officer at the continuance of the hearing must be taken under oath and recorded. The parties will have an opportunity to rebut any additional evidence.

The provisions of this §807.280 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.281. Hearing Decision and Final Review by the Commissioners

- (a) Within 10 days after the hearing is held, the hearing officer shall issue a written decision granting or denying the request for the issuance of a cease and desist order that includes findings of fact and conclusions of law. The hearing decision shall be mailed by Certified Mail, Return Receipt Requested, and is presumed received 5 days from the date it is mailed. The hearing officer's decision is final unless an appeal is filed under subsection (b).
- (b) A party that is not satisfied with the decision of the hearing officer may file a written appeal of the decision to the Commission for a final review no later than the 15th day after receipt of the hearing decision. The written appeal shall contain the party's arguments as to why the decision of the hearing officer should be reversed. A party may request oral argument on the written appeal before the Commission. If oral argument is approved, each party or its hearing representative may present argument in support of its position.

- (c) Upon receipt of the written appeal of the hearing officer's decision, the Commission shall consider the appeal and issue a decision within 30 days. If oral argument is requested by a party and approved, the Commission shall schedule and hold oral argument within 20 days of receipt of the written appeal. The Commission shall consider the appeal on the basis of the record made before the hearing officer. The decision of the Commission shall be mailed by Certified Mail, Return Receipt Requested, and is presumed received 5 days from the date it is mailed.

The provisions of this §807.281 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

§807.282. Effect of the Cease and Desist Order

- (a) If the request for the issuance of a cease and desist order is granted, the Executive Director shall issue a cease and desist order against the person that is found operating a career school or college without a certificate of approval in violation of §132.151 of the Act.
- (b) The cease and desist order shall be delivered by Certified Mail, Return Receipt Requested, and is presumed received five days from the date it is mailed.
- (c) From the date of receipt of the issuance of the cease and desist order, the person must completely cease and desist operating the career school or college.
- (d) The cease and desist order shall remain in effect until the person comes into complete compliance with the Act, or unless otherwise provided by the order of the Commission.

The provisions of this §807.282 adopted to be effective April 26, 2004, as published in the Texas Register, April 23, 2004, 29 TexReg 3970.

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TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Catalog Guide

NOTES: A prospective student is entitled to sufficient data to make a rational choice of training opportunities and institutions. A school is therefore obligated to provide sufficiently detailed data in advance of enrollment to assure that prospective students clearly understand their opportunities, limitations, and obligations.

Prior to an applicant signing an enrollment agreement, a school is required to provide the applicant with a publication, which is readily identifiable as a catalog. The catalog is designed, written, and printed to convey an accurate and dignified impression of the school. It must avoid false, misleading, or exaggerated statements.

Submit two copies of the draft of the school catalog, supplements, addenda, handbooks, etc., which are used to complete the checklist. You will be notified of the approval status of these documents.

To comply with the approval criteria of (*Texas Education Code, Section 132.055, Title 40, Texas Administrative Code, Section 807.125*), all schools must publish the information listed below:

1. A table of contents or an index, or both.
2. The name and complete street address of the school.
3. Identifying data, which includes the catalog volume number, date of publication, and effective dates of the catalog.
4. A historical account of the institution and any accreditation or approvals.
5. A description of the available space, facilities, and equipment. Illustrations and text pertaining directly to the school and sources of illustrations must be clearly identified.

***(Items 6, 7, 8, 9, and 10 may be on a supplemental page or pages. Each must be numbered, dated, and contain a "True and Correct" statement with signature. The specific catalog being supplemented must be identified. The catalog must reference the supplemental page or pages.)**

- *6. A list of names of all trustees, directors, officers of the corporation, and/or the owner.
- *7. A list of key staff and faculty of the institution, showing degrees held, and all specialized training relating to the areas of instruction. Each individual's specialized area of instruction should be indicated. (*Title 40, Texas Administrative Code, Section 807.125*)
- *8. A statement or listing of fees that includes tuition, registration fee, cost of books, and other "extras". Scholarship terms must be disclosed. If applicable, a statement to the effect that individual subjects will be offered on a cost-per-hour basis must be included. (*Title 40, Texas Administrative Code, Section 807.125*)
- *9. The school calendar which must include all holidays, enrollment periods, beginning and ending dates of terms, and vacation periods.
- *10. The school hours of operation and a "definitive" class schedule including all breaks and mealtimes. (*Title 40, Texas Administrative Code, Section 807.125*)

11. The school policy on enrollment, which must include specific entrance requirements for each program. Include all applicable data, such as: minimum age, name of entrance test, entrance test score required for each program, requirement for a high school diploma or GED, etc. *(Title 40, Texas Administrative Code, Section 807.100 and 807.141-147)*
12. The school's policy concerning granting of credit for previous education, training, or experience. *(Title 40, Texas Administrative Code, Section 807.212)*
13. The school's cancellation and refund policy, which must meet the minimum standards of *(Texas Education Code, Section 132.061 and Title 40, Texas Administrative Code, Section 807.191-194)*.
14. A program outline that includes the following items for each program: *(Texas Education Code, Section 132 and Title 40, Texas Administrative Code, Section 807. 91-104)*
 - a. program title;
 - b. program description that includes the job skills students will learn, entry-level job titles students are training for, and work locations where graduates may be employed;
 - c. an accurate and complete listing of each subject that includes the identifying number (ex. ENG 101) and title (ex. Basic English);
 - d. contact hours of lecture, lab, and externship and total credit hours (if applicable) for each subject;
 - e. the total contact hours and credit hours (if applicable) required for satisfactory completion of the program. Theory contact hours, laboratory contact hours, externship contact hours, and total contact hours and total credit hours (if applicable) must be indicated.;
 - f. length of time in weeks normally required for completion of each program;
 - g. additional or special requirements for completion (e.g. typing and/or shorthand speeds, etc.);
 - h. the type of certificate, diploma, or degree awarded; and
 - i. programs not regulated by TWC (e.g., Security Guard Training, GED Preparation, etc.) must have the following statement printed below the paragraph. *"This program is not regulated or approved by the Texas Workforce Commission, Career Schools and Veterans Education Section."*
15. A subject description for all subjects offered that includes: *(Texas Education Code, Section 132 and Title 40, Texas Administrative Code, Section 807. 91-104)*
 - a. identifying number (ex. ENG 101);
 - b. title (ex. Basic English);
 - c. For Credit Hour Schools: Number of Theory, Laboratory, and Externship Contact Hours, and Total Credit Hours for each subject;
For Clock Hour Schools: Number of Theory, Laboratory, and Externship Contact Hours, and Total Clock Hours for each subject;
 - d. Prerequisites for each subject; and
 - e. A complete but concise synopsis of the subject that describes what students will learn how to do. Topics making up the subject may also be included.

(One way to express the hours would be: X/Y/Z/T, where X=contact theory hrs.; Y=contact lab hrs.; Z=externship contact hrs.; and, T=total credit hrs. For example: CAT 104 - Computer Accounting - 28/32/0/4.0)
16. A description of Grading and Marking system. *(Title 40, Texas Administrative Code, Section 807.161-164)*

17. The school's policy concerning satisfactory progress, which includes: *(Title 40, Texas Administrative Code, Section 807.161-164)*
 - a. a definition of satisfactory progress;
 - b. a definition of a progress evaluation period and frequency of progress reporting;
 - c. a description of the school's probation policy that includes the terms of probation;
 - d. the conditions under which the student will be terminated for unsatisfactory progress;
 - e. the conditions under which the student will be readmitted if terminated for unsatisfactory progress. The policy must state that under *(Title 40, Texas Administrative Code, Section 807.171-175)* students terminated for unsatisfactory progress cannot be readmitted until a minimum of one grading period has passed.
 - f. the system for providing progress reports to students and/or sponsors; and,
 - g. the policy on Incompletes, Withdrawals, Repeat Subjects, and Remedial Work. The policy must state that under *Texas Education Code, Section 132.061(f)* a student who is obligated for the full tuition may request a grade of "incomplete" if the student withdraws for an appropriate reason unrelated to the student's academic status. The policy must allow a student receiving a grade of incomplete to reenroll in the program during the 12-month period following the date the student withdraws and complete those incomplete subjects without payment of additional tuition. *(Title 40, Texas Administrative Code, Section 807.171-175)*
18. The school's attendance policy, which includes policies regarding absences, tardies, makeup work and leaves of absence, including: *(Title 40, Texas Administrative Code, Section 807.171-175)*
 - a. attendance probation policy (if any), including the terms of probation;
 - b. the conditions under which a student will be terminated for unsatisfactory attendance; and
 - c. the conditions under which a student may be readmitted after being terminated for unsatisfactory attendance. The policy must state that students whose enrollments are terminated for violation of the attendance policy may not reenter before the start of the next grading period.
19. The school conduct policy, which includes:
 - a. a policy relating to termination; and
 - b. a policy for readmission. *(Title 40, Texas Administrative Code, Section 807.141-147)*
20. The requirements for graduation, including grade point average, maximum time allowed for completion, etc.
21. A description of the placement assistance program available to students and/or graduates, if applicable.
22. A statement of policies and procedures regarding student grievances. The statement must direct unresolved grievances to:

Texas Workforce Commission
Career Schools and Veterans Education Section
101 East 15th Street, Room 202T
Austin, Texas 78778-0001

23. A statement printed in the catalog to read:

"Approved and Regulated by the Texas Workforce Commission, Career Schools and Veterans Education Section, Austin, Texas."

24. A statement signed by the director or owner to read:

"The information contained in this catalog is true and correct to the best of my knowledge."

(Signature)

This statement must also be on all addenda/supplements.

KEEP THIS GUIDE FOR YOUR RECORDS DO NOT RETURN

Examples of Credit Hour Conversion:

Convert Theory to credit hours using the appropriate conversion factor for quarter or semester credit hours, then round down to the nearest half (.5) credit hour. Do the same for Laboratory and Externship hours, then add for the total credit hours for the subject.

Ex: 1 (Quarter Credit Hr.)

<u>Subject</u>	<u>Theory</u>	<u>Lab</u>	<u>Extern.</u>	<u>Total</u>	<u>Credit Hrs.</u>
CAT 104 Computer Accounting	28	32	0	60	4.0 Qtr. Hr.
Theory	- 28 divided by 10 = 2.8, round down to				2.5
Lab	- 32 divided by 20 = 1.6, round down to				1.5
Ext	- 0				0.0
				TOTAL = 4.0 Qtr Hr.	

Ex: 2 (Semester Credit Hr.)

<u>Subject</u>	<u>Theory</u>	<u>Lab</u>	<u>Extern.</u>	<u>Total</u>	<u>Credit Hrs.</u>
CAT 104 Computer Accounting	28	32	0	60	2.5 Sem. Hr.
Theory	- 28 divided by 15 = 1.9, round down to				1.5
Lab	- 32 divided by 30 = 1.1, round down to				1.0
Ext-	0				0.0
				TOTAL = 2.5 Sem. Hr.	

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Director's Statement

The current school director and designee shall review and sign this form. For a change in school director, submit forms PS-002B Director Application, PS-186 Fee Sheet with the appropriate fee, and this form. For a change in designee, submit just this form. *Title 40, Texas Administrative Code 807.62(f).*

<hr/> Name of School	<hr/> School #	
<hr/> Location Address of School	<hr/> Area Code & Phone	
<hr/> Mailing Address of School	<hr/> City/State/Zip	
<hr/> E-mail Address	<hr/> Fax Number	<hr/> Toll-free Number

As Director, I understand that I am responsible for administration of the school named above, consistent with the legal requirements set forth in *Texas Education Code, Chapter 132* and *Title 40, Texas Administrative Code, Section 807*. As Director, I understand and attest to the Statements of Assurance below, which describe responsibilities for the school director, including, but not limited to the following:

- A. The course, curriculum, and instruction are and shall be of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the course, curriculum, or instruction is offered.
- B. There is and shall be maintained adequate space, equipment, instructional aids, textbooks, software, and instructor personnel to provide training of good quality.
- C. Educational and experience qualifications of directors, administrators, and instructors are and shall meet the minimum requirements as set forth by the Commission.
- D. The student is and shall be provided with course outlines; schedule of tuition, fees, refund policy, and other charges; regulations pertaining to absence, grading policy, rules of operation and conduct and the name, mailing address, and telephone number of the TWC for the purpose of directing complaints to the Commission, will be furnished to each student prior to enrollment. For schools other than seminar only schools, a copy of the enrollment contract shall be provided to the student prior to enrollment. For schools other than seminar only schools, single subjects, and small schools with programs of 40 clock hours or less, a copy of the form (PS-005), Receipt of Enrollment Policies, and form (PS-010), Record of Previous Education and Training, shall be provided prior to enrollment. The originals of the enrollment and forms PS-005 and PS-010 shall be maintained in the student's file.
- E. The school complies and shall maintain compliance with all local, city, county, municipal, state and federal regulations, such as fire, building, and sanitation codes.
- F. The school is and shall be financially sound and capable of fulfilling its commitments for training.
- G. The school's administrators, representatives, directors, and instructors are and shall be of good reputation and character. A current list of all instructors and representatives shall be maintained and all application submission requirements shall be met. Representatives shall not be allowed to solicit without prior approval from the Commission. Students are entitled to full refunds if enrolled by unapproved representatives; and may be entitled to a full refund if taught by disapproved instructors.
- H. The school shall make available all of the records, documents, and necessary data required by the Commission for inspection by authorized representatives of the Texas Workforce Commission.
- I. Adequate records as prescribed by the administrator shall be kept to show attendance and/or lessons completed, and progress or grades; and satisfactory standards relating to attendance, progress, and conduct will be enforced. *(Progress standards not required for seminar only schools.)*
- J. On completion of training, and when the financial obligation has been fulfilled, the student shall be given a certificate by the school indicating the program of training was completed satisfactorily.

- K. The school shall maintain student academic transcripts which record academic progress permanently; and shall retain all other student records for at least five (5) years from the last date attended, for all students who graduated, dropped out, or transferred. Financial records shall be retained as required by federal retention requirements. ***(Progress records and transcripts are not required for seminar schools.)***
- L. Transcripts shall be available to prospective employers and to students upon request and without charge for the first copy. *(This statement should be included in the school catalog.)* The transcript should show the name of the program, the length of time it was pursued, and a copy of the program curriculum with a clear explanation as to the extent to which each subject was completed. The transcript should also include grades, information as to the student's conduct, and records of any education and training of the student prior to enrollment for which credit has been granted. ***(Credit for previous education and training not required for seminar schools, single subjects, and small schools with programs of 40 clock hours or less.)***
- M. A Master Student Registration List shall be maintained in a current status.
- N. All refunds will meet or exceed the requirements of *Texas Education Code, Section 132.061*. Evidence shall be maintained at the school that demonstrates that refunds were calculated and consummated according to the statutory requirements.
- O. The school shall submit prior notice of any proposed changes to this application, the catalog, any supplements and addenda to the catalog, enrollment contract, and courses of instruction, with, if applicable, the Summary of Changes. Approval shall be obtained for new programs/seminars and revised programs/seminars prior to implementation; and prior written notice shall be provided before tuition changes are implemented.
- P. The school shall not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation.
- Q. The school shall not use a name like or similar to an existing tax supported school in the same area.
- R. Prospective students shall not be denied admission on the basis of race, color, national origin, sex, handicap, age, or veteran status, except where age, sex, or handicap constitutes a bona fide occupational qualification necessary to proper and efficient administration. *(This statement should be included in the school catalog.)*
- S. The school shall not exceed the enrollment limitation and pupil-teacher ratios established by *Texas Education Code, Chapter 132, and Title 40, Texas Administrative Code, Section 807*.
- T. There is no legal action to which the school, any of its owners, representatives, or management employees is a party; and the school shall notify the Commission should any such legal action occur.

“I will serve as liaison person during any visit by authorized representatives. If I cannot serve as a liaison, the staff member designated below will serve as liaison. Further, the designee, named below, has been made known to my staff as such, is designated to perform all the functions and succeed to my authority when I am absent from the school, and has been trained in survey procedures.”

TWC-PS USE ONLY
Date of Director Approval: _____
Date of Instructor Approval: _____
Reason for form: _____
Initialed by: _____

 Typed or printed name of Staff Designee

 Signature of Staff Designee – *In Blue Ink*

 Typed or printed name of School Director

 Signature of School Director – *In Blue Ink*

 Date

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

1. Check One:
- Original Application*
 - Additional Subjects*
 - Resubmission in response to the Notice of Review
 - Variance
 - Affirmative Professional Conduct answer
- *Enclose \$20 processing fee and Fee Sheet (PS-186)

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Instructor Application

DEPT. USE ONLY
Receipt # _____
Fee Paid _____
Date Paid _____
Initialed by _____

Authority for Data Collection: *Texas Education Code Section 132.052*
Planned Use of Data: Determination of Instructor Qualifications

Please type or print legibly.

Today's Date: ____/____/____

2. CAREER SCHOOLS AND VETERANS EDUCATION INFORMATION

School # _____ School Name _____

School Location (Physical Address) _____

School Mailing Address (if different) _____

School Phone # (_____) _____ FAX # (_____) _____

Toll-free # (_____) _____ E-mail _____

3. APPLICANT INFORMATION (ALL FIELDS ARE REQUIRED)

Legal Name _____
First Middle Maiden Last

Home Address _____ Telephone (_____) _____

Social Security # _____ Date of Birth _____ Date of employment as instructor _____

4. APPLICANT'S EDUCATIONAL HISTORY

	School Name City/State	Date Begun (mm/yy)	Date Ended (mm/yy)	Major/Minor	Diploma/ Degree Awarded? (Yes or No)
Secondary Education					
900+ Clock Hour Post-secondary Program					
Associate Degree					
Bachelor Degree					
Postgraduate Degree					

5. CURRENT CERTIFICATES OR OCCUPATIONAL LICENSES RELATED TO PROPOSED SUBJECTS

Type _____ Issued by _____ # _____

Type _____ Issued by _____ # _____

Applicant Name: _____

6. SUBJECT APPROVAL (Copy this page as often as needed)

Subject(s) To Be Taught By NAME, not subject #	Qualifier Letter (see p. 8)	List ONLY college course(s) successfully completed as part of an AWARDED degree and related to the subject(s) to be taught (Attach copy of transcript to support claim)	Number of College Credits Earned
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Applicant Name: _____

7. APPLICANT'S WORK EXPERIENCE (Copy page as often as needed)

Job Title _____ Dates of Employment: from _____ thru _____ TOTAL _____
(mm/yy) (mm/yy) (Yrs/Mo)

Employer _____

Address/City/State _____

Phone (_____) _____ Supervisor _____

Job Description related to subject(s) to be taught _____

Job Title _____ Dates of Employment: from _____ thru _____ TOTAL _____
(mm/yy) (mm/yy) (Yrs/Mo)

Employer _____

Address/City/State _____

Phone (_____) _____ Supervisor _____

Job Description related to subject(s) to be taught _____

Job Title _____ Dates of Employment: from _____ thru _____ TOTAL _____
(mm/yy) (mm/yy) (Yrs/Mo)

Employer _____

Address/City/State _____

Phone (_____) _____ Supervisor _____

Job Description related to subject(s) to be taught _____

8. PROFESSIONAL CONDUCT:

- A. Have you ever had a diploma, credential, license, or certificate denied, revoked or suspended? Yes / No
- B. Have you ever been found guilty of, pleaded guilty to, or entered a plea of “nolo contendere” to a charge of immoral conduct? Yes / No
- C. Have you ever been dismissed or asked to resign from any position for immoral or unprofessional conduct? Yes / No
- D. Have you ever been sued successfully for fraud or deceptive trade practice? Yes / No

Attach a separate typewritten explanation to fully explain any circumstances resulting in a “YES” answer to Questions A-D above.

- E. Have you ever been convicted of a felony or of a misdemeanor other than minor traffic offenses? Yes / No

If you answer “YES” to Question E above, please refer to the next page of this application (page 5) for further instructions.

I certify that the foregoing statements are true and correct. I agree, consent, and direct that any person or entity maintaining information in any form relating to my criminal history shall release all such information upon the request of the Texas Workforce Commission. I further agree and permit the Texas Workforce Commission to obtain from any person or entity information relating to my personal background, reputation, and character, and do hereby expressly direct that any such person or entity release such information upon the request of the Texas Workforce Commission. I release, discharge and exonerate the Texas Workforce Commission, its agents or representatives, and any person or entity so furnishing information from any and all liability of every kind arising therefrom. The foregoing consent and release is valid and binding while I am seeking or have received approval under the authority of Chapter 132 of the Texas Education Code.

Applicant’s Signature – *In Blue Ink*

Date

9. APPLICANT CERTIFICATION: *I certify that all the information provided in this application and in the foregoing statements are true and correct.*

Applicant’s Signature - *In Blue Ink*

Date

Typed or printed name of Applicant

10. AUTHORIZATION: *As an authorized school official, I have carefully reviewed and verified the qualifications of the proposed employee and his/her statements contained in this application. To the best of my knowledge and belief, he/she is qualified for the position as required by Texas Administrative Code, Section 807.81.*

Signature of Authorized School Official - *In Blue Ink*

Title of Authorized School Official

Typed or printed name of Authorized School Official

Date

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

AFFIRMATIVE ANSWER TO QUESTION #8E OF THE INSTRUCTOR APPLICATION

If the applicant answers in the affirmative (yes) to Question E under Professional Conduct on page 4, the following documentation must be provided in a written letter signed by both the applicant **AND THE SCHOOL DIRECTOR**:

DETAIL:

- (1) date of incident, type of offence (felony or misdemeanor), nature and seriousness of the crime, and explanation of the incident;
- (2) amount of time served and/or amount of fines paid;
- (3) age at the time of the commission of the crime;
- (4) listing of the dates and types of all past criminal activity;
- (5) names, addresses and telephone numbers of employers just prior to and following the criminal activity;
- (6) evidence of rehabilitation or rehabilitative efforts while incarcerated or following release;
- (7) copy of probation or parole order/release (indicating completion date of probation/parole); **if still on probation/parole, please provide future date of release.**
- (8) other evidence of present fitness including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility; the sheriff and/or chief of police in community; and other persons in contact with applicant;
- (9) work history from the date of discharge to the present – (Applicant may reference Item 7 of the application.);
- (10) evidence that applicant has maintained a record of good conduct and paid all costs as may have been ordered in the case(s).

Please remember both the applicant and the SCHOOL DIRECTOR MUST sign this letter.

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
INSTRUCTIONS

Instructor Application

Please type or print legibly.

Failure to follow instructions will delay the approval process. An instructor application (pages 1 - 4 only) must be postmarked within 5 days of the applicant's employment as an instructor.

Instructors teaching any subjects in a diploma or certificate program approved by the Texas Workforce Commission must submit an instructor application, *Title 40, Texas Administrative Code 807.81(b)*. Instructors teaching solely in degree programs authorized by the Texas Higher Education Coordinating Board are not required to submit an instructor application.

PAGE 1

Section 1: TYPE OF APPLICATION

Check the applicable category.

Section 2: CAREER SCHOOLS AND VETERANS EDUCATION INFORMATION

TWC assigns a number to each career school and college. If you do not know your school #, leave blank. Please provide complete school name, address and applicable telephone numbers.

Section 3: APPLICANT INFORMATION

Blanks may delay the approval process.

Section 4: APPLICANT'S EDUCATIONAL HISTORY

- a. List educational institution names, complete addresses, dates and type of diplomas or awarded degrees.
- b. Submit only documents that validate the educational history claimed, including clear copies of transcripts and diplomas from conferred degrees or Certificates of Completion from recognized postsecondary institutions. **Do not send continuing education certificates and seminar/workshop completion certificates.**
- c. Failure to include educational documentation will delay the review process.

Section 5: CURRENT CERTIFICATES OR OCCUPATIONAL LICENSES RELATED TO PROPOSED SUBJECTS

- a. List applicant's current occupational licenses relevant to the subjects to be taught. (Examples: RN, LVN, JD, etc.)

PAGE 2

Section 6: SUBJECT APPROVAL

- a. *Subjects To Be Taught.* List the subjects to be taught by the applicant by name (not number) as they appear in your school catalog. **Attach** a copy of the catalog pages that describe the subjects to be taught. Failure to include relevant catalog pages with subject descriptions may delay the application process.
- b. *Qualifier Letter.* See page 8 of the instructor application and select an appropriate instructor qualifier. Submit only clear copies of the documents validating the educational qualifier claimed. Do not submit continuing education certificates, seminar/workshop completion certificates. Failure to include appropriate educational documentation will delay the review approval.
- c. *College courses successfully completed as part of a conferred degree and related to the subjects to be taught.* List courses successfully completed by the applicant as part of an **awarded** degree (associate, bachelor, and/or graduate levels) which may be applied as part of a qualifier listed on page 8. A degree transcript including a degree-conferred date must be provided to substantiate certain qualifiers. Failure to include educational documentation will delay the review process.
- d. *Number of College Credits Earned.* Only semester and/or quarter credit hours from an awarded degree are eligible for use as part of a qualifier. Credit hours must be validated by inclusion of a transcript. Failure to include a transcript will delay the review process.

PAGE 3

Section 7: APPLICANT'S WORK EXPERIENCE

- a. Please provide complete employer name, address, telephone numbers and dates and length of employment. The job description must relate to the subjects to be taught and demonstrate that the applicant has the necessary work experience to validate the qualifier chosen from page 8.
- b. Provide only work experience from within the last ten years.

PAGE 4

Section 8: PROFESSIONAL CONDUCT

- a. Failure to answer all Professional Conduct questions will delay the review process. If an affirmative answer (yes) is recorded for Questions A-D, submit supporting documentation -- a typewritten explanation on a separate page signed and dated by the applicant and the school director. If Question 'E' is answered in the affirmative, you will need to comply with the instructions on page 5 of this application.
- b. Signature and date: **Only an applicant's original signature in blue ink is acceptable. No copies accepted.**

Section 9: APPLICANT CERTIFICATION

- a. The applicant certifies that all the information provided on the application and in the foregoing statements is true and correct.
- b. Signature and date: **Only an applicant's original signature in blue ink is acceptable. No copies accepted.**

Section 10: AUTHORIZATION

- a. The authorized School Official accepts responsibility for the careful review and verification of the qualifications of the proposed employee and his/her statements on the application.
- b. Signature and date: **Only an original signature in blue ink from the authorized School Official is acceptable. No copies accepted.**

PAGE 5, 6, & 7 (Do not submit with application.)

INSTRUCTIONS

PAGE 8 (Do not submit with application.)

INSTRUCTOR EDUCATIONAL/EXPERIENCE QUALIFICATIONS.

You will use this page to complete page 2.

Title 40, Texas Administrative Code 807.81.

PAGE 9 (Do not submit with application.)

VARIANCE INFORMATION

The approval process for the instructor application is contingent on the submission of all requested information, including a completed Instructor Application with original signatures in blue ink, educational documents, and supporting documents for affirmative answers in the Professional Conduct Box, when applicable. Original application submissions, accompanied by the processing fee, must be postmarked within five calendar days of the applicant being employed as an instructor at the school.

Mailing Address for applications with Money:

Texas Workforce Commission
Career Schools and Veterans Education – Controller
101 East 15th Street
Austin, Texas 78778-0001

(make checks payable to TWC - Career Schools and Veterans Education and mail with Fee Sheet PS-186)

Mailing Address for applications without Money:

Texas Workforce Commission
Career Schools and Veterans Education
101 East 15th Street
Austin, Texas 78778-0001

When submitting the application, please send the following:

- Pages 1-4 of the instructor application
- Original signatures for both the applicant and a school official IN BLUE INK
- Transcript or diploma for educational qualifier
- \$20 instructor application fee
- Fee sheet, PS-186

INSTRUCTOR EDUCATIONAL/EXPERIENCE QUALIFICATIONS

Determine the minimum Educational/Experience Qualifier under which instructor applicant is submitted to teach subject(s) listed on the application as required by *Title 40, Texas Administrative Code, Section 807.81(b)*.

The instructor has a master's degree or higher that:

- A. includes satisfactory completion of six semester credit hours or eight quarter credit hours in the subject to be taught;
- B. includes satisfactory completion of three semester credit hours or four quarter credit hours in the subject area and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a technical field.
- C. includes satisfactory completion of three semester credit hours, or four quarter credit hours in the subject area to be taught, if the subject to be taught is in a non-technical field; **OR**
- D. the instructor has a master's degree or higher and one year of related practical experience in the subject to be taught within the ten years immediately preceding employment by the school, if the subject to be taught is in a non-technical field.

The instructor has a bachelor's degree that:

- E. includes nine semester credit hours or 12 quarter credit hours related to the subject area to be taught;
- F. includes satisfactory completion of six semester credit hours or eight quarter credit hours in the subject area to be taught and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a technical field;
- G. includes satisfactory completion of three semester credit hours or four quarter credit hours in the subject area and one year of related practical experience within the ten years immediately preceding employment by the school, if the subject to be taught is in a non-technical field; **OR**
- H. the instructor has a bachelor's degree and two years of related practical experience within the ten years immediately preceding employment by the school.

The instructor has an associate's degree that:

- I. includes satisfactory completion of nine semester credit hours or 12 quarter credit hours in the subject area to be taught and two years of related practical experience within the ten years immediately preceding employment by the school; **OR**
- J. the instructor has an associate's degree and three years of related practical experience within the ten years immediately preceding employment by the school.

The instructor has completed a 900+ clock-hour program

- K. the instructor has a secondary education if it includes a certificate of completion from a recognized postsecondary school for at least a 900 clock-hour program in a relevant subject area and four years of related practical experience within the ten years immediately preceding employment by the school.

The instructor has a secondary education:

- L. the instructor has a secondary education and five years of related practical experience within the ten years immediately preceding employment by the school.

Court Reporting Instructors

- M. *Machine Shorthand, Theory and Speedbuilding only* – an associate's degree or higher and certificate of completion of machine shorthand theory requirements in an accredited court reporting program; an associate's degree in court reporting from any state-recognized school; a Registered Professional Reporter (RPR) or Certified Shorthand Reporter (CSR) certification from any state; **OR** a certificate of completion of a court reporting program from a state-certified school.
- N. *Court Procedures and Technology* – a Registered Professional Reporter or Certified Shorthand Reporter certification and one year of court reporting experience.

Modeling Instructors

- O. a secondary education and certificate of completion from a modeling program of at least 45 clock hours from a state recognized school and at least five verifiable paid modeling jobs completed within the past five years; **OR** a secondary education and at least ten verifiable paid modeling jobs completed within the past five years.

Truck Driving Instructors

- P. a secondary education, certified proof of successful completion of 40 clock hours in safety education and driver training, and three years of full-time tractor trailer driving experience within the ten years immediately preceding employment by the school.

Bartending Instructors

- Q. one of the above-mentioned qualifications (A – L) and certified by the Texas Alcoholic Beverage Commission as having completed the required alcohol awareness course.

Variance Request

- R. See page 9 for instructions.

Variance Information

Texas Administrative Code, Section 807.127(b)(1)(B)(ii) allows the Commission the authority to grant a variance from current rules for instructor approval. To submit an instructor variance request for evaluation, please follow the steps below.

Write a letter addressed to Connie Jacksits, Program Manager, Career Schools and Veterans Education, requesting a variance from current rules which includes:

1. Subject(s) for which the variance is being requested as listed in the school catalog.
2. Current rule requirements in comparison to the applicant’s qualifications. See formatted example below.
3. Statement ensuring that the program quality will not be diminished using the applicant as an instructor and why.
4. Statement by the school director that this instructor applicant has demonstrated sufficient knowledge and skill to teach the subject.
 - A. If the instructor applicant HAS taught the subject(s) for which the variance is being requested, include the following:
 - (1) Student evaluations of the instructor for each subject taught.
 - (2) The school director’s evaluation of applicant’s ability to communicate knowledge of the subject(s), instructional methods used, preparedness for the class, interpersonal skills with the students, and ability to satisfactorily answer the students’ questions.
 - B. If the instructor applicant HAS NOT taught the subject(s) for which a variance is being requested, include the following:
 - (1) A commitment by the school director to submit student evaluations of the instructor for each subject taught within three months of the approval by variance.
 - (2) A commitment by the school director to evaluate the applicant and assess the applicant’s ability to communicate knowledge of the subject(s), the instructional methods used, preparedness for the class, interpersonal skills with the students, and ability to satisfactorily answer the students’ questions, and to submit that assessment within three months of approval by variance.

Enclose the following documents to accompany Mr. De Long’s letter:

1. Copy of the school’s final exam(s) taken by the applicant for the subject(s) on which the variance is being requested. The minimum acceptable score is 90%.
2. Completed Instructor Application for the applicant. The applicant must complete and submit all the pages of this application and provide validating documents for any educational qualifier.
3. \$20 processing fee & PS-186 (fee sheet)

Variance Format Example (for Legal Terminology)

Rule Requirements	Instructor Variance Qualifications
Bachelor’s degree and nine semester credit hours related to the subject to be taught (Qualifier E) or Bachelor’s degree and two years experience related to the subject to be taught (Qualifier H)	Bachelor’s degree in Home Economics One year of experience working in a lawyer’s office Completed workshop on teaching techniques Studied the school’s course materials for “Legal Terminology” and scored a 95 on the final exam

Address your letter and mail with all required documents to: Connie Jacksits, Program Manager
 Texas Workforce Commission
 Career Schools and Veterans Education
 101 East 15th Street
 Austin, Texas 78778-0001

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Director or Director of Education Application

DEPT. USE ONLY
Receipt #
Fee Paid
Date Paid
Initialed by

- 1. Check One:
() Original Submission for Director with \$20 processing fee, Fee Sheet (PS-186) and signed Director Statement (PS-001Z)
() Original Submission for Director of Education with page 4 Supplemental, \$20 processing fee, and Fee Sheet (PS-186)
() Resubmission: (date of review on deficiency letter and processing fee if past 15-day resubmission date)

Today's Date / /

Authority for Data Collection: Texas Education Code Section 132.05
Planned Use of the Data: Determination of Director Qualifications

INSTRUCTIONS FOR COMPLETION AND SUBMISSION: Complete this application by providing all information requested. Do not refer to or include other documents, except fees and Fee Sheet (PS-186), educational validation documents such as diplomas, certificates, and transcripts; "Professional Conduct" section documentation, if applicable; and for School Directors only, signed Director's Statement (PS-001Z). Send the original of this completed application to TWC, keeping one copy for the school's file and one for the applicant's records. Original application submissions must be received in a timely manner which allows for up to ninety (90) days with an acting director. Resubmissions to correct deficiencies must be received within 15 days of notification of said deficiencies in order to avoid payment of an additional \$20.00 fee. Make checks payable to TWC Career Schools and Veterans Education and mail completed applications, documentation, fee and Fee Sheet to the Texas Workforce Commission, Career Schools and Veterans Education - Controller (if money is enclosed) or Texas Workforce Commission, Career Schools and Veterans Education (if no money is being sent) - 101 East 15th Street - Austin, Texas 78778-0001. (Please type or print legibly.)

2. School # School Name
School Location (physical address) Phone ()
School Mailing Address City/State/Zip
School e-mail School FAX () Toll-free # ()
School Director

3. Applicant's Legal Name SS #
First Middle Last

Applicant's Date of Birth Date of Employment at this School

Applicant's Home Address City/State/Zip Phone

4. Teaching Credentials (Type) (State) (No.)

5. Current Certificates or Occupational Licenses (other than teaching credentials):
Type Issued by No.

6. Applicant's Educational History: Please list schools in order of attendance and give complete addresses and dates. Education used to qualify as a director must be validated by the submission of appropriate documents such as diplomas, certificates, and/or transcripts with this completed application.

Copy page as needed.

School Name	City/State	From (mm/yy)	Thru (mm/yy)	Major/ Minor	Degree/Diploma Awarded?
High School _____					
College _____					
College _____					
Graduate School _____					
Other _____					

7. Employment/Work Experience: Please include all the information requested regarding your work and/or teaching experience that indicates your experience in administrative or management capacities. Title 40, Texas Administrative Code, Section 807.62(b) requires that the school director shall be a graduate of an accredited institution of higher learning (college or university) with one year of experience in administration or management, or a total of 5 years of administrative/management experience and/or higher education. Directors of Education see Supplemental Page for additional qualifications.

A. Job Title _____	Dates of Employment: From _____	thru _____	TOTAL _____
	(mm/yy)	(mm/yy)	(years/months)
Employer _____	Address/City/State _____		
Phone # (____) _____	Supervisor _____		
Describe the work you performed _____			

B. Job Title _____	Dates of Employment: From _____	thru _____	TOTAL _____
	(mm/yy)	(mm/yy)	(years/months)
Employer _____	Address/City/State _____		
Phone # (____) _____	Supervisor _____		
Describe the work you performed _____			

8. Professional Conduct: (***)Attach a separate typewritten page, signed by the applicant and school official certifying the truth and accuracy of all statements, to fully explain any circumstance resulting in a “YES” answer to the questions below:

- A. Have you ever had a diploma, credential, license, or certificate denied, revoked or suspended? *****Yes** **No**
- B. Have you ever been found guilty of, pleaded guilty to, or entered a plea of “nolo contendere” to a charge of immoral conduct? *****Yes** **No**
- C. Have you ever been dismissed or asked to resign from any position for immoral or unprofessional conduct? *****Yes** **No**
- D. Have you ever been sued successfully for fraud or deceptive trade practice? *****Yes** **No**
- E. Have you ever been convicted of a felony or of a misdemeanor other than minor traffic offenses? If yes, verified explanation, certified copy of final judgment and copy of probation order/release required. *****Yes** **No**

I certify that the following statements are true and correct. I agree, consent, and direct that any person or entity maintaining information in any form relating to my criminal history shall release all information upon the request of the Texas Workforce Commission. I further agree and permit the Texas Workforce Commission to obtain from any person or entity information relating to my personal background, reputation, and character, and expressly direct that any such person or entity release such information upon the request of the Texas Workforce Commission. I release, discharge and exonerate the Texas Workforce Commission, its agents or representatives, and any person or entity so furnishing information from any and all liability of every kind arising. The foregoing consent and release is valid and binding while I am seeking or have received approval under the authority of Chapter 132 of the Texas Education Code.

Applicant's Signature – *In Blue Ink*

Date

APPLICANT CERTIFICATION: *I certify that all the information provided in this application and in the foregoing statements are true and correct.*

Typed or printed name of applicant

Applicant's Signature – *In Blue Ink*

Date

AUTHORIZATION: *As an authorized school official, I have carefully reviewed and verified the qualifications of the proposed employee and his/her statements contained on this application. To the best of my knowledge and belief, he/she is qualified for the position as required by the rules for Texas Career Schools and Colleges, Section 807.62(b).*

Typed or printed name of Authorized School Official

Title of Authorized School Official

Signature of Authorized School Official – *In Blue Ink*

Date

Once you complete this application and provide all the information requested, make copies for the school and applicant files; then make checks payable to TWC Schools and mail the original application, fees and fee sheet form PS-186, educational validation documents such as diplomas, certificates, and transcripts, Director’s Statement form PS-001Z , and, if warranted, verified typewritten explanations and supporting documents for “Yes” answers in the “Professional Conduct” section to Texas Workforce Commission, Career Schools and Veterans Education - Controller (if money is enclosed) or Texas Workforce Commission, Career Schools and Veterans Education (if no money is being submitted) - 101 East 15th Street - Austin, Texas 78778-0001

Applicant's Name _____
School Name _____

Director of Education

Supplemental Page

The Director of Education must *qualify* to teach at least one subject offered by the school. Please consult page 7 of the current Instructor Application (PS-002) to identify the appropriate educational qualifier, and include below with accompanying supportive information requested. Directors and/or DOEs who will actually teach must submit Instructor Application, Form PS-002.

* Instructor Qualifier from page 7 of the current Instructor Application (PS-002): _____

9. SUBJECT APPROVAL (Please follow carefully the instructions for completing this section.)

In the blanks entitled "Subject(s) to be taught" **list the individual subject(s) exactly as they appear in the school catalog.**

In the "Applicant's Educational History" section, list the postsecondary courses successfully completed that relate to the "Subject(s) to be taught" you have listed, identifying the number of hours completed for each course.

In the "Applicant's Work Experience" section, include all the information requested regarding your work and/or teaching experience within the last ten years only and that is related to the "Subject(s) to be taught."

Subject(s) to be taught (as named in the school catalog): _____

Applicant's Educational History (postsecondary courses successfully completed and related to the above subjects):

Course(s) Taken	No. of Hours	Clock Hrs.	Semester Hrs.	Quarter Hrs.
_____	_____	()	()	()
_____	_____	()	()	()
_____	_____	()	()	()
_____	_____	()	()	()

10. Applicant's Work Experience: Please include all the information requested regarding your work and/or teaching experience within the past ten years and related to the "Subject(s) to be taught" you have listed above.

Job Title _____	Dates of Employment: From _____	Thru _____	TOTAL _____
	(mm/yy)	(mm/yy)	(years/months)
Name of Employer _____	Address _____		
Name of Supervisor _____	Area Code & Phone _____		
Describe the work you performed _____			

<i>(Copy this page if additional space is needed to include the information required by the Instructor Qualifier you listed above.)</i>			

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Receipt of Enrollment Policies

(Name of School)

Authority for Data Collection: *Texas Education Code, Section 132.055 & Texas Administrative Code, Section 807.143.*

Planned Use of the Data: To provide evidence of receipt of that information which is required by law to be provided the student prior to enrollment.

Instructions: This form is to be completed by the student prior to enrollment and the completed form maintained by the school in each student's file. A copy of the completed form will be given to the student. If additional clarification is needed, contact Career Schools and Veterans Education at (512) 936-3100.

This information is provided for the student's protection. Ensure each item of information is given to the student, fully explained and all questions answered prior to signing an enrollment agreement or contract.

The prospective student must acknowledge receipt by initialing in the space provided on the bottom of the first page and signing at the end of the form.

A:

I have received prior to enrollment:

- a copy of the school catalog and a program/course outline for the program(s) in which I wish to enroll.
- a schedule of the tuition, fees, and other charges.
- a copy of the cancellation and refund policy.
- the attendance, progress and grievance policies.
- rules of operation and conduct.
- regulations pertaining to incomplete grades.
- written and verbal explanations of the difference between a LOAN and a GRANT.
*(Complete this item only if the school participates in a loan or grant program.)
- an invitation to tour the school's facilities and inspect equipment related to my planned program of instruction. (As an enrolling student, you will be asked to sign and date a receipt on the day you receive your required tour of the school.)

B:

- If the school awards credit hours, I understand that transferability of any credit hours earned at this school may be limited. I have also been provided a list of all known Texas institutions of higher learning and state technical institutes that will accept any or all of the credit hours earned at this school.

(Student Initials)

C:

- I have furnished information disclosing my previous education, training, and work experiences. I understand this will be evaluated and may result in my program/course length being shortened and the cost being reduced.
- I further realize that any grievances not resolved by the school may be forwarded to the Texas Workforce Commission, Career Schools and Veterans Education, 101 East 15th Street, Austin, Texas 78778-0001, (512) 936-3100.
- A comparison of the cost to me for a similar course or program at other schools is available by contacting the Texas Workforce Commission, Career Schools and Veterans Education, 101 East 15th Street, Austin, Texas 78778-0001, (512) 936-3100.
- Employment in this career field (*does*) (*does not*) require state or national licensing, certification, or registration. (cross out one)

(Name of State or National License, Certificate, or Registration, if required)

PROGRAM: _____	REPORT YEAR: _____
NUMBER ENROLLED: _____	NUMBER OF JOB OPENINGS FOR THE LAST 12 MONTHS: _____
NUMBER OF GRADUATES: _____	(if data is available)
COMPLETION RATE: _____%	AVERAGE YEARLY STARTING SALARY: _____
NUMBER OF GRADUATES EMPLOYED: _____	(if data is available)
(Graduates that found a job related to training)	YEARLY STARTING SALARY RANGE: _____
EMPLOYMENT RATE: _____%	(if data is available) (Low)
NUMBER OF GRADUATES PLACED: _____	(High)
(Graduates that found a job related to training, <u>with the school's assistance</u>)	EXAM PASSAGE RATE: _____%
PLACEMENT RATE: _____%	(for programs that prepare for state licensing, certification, or registration exams)

(Additional information may be attached.)

D:

I understand that my certificate of completion and my transcript may be withheld if I have not fulfilled my financial obligations to this institution at the time of my graduation.

I certify that I have been provided all of the information above prior to my enrollment.

I will receive a copy of this completed form and a copy of my enrollment agreement when signed.

(Signature of Student – *In Blue Ink*)

(Date)

(Signature of School Official providing the information – *In Blue Ink*)

(Date)

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
 An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Representative Registration Application

DEPT. USE ONLY	
Receipt # _____	
Fee Paid _____	
Date Paid _____	
Initialed by _____	

Instructions: A separate application and fee are required for each applicant at each location and fees are non-refundable. Please complete each item fully. **If money is required with this submission, please make checks payable to TWC Career Schools and Veterans Education and mail (with Fee Sheet PS-186) to Texas Workforce Commission, Career Schools and Veterans Education - Controller, 101 East 15th Street, Austin, Texas 78778-0001.** If no money is enclosed, mail to Texas Workforce Commission, Career Schools and Veterans Education, 101 East 15th Street, Austin, Texas 78778-0001. **(ALL SIGNATURES MUST BE IN BLUE INK)**

<p>Check one:</p> <p>_____ Original (\$90.00)</p> <p>_____ Chg. School Name /Address (\$15.00)</p> <p>_____ Chg. Rep. Name/Address (\$15.00)</p>

<p>Authority for Data Collection: <i>Texas Education Code Section 132.059</i></p> <p>Planned Use of Data: Provide specific information on which to base approval of a representative.</p>

School # _____ School Name _____
 School Location (physical address) _____ Phone (_____) _____

School Mailing Address _____ City/State/Zip _____

School e-mail address _____ School FAX (_____) _____ School (800) # _____

School Director _____ Today's Date _____

1. _____
Applicant's Legal Name

2. _____
Permanent Residence Address

_____ (_____) _____
City/State/Zip Residence Phone Number

_____ _____
Social Security No. Date of Birth (MM/DD/YY)

3. _____
Business Address

_____ (_____) _____
City/State/Zip Business Phone Number

4. Have you ever been convicted of a violation of any law excluding a minor traffic violation? Yes___No___

5. Will you have duties at the school you represent other than soliciting prospective students? Yes___No___

If yes, briefly describe these duties:

6. Have you ever had a permit to solicit or sell courses of instruction in any state other than Texas?
 Yes ___ No ___ If yes, give name of state, address of agency granting permit, date and name of school represented:

Please Check:

- Representative Renewal and/or
- Address or Name Change

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Addendum to Representative Application

DEPT. USE ONLY

Receipt # _____
 Fee Paid _____
 Date Paid _____
 Initialed by _____

Please complete this form, include the name and address of each representative to be renewed, and enclose \$45.00 per representative renewal with a fee sheet PS-186. Enclose the representative renewal list below with your Renewal Application package.

For any representative name or address changes, please complete this form, indicate the new name and/or address of the representative, and submit with \$15.00 per name or address change and a fee sheet PS-186.

Please make checks payable to TWC Career Schools and Veterans Education and mail with a fee sheet PS-186 to Career Schools and Veterans Education - Controller, Texas Workforce Commission, 101 East 15th Street, Austin, Texas 78778-0001. (Please type or print and make copies as needed.) For proper coding, please put the school name on both the check and the fee sheet.

School # _____ School Name _____

School Location (physical address) _____ Phone (____) _____

School Mailing Address _____ City/State/Zip _____

School e-mail address _____ School FAX (____) _____ School (800) # _____

School _____ Director _____ Today's _____ Date _____

Name of Representative to be Renewed
 if New Name of Representative

Address of Representative to be Renewed
 if New Address of Representative

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

of Reps. Renewed @ \$45.00 each = _____ and Total of \$ _____ enclosed with Fee Sheet PS-186
of Name/Address Changes @ \$15 each = _____ and Total of \$ _____ enclosed with Fee Sheet PS-186

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

S

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education

Application for Renewal of
Certificate of Approval

DEPT. USE ONLY

Receipt # _____
 Fee Paid _____
 Date Paid _____
 Initialed by _____

_____ Renewal date _____, 20____
 Legal Name of School

_____ E-Mail Address (if applicable)
 Physical Location

Authority for Data Collection: *Texas Education Code, Section 132.056*

Planned Use of the Data: Formal application by the school director and owner for renewal of the Certificate of Approval.

Instructions: This form should be completed and postmarked at least thirty (30) days prior to the expiration date of the current Certificate of Approval and should be accompanied by all available documentation and fees. If additional clarification is required, contact the Career Schools and Veterans Education Section. .

I, _____, School Director and I, _____, Owner of the above named school, have carefully reviewed Chapter 132, Texas Education Code, Career Schools and Colleges and Texas Workforce Commission Rules. To the best of my knowledge and belief, the school named above is in compliance with the legal requirements for approval.

I certify I have reviewed our records and find refunds due students under *Chapter 132, Texas Education Code, Career Schools and Colleges* are being totally consummated within sixty (60) days after receipt of written requests or termination by the school, whichever is earlier. Each student file is properly documented to establish proof of refund.

The school's application, catalog and/or exhibits have been reviewed page by page. The application, catalog and/or each exhibit are correct and current, or revisions are enclosed.

I understand and acknowledge that failure to comply with *Texas Education Code, Chapter 132, Career Schools and Colleges* and *Title 40, Texas Administration Code, Subchapter E. Minimum Standards for Operation of Texas Career Schools and Colleges* may result in the assessment of a civil penalty, the revocation or denial of the certificate of approval, the suspension of enrollments, and filing by the agency for injunctive relief or other remedy provided by law.

I understand any needed documentation and my certification disclosing full compliance must be postmarked at least thirty (30) days prior to the expiration date of the current Certificate of Approval.

Total number of individuals employed by the owner at all locations:

This school meets Texas Education Code, Section 132.001(10) definition of a small career school or college:
 YES _____ NO _____

Checks must be made payable to: TWC-Career Schools and Veterans Education

Return **WITH PAYMENT** to:

Texas Workforce Commission
 Career Schools and Veterans Education - Controller
 Section
 101 East 15th Street
 Austin, Texas 78778-0001

If **NO PAYMENT ENCLOSED**, mail to:

Texas Workforce Commission
 Career Schools and Veterans Education
 101 East 15th Street Room 202T
 Austin, Texas 78778-0001

I UNDERSTAND THAT PURPOSELY SUBMITTING FALSE OR MISLEADING INFORMATION ON THIS APPLICATION MAY SUBJECT ME TO A FINE, A PRISON SENTENCE, OR BOTH.

Signature of School Director – *In Blue Ink* Telephone Date

Typed Name of School Director

Sworn to and subscribed before me on this the _____ day of _____, 20_____

_____, My Commission Expires: _____
Signature of Notary Public – *In Blue Ink*

(SEAL)

I UNDERSTAND THAT PURPOSELY SUBMITTING FALSE OR MISLEADING INFORMATION ON THIS APPLICATION MAY SUBJECT ME TO A FINE, A PRISON SENTENCE, OR BOTH.

Signature of School Owner – *In Blue Ink* Telephone Date

Typed Name of School Owner

Sworn to and subscribed before me on this the _____ day of _____, 20_____

_____, My Commission Expires: _____
Signature of Notary Public – *In Blue Ink*

(SEAL)

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Colleges Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

General Exemptions

Chapter 132, Texas Education Code requires that almost all types of training be regulated. One form that this regulation takes is requiring the person(s) offering the training to obtain a certificate of approval (license). There are some exceptions to this requirement of regulation. These exceptions are called exemptions.

In order for a school or course to be granted an exemption, it must be shown that the school or course clearly and completely meets the provisions of one or more of the specific exemptions.

The criteria used to determine whether these provisions are clearly and completely met, and thus the training is exempt from regulations, are outlined below.

1. **Tax supported school or educational institution**
Section 132.002(a)(1)

To establish that your school is exempt under this section, please submit the following:

- a. Name, address, and telephone number (fax, e-mail address, and web site if applicable) of the school.
- b. Evidence that your school is supported by taxation. More than 50% of the school funds must be tax dollars from either a state or local source.
- c. List of course(s) offered.

2. **Non-profit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation**
Section 132.002(a)(2)

The following requirements must be met:

- a. The school must be nonprofit.
 - (1) If the school and owner are one and the same, please submit the following for the owner: Evidence of owner's nonprofit status with the Internal Revenue Service under Section 501(c)(3). This may be a tax-exempt certificate.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner run the organization's entire operation, including the school.

- (2) If the school is not one and the same with the owner, submit evidence of non-profit status for the school with the Internal Revenue Service under Section 501(c)(3) or the following for the school in the form of a notarized affidavit:
- (a) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee's or officer's name, annual salary, and position with the organization.
 - (b) Describe any plan for the distribution of earnings or the sharing of income of the school.
 - (c) Describe the plan for distribution of the assets of the school upon dissolution.
 - (d) The following information should be submitted concerning course income and expenses:
 - (I) State the amount of tuition, fees, and other charges for each course of instruction.
 - (II) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - (III) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.

b. The school must be owned, controlled, operated, and conducted by one of the following:

- (1) A bona fide religious or denominational institution.

Submit the following:

- (a) Notarized affidavit with the name of the religion or denomination and explanation of how it owns, controls, operates, and conducts the school.
- (b) By-laws and articles of incorporation if the institution is incorporated.

- (2) A bona fide eleemosynary institution.

Submit the following:

- (a) Notarized affidavit with the name of the eleemosynary institution and explanation of how it owns, controls, operates, and conducts the school

(facilities, faculty, subject matter, how tuition is paid). The affidavit must also include information to show that the institution was created for charitable and benevolent purposes, is nonprofit, and receives all or more than 50% of its sustaining funds from donations or gifts. The percentage of total funding that these donations and gifts constitute must be given. A tax-exempt certificate from the Internal Revenue Service may serve to show nonprofit status.

(b) State whether the Board of Directors receives any remuneration and include information about the fee schedule for instruction unless previously stated as required under 2a(2).

(c) By-laws and articles of incorporation if incorporated.

(3) A public institution similar to (1) or (2).

Submit the following:

(a) Notarized affidavit with the name of the institution and an explanation of how it owns, controls, operates, and conducts the school. The affidavit must also give reasons why you believe this institution to be public and similar to a religious, denominational, or eleemosynary institution.

(b) By-laws and articles of incorporation if incorporated and provide the appropriate information as requested under b(1) or (2).

c. The bona fide religious, denominational, eleemosynary or similar public institution must be exempt from property taxation.

Submit evidence of exemption from property taxation. If the institution does not own property, submit a notarized affidavit to that effect.

d. Submit name, address, and telephone number (fax number, e-mail address, and web site if applicable) of school.

e. Submit name, objective, length, and cost of course(s) offered.

f. Submit any printed materials distributed by the school such as a newsletter, brochure, catalog, or pamphlet, if any.

3. **School or course of purely avocational or recreational subjects**
Section 132.002(a)(3)

These courses have been determined by the Administrator to be purely avocational or recreational unless there is evidence to the contrary:

Dance	Rifle Ranges
Music	Sewing
Judo and Karate	Knitting
Physical Fitness	Sports or Athletics
Riding Academies	Swimming

Other programs must establish this standing by submitting the following:

- a. School name, address, and telephone number (fax number, e-mail address, and web site if applicable).
- b. Name, content, length, and cost of course(s) offered.
- c. Objective of course and an explanation of how the subjects are generally considered to be for avocational or recreational purposes.
- d. Types of students (examples: Children 7-12, homemakers, teachers, general public, etc.).
- e. Copies of advertisements including yellow page ads. If you will not advertise, so state.

4. **Courses sponsored by an employer**
Section 132.002(a)(4)

A "sponsor" is a person or organization that pays for or plans and carries out a project or activity. (AG Opinion - JM 529)

To establish that your course is exempt under this section, please submit the following:

- a. Employer name, address, and telephone number (fax number, e-mail address, and web site if applicable).
- b. Name, objective, length, and cost of course(s) offered.
- c. A notarized affidavit from the school stating that no students other than employer-sponsored will be solicited or enrolled. Further, the employer will bear all the tuition costs and the employee will not be required to reimburse the employer by means of cash, production of work without pay, or any other means. The affidavit must include a list of the employers' names and addresses as well as the name and phone number of a contact person with each employer.
- d. Samples of newspaper and yellow page ads, brochures, and any other means of soliciting or advertising. If you will not advertise, so state.

5. **Courses sponsored by a trade, business, or professional organization for its members only.**
Section 132.002(a)(5)

A "sponsor" is a person or organization that pays for or plans and carries out a project or activity. (AG Opinion - JM 529)

To establish that your course is exempt under this section, please submit the following:

- a. Sponsoring person or organization's name, address, and telephone number (fax number, e-mail address, and web site address if applicable).
- b. Name, objective, length, and cost of course(s) offered.

- c. Letter from each recognized trade, business, or professional organization that will sponsor students. This letter must include an explanation as to how the membership is closed. Membership is not closed if any member of the public can join. Such organization must provide other services and benefits to their members in addition to the educational instruction they offer. In addition, the organization may be asked to furnish the charter and by-laws.
- d. A notarized affidavit from school stating that no students other than members of the organization(s) referenced in subparagraph c. will be solicited or enrolled.
- e. Samples of newspapers and yellow page ads, brochures, and any other means of advertising. If you will not advertise, so state.

6. **Private colleges or universities that award a recognized baccalaureate, or higher degree, and that maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source:**
Section 132.002(a)(6)

To establish that your school is exempt under this section, please submit the following:

- a. College or university name, address, and telephone number (fax number, e-mail address, and web site address if applicable).
- b. Name, objective, length, and cost of course(s) offered.
- c. Copy of the Certificate of Authority to issue baccalaureate or higher degrees from the Texas Higher Education Coordinating Board.
- d. Evidence that the majority of the credits are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or State source.

7. **Schools or courses which are otherwise regulated and approved under and pursuant to any other law or rulemaking process of this State or approved for continuing education credit, by an organization that accredits courses for the maintenance of a license, except as provided by Section 132.002, Subsection (c)**
Section 132.002(a)(7)

To establish that your school is exempt under this section, please submit the following:

- a. School name, address, and telephone number (fax, e-mail address, and web site if applicable).
- b. Name, objective, length, and cost of course(s) offered.
- c. Evidence for one of the following:
 - (1) Copy of certificate, license, letter or other document showing approval of your school/course under another law or rulemaking process of the State. Also submit the appropriate copy of the law or rule. Please know that we consider on-site inspections and the required maintenance of certain records to be an integral part of being regulated, or

- (2) Letter from organizations that accredit courses for the maintenance of a license stating that this course is approved for Continuing Education credit.
- d. Name, address, and phone number of the office enforcing the State law by which your school is regulated and approved.

8. **Aviation schools or instructors approved and supervised by the FAA Section 132.002(a)(8)**

To establish that your school is exempt under this section, please submit the following:

- a. School name, address, and telephone number (fax number, e-mail address, and web site address if applicable).
- b. Name, objective, length, and cost of course(s) offered.
- c. A copy of the FAA Certificate for the course(s).

9. **A school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree, Section 132.002(a)(9)**

To establish an exemption under this section, please submit the following evidence that the courses provide intensive review to prepare students to achieve the necessary scores:

- a. For an examination required for a credential after students complete or substantially complete a particular degree program.
 - (1) Name of the examination for which review and preparation is offered.
 - (2) Name of degree program that was completed or substantially completed by the student.
 - (3) A description of the education, training, or experience that will be reviewed.
 - (4) Name, content, length, cost, and admissions requirements of the course(s) offered.
 - (5) Name, address, and telephone number (and web site if applicable) of the company offering the intensive review course(s).
 - (6) Copies of advertising for the course(s).
- b. For an examination required for admission into an undergraduate or graduate degree program

- (1) Name of the degree program admissions test for which review and preparation is offered.
- (2) Education, training, or experience that will be reviewed.
- (3) Name, content, length, cost, and admissions requirements of the course(s) offered.
- (4) Name, address, and telephone number (fax, e-mail address, and web site if applicable) of the company offering the intensive review course(s).
- (5) Copies of advertising for the course(s).

10. **Private schools offering primary or secondary education**
Section 132.002(a)(10)

To establish that your school is exempt under this section, please submit the following:

- a. School name, address, and telephone number (fax number, e-mail address, and web site if applicable).
- b. A notarized affidavit stating that the school will offer only pre-k, kindergarten, elementary and secondary education, that satisfies compulsory attendance requirements of Section 25.085 of the Texas Education Code pursuant to Section 25.086 (a)(1) and will not offer a vocational training program or seminar.

11. **Course(s) of instruction offered by bona fide electrical trade associations**
Section 132.002(a)(11)

To establish that your school is exempt under this section, please submit the following:

- a. Name, content, length, and cost of course(s) offered.
- b. A notarized affidavit identifying the name of the Electrical Trade Association and explaining how it owns, controls, operates, and conducts the school.
- c. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation, by-laws of the association, requirements for membership, total number of the membership, names of the officers of the association, and services and benefits to the membership.
- d. Information explaining how the course(s) will:
 - (1) prepare students for electrical tests required for licensing, or
 - (2) provide continuing education to students for the renewal of electrical licenses.

12. **Courses offered by a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than nineteen (19) years of age**
Section 132.002(a)(12)

To establish that your organization is exempt under this section, please submit the following:

- a. The school must be nonprofit.
- (1) If the school and owner are one and the same, please submit the following for the owner: Evidence of nonprofit status with the Internal Revenue Service under Section 501(c)(3). This may be a tax-exempt certificate.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner runs the organization's entire operation including the school.

- (2) If the school is not one and the same with the owner, submit evidence of nonprofit status for the school with the Internal Revenue Service under Section 501(c)(3) or the following for the school in the form of a notarized affidavit:
- (a) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee's or officer's name, annual salary, and position with the organization.
- (b) Describe any plan for the distribution of earnings or the sharing of income of the school.
- (c) Describe the plan for distribution of the assets of the school upon dissolution.
- (d) The following information should be submitted concerning course income and expenses:
- (I) State the amount of tuition, fees, and other charges for each course of instruction.
- (II) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
- (III) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.

- b. Letter from organization which explains how the training will be closed to those persons 19 years of age or older, to include: Articles, by-laws and information to substantiate the primary purpose of the organization as it relates to training in the dramatic arts and communications.
 - c. Name, objective, length, and cost of course(s) offered.
 - d. Copies of advertisements including yellow page ads. If you will not advertise, so state.
13. **A course conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) Section 132.002(a)(13)**

To establish that your school is exempt under this section, please submit the following:

- a. Name, objective, length, and cost of course(s) offered.
- b. The association must be nonprofit.
 - (1) If the school and owner are one and the same, please submit the following for the owner: Evidence of nonprofit status with the Internal Revenue Service under Section 501(c)(3). This may be a tax-exempt certificate.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner runs the organization's entire operation including the school.
 - (2) If the school is not one and the same with the owner, submit evidence of non-profit status for the school with the Internal Revenue Service under Section 501(c)(3) or the following for the school in the form of a notarized affidavit:
 - (a) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee's or officer's name, annual salary, and position with the organization.
 - (b) Description of any plan for the distribution of earnings or the sharing of income of the school.
 - (c) Description of the plan for distribution of the assets of the school upon dissolution.

- (d) The following information should be submitted concerning course income and expenses:
 - (I) Name, content, and amount of tuition, fees, and other charges for each course offered.
 - (II) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - (III) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.
- c. A notarized affidavit identifying the name of the Air Conditioning and Refrigeration Contractors Association that conducts the course or training program.
- d. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation, by-laws of the association, total number of the membership, names of the officers of the association, and services and benefits to the membership.
- e. Information explaining how the course(s) will:
 - (1) Prepare students for air conditioning and refrigeration tests required for licensing, or
 - (2) Provide continuing education to students for the renewal of air conditioning and refrigeration licenses.
- f. Copy of certificate, license, letter or other document showing approval of your course or training program by the Air Conditioning and Refrigeration Contractors Advisory Board.

14. **A course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, certification, or endorsement or to provide continuing education approved by the Texas State Board of Plumbing Examiners. Section 132.002(a)(14)**

To establish that your course is exempt under this section, please submit the following:

- a. Name, content, length and cost of course(s) offered.
- b. A notarized affidavit identifying the name of the Plumbing Trade Association and explaining how it conducts the school/course.
- c. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation, by-laws of the association, total number of the membership, names of the officers of the association, and services and benefits to the membership.
- d. Information explaining how the course(s) will:
 - (1) prepare students for plumbing tests or a program required for licensing, certification, or endorsement, or

- (2) provide continuing education to students for the renewal of plumbing licenses.
- e. Copy of certificate, license, letter or other document showing approval of your school/course by the Texas State Board of Plumbing Examiners.

15. **Courses of instruction in the use of hardware or software if the course is offered to purchasers of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the Commission.**
Section 132.002(a)(15)

To establish that your school is exempt under this section, please submit the following:

- a. Name(s), objective, length, cost, and admissions requirements of course(s) offered.
- b. Name, address, and telephone number (fax number, e-mail address, and web site if applicable) of the company offering hardware or software training.
- c. Description of the primary business of the company offering hardware or software training, including copies of company documents detailing the company's primary business.
- d. Samples of newspaper and yellow page ads, brochures, and any other means of soliciting or advertising the hardware or software training.
- e. Name(s) of specific hardware or software manufactured or developed by the company that may be purchased from the company as a prerequisite for providing training.
- f. A copy of the sales contract for purchase of course instruction.

16. **Course or courses of special study or instruction financed or subsidized by local, state, or federal funds or by any person, firm, association, or agency other than the student involved, on a contract basis and having a closed enrollment.**
Section 132.002(b)

To establish that your course is exempt under this section, please submit the following:

- a. Name of course(s)
- b. Explain how it is a course of special study. A course is special study if it was developed for the students served by the contract.
- c. Name, address, and telephone number of the sponsor providing funds for the course of special study.
- d. Source of all funds to be used to finance the education of the students.
- e. A brief explanation of the main points in the contract such as names of principals in contract, beginning and ending dates of schedule, types of students to be served, etc.

- f. Evidence that the enrollment is closed; i.e., eligibility requirements of students who can take the course.
- g. Addresses of sites where course(s) will be offered.

17. **Course Exemption: Development of Career Skills; Recreational or Avocational Subjects. Section 132.003**

A course or course of instruction is exempt from this chapter if it meets the following criteria:

- 1. **It is a course or course of instruction that is 24 hours or less in length;**
- 2. **It is a course or course of instruction that costs less than \$500;**
- 3. **It is a course or course of instruction that is designed to teach one of the following:**
 - (a) **Knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation; or**
 - (b) **Recreational or avocational subjects; and**
- 4. **It is a course or course of instruction in which there is not an award of any credits or units toward the completion of another course of instruction of more than 24 classroom hours, on completion of the course or course of instruction.**

(A course or course of instruction is not exempt under this section if the course or course of instruction is designed to teach or is represented by the person offering the course or course of instruction as teaching knowledge of building, electrical, plumbing, mechanical, fire, or other similar technical codes applicable to the construction, remodeling, or repair of a home, building, or any other structure or improvement to real property in this state.)

Section 132.003

To establish that your school is exempt under this section, please submit the following:

- a. School name, address, and telephone number (fax number, e-mail address, and web site if applicable).
- b. Name, objective, length and cost of course(s) offered.
- c. Objective of course and an explanation of how the course is designed to teach knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation.
- d. Sample of cancellation and refund policy that at a minimum provides a refund of the course fee to any person that:
 - 1. completes at least 8 hours or one-half of the course, whichever is less, and is dissatisfied with the course; and who requests a refund in writing, providing a

reasonable basis for their dissatisfaction, no later than the 14th day after the date the course is concluded; or

2. for a course in which the instructor or the instructor's qualifications are different from the instructor or the instructor's qualifications stated in any advertising, publicity, or solicitation for the course, notifies the school before the course begins that they elect not to attend and requests a refund. (A general refund policy that provides for a full refund of fees at any time before the course begins will satisfy the requirement of this subparagraph.)
- e. A notarized affidavit attesting to the following:
1. The school will provide a written description of the course content and refund policy to students no later than the 14th day before the date the course begins; and
 2. The school will not enroll students or accept applications for enrollment within 14 days of the course start date; or has another method to document that registrants have received a written description of the course content and any refund policy not later than the 14th day before the date the course begins; and
 3. For the three-year period following the date the course is concluded, the school will maintain records sufficient to identify the differences between advertised instructors and their qualifications and actual instructors and their qualifications; and
 4. For the three-year period following the date the course is concluded, the school will maintain a record of registrants' attendance, fees paid by registrants and any refunds paid to registrants; and
 5. The school will provide these records to the Commission upon request, if within the three-year record retention period.
- f. If enrollments are accepted within 14 days of the course start date, a complete description of the method that will document that registrants have received a written description of the course content and refund policy not later than the 14th day before the date the course begins.
- g. Complete physical address for location where records will be stored and information relating to records storage, to include: Name, address, and telephone number (fax number, and email address if applicable) of the contact person and the preferred method of contact.
- h. Samples of newspaper and yellow page ads, brochures, and any other means of soliciting or advertising. If you will not advertise, so state.

Upon receipt of the required documents, you will either be granted exempt status, be advised of the deficiencies in the application, or be denied exempt status and be advised of your right to appeal that decision.

If you have questions concerning this process, please contact the Career Schools and Veterans Education Section at (512) 936-3100.

The address is:

Texas Workforce Commission
Career Schools and Veterans Education Section, Rm. 202-T
101 East 15th Street
Austin, Texas 78778-0001
Attn: Unregistered Schools and Exemptions

*Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.*

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Cancellation and Refund Policy for Correspondence Schools

CANCELLATION POLICY

A full refund will be made to any student who cancels the enrollment contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays and legal holidays) after the enrollment contract is signed.

REFUND POLICY

1. Refund computations will be based on the number of lessons in the program
2. The effective date of termination for refund purposes will be the earliest of the following:
 - a) the date of notification to the student if the student is terminated;
 - b) the date of receipt of written notice from the student; or
 - c) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that he wishes to remain enrolled
3. If tuition and fees are collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the program, not more than \$50 shall be retained by the school.
4. If the student who enters a correspondence program terminates or withdraws after the expiration of the 72-hour cancellation privilege, the school may retain \$50 of the tuition and fees and the minimum refund of the remaining tuition, fees, and other charged will be the pro rate that the number of lessons completed and services by the school bears to the total number of lessons in the program.
5. A full refund of all tuition and fees is due in each of the following cases:
 - a) an enrollee is not accepted by the school
 - b) if the program of instruction is discontinued by the school and this prevents the student from completing the program; or
 - c) if the student's enrollment was procured as a result of any misrepresentation in advertising, promotional materials of the school, or misrepresentations by the owner or representatives of the school.
6. Refunds will be totally consummated within 60 days after the effective date of termination.

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

CANCELLATION POLICY

A full refund will be made to any student who cancels the enrollment contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays and legal holidays) after the enrollment contract is signed and a tour of the facilities and inspection of the equipment is made by the prospective student.

REFUND POLICY

1. Refund computations will be based on scheduled clock hours of class attendance through the last date of attendance. Leaves of absence, suspensions, and school holidays will not be counted as part of the scheduled class attendance.
2. The effective date of the termination for refund purposes will be the earliest of the following:
 - (a) The last day of attendance, if the student is terminated by the school;
 - (b) The date of receipt of written notice from the student; or
 - (c) Ten school days following the last date of attendance.
3. If tuition and fees are collected in advance of entrance, and if after expiration of the 72 hour cancellation privilege the student does not enter school, not more than \$100 shall be retained by the school.
4. If the student who enters a residence course of not more than 12 months in length terminates or withdraws after the expiration of the 72 hour cancellation privilege, the school may retain \$100 of the tuition and fees and the minimum refund of the remaining tuition and fees will be:
 - (a) During the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition and fees;
 - (b) After the first week or one-tenth of the course, whichever is less, but within the first three weeks or one-fifth of the course, whichever is less, 80 percent of the remaining tuition and fees;
 - (c) After the first three weeks or one-fifth of the course, whichever is less, but within the first quarter of the course, 75 percent of the remaining tuition and fees;
 - (d) During the second quarter of the course, 50 percent of the remaining tuition and fees;
 - (e) During the third quarter of the course, 10 percent of the remaining tuition and fees; or
 - (f) During the last quarter of the course, the student may be considered obligated for the full tuition and fees.
5. The student will not be required to purchase instructional supplies, books and tools until such time as these materials are required. Once these materials are purchased, no refund will be made.
6. For residence courses more than 12 months in length, the refund shall be applied for each 12 month period paid, or part thereof, separately.
7. The length of a course for purposes of calculating refunds owed, is the shortest scheduled time period in which the course may be completed by continuous attendance of a full-time student;
8. A full refund of all tuition and fees is due and refundable in each of the following cases:
 - (a) An enrollee is not accepted by the school;
 - (b) If the course of instruction is discontinued by the school and this prevents the student from completing the course; or
 - (c) If the student's enrollment was procured as a result of any misrepresentation in advertising, promotional materials of the school, or representations by the owner or representatives of the school.
9. Refunds will be totally consummated within 60 days after the effective date of termination.

*Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.*

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Directions for Changing the Name of a Career School and College

- A. Submit an original and one copy of the following:
1. PS-001 (R/C/S) Application for Certificate of Approval using the new name of the school.
 2. PS-001W Owner's Affidavit for each owner listed on the application, using the new name of the school.
 3. PS-001V Affidavit of On-Campus Enrollment using the new name of the school. *(Not required for seminar only or correspondence schools or residence schools with a Detachable Notice of Cancellation on enrollment agreement.) ****
 4. PS-001Z Director's Statement using the new name of the school.
 5. School Catalog or "Seminar Only School Conveyance Requirements" document - see Catalog Guide PS-001X*** or Seminar Only School Conveyance Requirements enclosed, using the new name of the school where applicable. *(Addendum and paste-over may be used until next printing).* All Catalog changes for residence and correspondence schools shall be accompanied by the form PS-042R Summary of Changes. ***
 6. Enrollment Agreement, see Enrollment Contract Checklist (PS-190) enclosed, using the new name of the school, with the Summary of Changes PS-042. *(Enrollment agreement or supplements not required for seminar only school.) ****
 7. All other documents (and advertisements) where the name of the school appears, using the new name of the school.
- B. Submit the fee of \$150 for the school and \$15 for each representative.
- C. Submit evidence of registration of the new assumed name with the county clerk. Evidence of registration with the Secretary of State is also required if the owner is a corporation.
- D. Submit a rider to the bond to show as principal the owner dba the new name of the school.

NOTE: *Certain types of schools are prohibited from using the word "college" or "university." Should you wish to use either of these words in the school or corporate name, you should first obtain approval from the Texas Higher Education Coordinating Board, 7745 Chevy Chase Drive, Austin, Texas 78752, and provide a copy of that approval with your new application.*

Enclosures:

PS-001-R/C/S	(Application for Certificate of Approval)
PS-001W	(Owner's Affidavit)
PS-001V	(Affidavit of On-Campus Enrollment)*** (Not for seminar, correspondence, or residence with Detachable Notice)
PS-001Z	(Director's Statement)
PS-001X	(Catalog Guide PS-001X)***
PS-190	(Enrollment Contract Checklist)***
PS-042R	(Summary of Changes)***
PS-186	(Fee Sheet)
Unnumbered	(Seminar Only School Conveyance Requirements)

***Not required for Seminar Only Schools

Career Schools and Veterans Education

Directions for Changing the Address of a Career School and College

- A. Submit an original and one copy of the following:
1. PS-001(R/C/S) Application for Certificate of Approval using the new address of the school.
 2. PS-001W Owner’s Affidavit for each owner listed on the application, using the new address of the school.
 3. PS-001V Affidavit of On-Campus Enrollment using the new address of the school. *(Not required for seminar only or correspondence schools or residence schools with a Detachable Notice of Cancellation on enrollment agreement.)****
 4. PS-001Z Director’s Statement using the new address of the school.
 5. School Catalog or "Seminar Only School Conveyance Requirements" document - see Catalog Guide PS-001X*** or Seminar Only School Conveyance Requirements enclosed, using the new address of the school where applicable. *(Addendum and paste-over may be used until next printing)*. All Catalog changes for residence and correspondence schools shall be accompanied by the form PS-042R Summary of Changes.***
 6. Enrollment Agreement, see Enrollment Contract Checklist (PS-190) enclosed, using the new address of the school, with the Summary of Changes PS-042R. *(Enrollment agreement or supplements not required for seminar only school.)****
 7. All other documents (and advertisements) where the address of the school appears, using the new address of the school.
 8. Facilities & Equipment Inspection Request (PS-004)
- B. Submit the fee of \$270 for the school and \$15 for each representative.
- C. Please note that in most cases an on-site survey will be required. Please complete and submit the attached Facilities & Equipment Inspection Request PS-004. **The effective date of the Certificate of Approval will be the date of the survey or the date the last document is received, whichever is later.**

- Enclosures:
- PS-001-R/C/S (Application for Certificate of Approval)
 - PS-001W (Owner’s Affidavit)
 - PS-001V (Affidavit of On-Campus Enrollment)*** (Not for seminar, correspondence, or residence with Detachable Notice)
 - PS-001Z (Director’s Statement)
 - PS-001X (Catalog Guide PS-001X)***
 - PS-190 (Enrollment Contract Checklist)***
 - PS-042R (Summary of Changes)***
 - PS-186 (Fee Sheet)
 - PS-004 (Facilities & Equipment Inspection Request)
 - Unnumbered (Seminar Only School Conveyance Requirements)
 - PS-100 Survey Checklist
- *** Not required for Seminar Only Schools

PLEASE NOTE: An on-site survey will be conducted after the date you indicate you are ready on the Facilities & Equipment Inspection Request (PS-004) you submit. You will be contacted in advance. Refer to the attached PS-100 Survey Checklist to learn what will be examined during this survey visit.

Career Schools and Veterans Education

DIRECTIONS FOR CHANGE OF OWNERSHIP

Chapter 132, Texas Education Code, prohibits the operation of a school in Texas without first obtaining a Certificate of Approval. This Certificate of Approval is issued to the owner of a school, and is **nontransferable**. In the event of a change in ownership of a school, the new owner must, at least thirty (30) days prior to the change in ownership, apply for a Certificate of Approval. The new owner must have a Certificate of Approval **PRIOR TO CONSUMMATION OF THE SALE**; otherwise, any operation of the school after the sale would be in violation of the law.

The prospective owner will furnish the following at least thirty (30) days prior to change of ownership:

1. Submit one original and one copy of the following:
 - a. PS-001 (R/C/S) Application for Certificate of Approval using the new name of the owner of the school.
 - b. PS-001W Owner's Affidavit for each owner listed on the application, using the new name of the owner of the school.
 - c. PS-001V Affidavit of On-Campus Enrollment using the new name of the owner of the school, if applicable. (Not required for seminar only or correspondence schools or residence schools with a Detachable Notice of Cancellation on enrollment agreement).***)
 - d. PS-001Z Director's Statement using the new name of the owner of the school, if applicable.
 - e. School Catalog or "Seminar Only School Conveyance Requirements" document - see Catalog Guide PS-001X*** or Seminar Only School Conveyance Requirements enclosed, using the new name of the owner of the school where applicable. (*Addendum and paste-over may be used until next printing*). All Catalog changes for residence and correspondence schools shall be accompanied by the form PS-042R Summary of Changes.***
 - f. Enrollment Agreement, see Enrollment Contract Checklist (PS-190) enclosed, using the new name of the owner of the school, if applicable, with the Summary of Changes PS-042. (*Enrollment agreement or supplements not required for seminar only school.*)***
 - g. All other documents (and advertisements) where the name of the owner of the school appears, using the new name of the owner of the school where applicable.
2. A bond in the penal sum of \$50,000 shall be provided unless the school can qualify for a \$5,000, \$10,000, \$15,000, \$20,000, \$25,000, \$30,000, \$35,000, \$40,000 or \$45,000 bond. A \$50,000 bond form, a bond application, and a general information sheet on bonds are enclosed. The bond on file may not be transferred to the new owner.
3. Appropriate fees \$3,000 for a large career school or college, \$1001 for a small career school or college. A small career school and college is defined by *Title 40, Texas Administrative Code*, as a career school and college that does not receive payment from

federal funds under 20 United States Code 1070 et seq. and its subsequent amendments or a prepaid federal or state source for any student tuition, fees, or other charges, and either: (a) has an annual gross income from student tuition and fees that is less than or equal to \$100,000 for programs regulated by the agency; or, (b) exclusively offers programs to assist students to prepare for an undergraduate or graduate course of study at a college or university; or, (c) exclusively offers programs to assist students who have obtained or are in the process of obtaining degrees after completing an undergraduate or graduate course of study at a college or university to prepare for an examination.

4. Assumed name registration:
 - a. If the new ownership is a sole proprietorship or general partnership, submit registration with the county clerk in the county(ies) where instruction will be taking place.
 - b. If the new ownership is to be a corporation, please submit copies of:
 - (1) registration with the county clerk in the county(ies) where instruction will be taking place, and
 - (2) registration with the Secretary of State. You should contact:

Corporation Section
Secretary of State's Office
Post Office Box 13697
Austin, Texas 78711
(512) 463-5582

5. Evidence of financial stability:
 - a. Statement of financial position (balance sheet) of the **purchaser** in a form consistent with generally accepted accounting principles (GAAP) and reviewed or audited (discussed below) by a licensed independent certified public accountant or public accountant registered with the appropriate state board of public accountancy. Specific requirements based on proposed ownership are outlined below:
 - (1) Individual: The accountant must review the financial statement. This must be a personal balance sheet dated within four (4) months just prior to the date of submission. The notes to the personal balance sheet must disclose the amount of payments for the next five years to meet debt agreements as required by GAAP for other types of financial statements. For a review, please reference Statement on Standards for Accounting and Review Services, American Institute of Certified Public Accountants, December 1978.
 - (2) Partnership or Corporation: One of the following must be submitted:

- (a) A balance sheet which has been audited by the accountant. The date must be within four (4) months just prior to the date of submission.
 - (b) Financial statements for the last fiscal year which have been audited by the accountant. If more than four (4) months have elapsed since the fiscal year end, a separate balance sheet, which has been compiled by the accountant, must also be submitted. The date of the compilation must be within the last four (4) months just prior to the date of submission. Compiled statements must include all notes required by GAAP.
- (3) Parent Corporation: The audited financial statements for the parent corporation may be used to establish financial stability for the purchaser if the statements are accompanied by a certified resolution of the parent corporation's board of directors. This resolution must state that the parent corporation assumes full responsibility for ensuring that each student enrolled in the subsidiary school receives either the training agreed upon or a refund as provided in the Texas Career Schools and Colleges Act.
 - b. The financial statement must be accompanied by a report of the accountant or accounting firm associated with the statement. NOTE: Out-of-state accountants must give their state license numbers.
 - c. A pro forma balance sheet of the purchaser, or the existing corporation if stock is being purchased, reflecting the effect of the sale. If stock in the corporation is being sold, the pro forma should be of the existing corporation. If there will be no changes, a letter will suffice. This must be prepared by an independent PA or CPA.
 - d. Any other evidence or materials appropriate to establish financial stability.
- 6. Three (3) copies of the sales contract or agreement including any pertinent supportive documents.* The sales contract must include:
 - a. acceptance by the purchaser for all refund liabilities which may have arisen during the operation of the school by the seller or any other former owner,
 - b. a statement to the effect that the sale is subject to approval by the Texas Workforce Commission, and
 - c. assumption by the purchaser of the liabilities, duties, and obligations under the enrollment contracts between the students and the seller which the seller is obligated to provide on or after the effective date of the sale.

*Supportive documents to the sales contract include:

- (1) articles of incorporation, minutes of the board of directors, or other evidence that the individuals acting as agent for the buyer and seller have authority to make the transaction,
- (2) any bills of sale or promissory notes associated with the contract, and
- (3) if the closing date for the transaction has passed, evidence that each party has complied or is presently complying with the contract.

If the school is being incorporated, a certified copy of the resolution to purchase or assume control of the school must be submitted.

- d. If the school is approved for veterans, you must submit a notarized statement, which certifies that:
 - (1) the school has remained essentially the same as to faculty, student body, and the courses offered;
 - (2) all, or substantially all, of the school's assets, which are directly related to the school's educational activities, have been acquired;
 - (3) the new owner has assumed liability on the date the school is sold for all, or substantially all, of the outstanding debts incurred as a direct result of the school's educational activities under previous ownership, including overpayments of educational assistance for which the school is liable or may become liable under 38 CFR 21.4009;
 - (4) all refunds to veterans and other eligible persons under 38 CFR 21.4254(c)(13) that were due on the date the school was sold have been made; and
 - (5) all student contracts with veterans or eligible persons that were signed or approved by the school's authorities before the effective date of the change of ownership will be honored.

7. For each sales representative submit:

- a. a fee in the amount of \$90.00 and
- b. a new representative permit application. This application will be needed only **if** there has been a change in the name of the representative or home address of the representative. Form enclosed.

8. Corporations must send copies of all issued stock certificates (front and back). Provide an accounting of all stock certificates if those submitted are not sequential. Partnerships must send a copy of the executed partnership agreement.

NOTE: Career schools and colleges are prohibited from using the term “college”, “university”, “seminary”, “school of medicine”, “medical school”, “health science center”, “school of law”, “law school”, or “law center” in the official name or title. Should you wish to use any of these terms in the school or corporate name, you should first obtain approval from:

Texas Higher Education Coordinating Board
Post Office Box 12788
Austin, Texas 78711

(512) 483-6100

Evidence of this approval must be submitted upon receipt.

If you have any questions concerning the Application for Approval forms, please contact one of the appropriate specialists listed in the Staff Roster.

Items for the change of ownership should be mailed to:

Career Schools and Veterans Education - Controller
Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001

Enclosures:

Application for Certificate of Approval (PS-001-R/C/S)

Owner's Affidavit (PS-001W)

Affidavit of On-Campus Enrollment (PS-001V)*** (Not for seminar, correspondence or residence with Detachable Notice)

Director's Statement (PS-001Z)

Catalog Guide (PS-001X)***

Seminar Only School Conveyance Requirements (unnumbered)

Summary of Changes (PS-042R) ***

Current List of Instructors (PS-002C)

Sample Calendar and Class Schedules (PS-003)

Enrollment Contract Checklist (PS-190)***

General Information on Bonds (PS-022)

Certificate of Approval Bond (PS-006)

Reduced Bond Application (PS-019)

Fee Sheet (PS-186)

Cancellation/Refund Policies (PS-023R, PS-023C, or PS-023S)

Representative Registration Application (PS-014)

Staff Roster (PS-001RO)

Survey Checklist (PS-100)

*** Not required for Seminar Only Schools

PLEASE NOTE: An on-site survey will be conducted 90 days after the change of ownership. You will be contacted in advance. Refer to the attached PS-100 Survey Checklist to learn what will be examined during this survey visit.

TEXAS WORKFORCE COMMISSION**Career Schools and Veterans Education**Summary of Changes

-
1. **This form is only for use by residence schools**
 2. To submit New or Revised Program Applications, refer to the instructions on PS-302, New Program Application or PS-303, Revised Program Application. New Program Applications require that you submit one copy of the catalog pages. Revised Program Applications must include one copy of the current catalog pages and one copy of the revised catalog pages. Both applications require that you include **a notarized original and one copy** of the cover sheet, PS-042R with your application.
 3. For all other catalog submissions, submit **a notarized original and one copy** of the cover sheet, PS-042R, with all changes/revisions annotated. If necessary, attach explanations on plain bond paper detailing proposed changes/revisions. **Changed/revised documents submitted without a cover sheet will be returned unprocessed.**
 4. All changes/revisions must be listed and explained. Be as specific as possible, both in listing the change/revision, and in the explanation. For example, if the faculty has changed, list the names of the people no longer employed and list the new employees.
 5. When listing changes/revisions, use the following categories:
 - REVISED: (Changes/revisions to existing information)
 - NEW: (Information not previously provided)
 - DELETED: (Information being removed)
 6. **If you are changing/revising your catalog, send a new catalog, not just revised pages.** We need to have on file the catalog you are giving to your students.

TWC must be notified of all changes/revisions; however, only enrollment agreements will be returned approved or disapproved

Each changed/revised area must be listed and explained

You are responsible for ensuring that the attached document contains all information required by the TWC and that all statements and policies made in the attached document are true, correct, and in compliance with the Texas Education Code and the Texas Administrative Code.

Failure to notify TWC or failure to ensure compliance of changes/revisions may result in any of the following

Revocation of the Certificate of Approval

Denial of the Certificate of Approval

Civil Penalty

Refund Audit

Full Refund of Tuition

Interest Penalties

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Summary of Changes

SCHOOL # _____

RETURN TO:

(Name)

(Address)

(Name, Title of School Official)

(City, State, Zip)

(E-Mail Address)

(Phone)

(800 number, if applicable)

	Page Number	Check if Revised
1. Table of Contents and/or Index	_____	<input type="checkbox"/>
2. Name and Street Address of School.....	_____	<input type="checkbox"/>
3. Identifying Data	_____	<input type="checkbox"/>
4. History, including any/all Accreditations/Approvals	_____	<input type="checkbox"/>
5. Description of Available Space, Facilities, and Equipment	_____	<input type="checkbox"/>
6. Listing of Officers, Directors, Trustees or Partners, or Owner.....	_____	<input type="checkbox"/>
7. Listing of Key Staff and Faculty	_____	<input type="checkbox"/>
8. Fees, Tuition, and/or Special Charges.....	_____	<input type="checkbox"/>
9. School Calendar	_____	<input type="checkbox"/>
10. Normal Hours of Operation.....	_____	<input type="checkbox"/>
11. Admission/Enrollment/Readmission Policies	_____	<input type="checkbox"/>
12. Policy for Granting Credit.....	_____	<input type="checkbox"/>
13. Cancellation and Refund Policy	_____	<input type="checkbox"/>
14. Programs (You must also submit form PS-302 or PS-303).....	_____	<input type="checkbox"/>
15. Synopsis of Each Subject Offered.....	_____	<input type="checkbox"/>
16. Grading and Marking System	_____	<input type="checkbox"/>
17. Policy Concerning Satisfactory Progress	_____	<input type="checkbox"/>
18. Attendance Policy	_____	<input type="checkbox"/>
19. Policy Regarding Student Conduct	_____	<input type="checkbox"/>
20. Requirements for Graduation	_____	<input type="checkbox"/>
21. Description of School's Placement Assistance Policy	_____	<input type="checkbox"/>
22. Policies and Procedures to Resolve Student Grievances/Complaints.....	_____	<input type="checkbox"/>
23. Enrollment Agreement.....	_____	<input type="checkbox"/>
24. Other	_____	<input type="checkbox"/>

I certify that the attached document contains all information required by the Texas Workforce Commission and that all statements and policies made in the attached document are true, correct, and in compliance with the Texas Education Code and the Title 40, Texas Administrative Code. I understand that submitting false, misleading, or incomplete information may result in a fine, and/or revocation or denial of the school's Certificate of Approval. Further, I understand that a 100% refund is due any student whose enrollment was procured as result of misrepresentation in advertising or promotional materials of the school.

(Signature of Owner or Director – In Blue Ink)

(Date)

(Typed or Printed Name and Title)

Sworn to and subscribed before me on this, the _____ day of _____, 20_____

(Notary Public – In Blue Ink)

My Commission Expires:_____

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

Career Schools and Veterans Education

Summary of Changes

-
- 1. This form is only for use by seminar and correspondence schools only.**
 - Submit one copy of current catalog pages and two draft copies of catalog pages with proposed changes/revisions.
 - Page 2 of this form is the cover sheet. Submit **a notarized original and one copy** of the cover sheet, PS-042SC, with all changes/revisions annotated. If necessary, attach explanations on plain bond paper detailing proposed changes/revisions. **Changes/revisions submitted without a cover sheet will be returned unprocessed.**
 - All changes/revisions must be listed and explained. Be as specific as possible, both in listing the change/revision, and in the explanation. For example, if the faculty has changed, list the names of the people no longer employed and list the new employees.
 - When listing changes/revisions, use the following categories:
 - REVISED: (Changes/revisions to existing information)
 - NEW: (Information not previously provided)
 - DELETED: (Information being removed)

TWC must be notified of all changes/revisions; however, only enrollment agreements will be returned approved or disapproved

Each changed/revise d area must be listed and explained

You are responsible for ensuring that the attached document contains all information required by the TWC and that all statements and policies made in the attached document are true, correct, and in compliance with the *Texas Education Code* and the *Texas Administrative Code*.

Failure to notify TWC or failure to ensure compliance of changes/revisions may result in any of the following

Revocation of the Certificate of Approval

Denial of the Certificate of Approval

Civil Penalty

Refund Audit

Full Refund of Tuition

Interest Penalties

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Summary of Changes

SCHOOL #: _____

(Name)

(Address)

(City, State, Zip)

(E-Mail Address)

(Phone)

RETURN TO:

(Name, Title of School Official)

(800 number, if applicable)

REVISED: _____

NEW: _____

DELETED: _____

I certify that the attached document contains all information required by the Texas Workforce Commission and that all statements and polices made in the attached document are true, correct, and in compliance with the Texas Education Code and the Title 40, Texas Administrative Code. I understand that submitting false, misleading, or incomplete information may result in a fine, and/or revocation or denial of the school's Certificate of Approval. Further, I understand that a 100% refund is due any student whose enrollment was procured as result of misrepresentation in advertising or promotional materials of the school.

(Signature of Owner or Director – *In Blue Ink*)

(Date)

(Typed or Printed Name and Title)

Sworn to and subscribed before me on this, the _____ day of _____, 20_____

(Notary Public – *sign in Blue Ink*)

My Commission Expires: _____

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

INSTRUCTIONS FOR REIMBURSEMENT CLAIM OF TEACHOUT EXPENSES

In order to be eligible for reimbursement from the fund, a school's Application for Reimbursable Teachout Expenses must be submitted by **January 31,** for those students who completed the program during the 12-month period from October 1, through September 30,. The teachout school must submit a separate application for each program considered for reimbursement and the appropriate verifiable supporting documentation to:

Texas Workforce Commission (TWC)
Career Schools and Veterans Education Section
ATTN: Michael De Long
101 East 15th Street Room 202T
Austin, Texas 78778-0001

Verifiable supporting documentation includes, but is not limited to, all of the following:

1. Submitted on a separate sheet attached to the application, the name of the certificate or degree program along with a list including:
 - a. student's name;
 - b. social security number; and
 - c. date of birth.

In addition, the following supporting documentation for *each* student must be submitted:

- a. copy of enrollment agreement;
 - b. graduation certificate or termination notice; and
 - c. total amount received for the student and the funding source (if applicable).
2. Actual expenses, by expense item, that were ***directly associated with the additional cost*** of the teachout program including teacher salaries, rental of additional facilities, rental of equipment, rental of furniture, required supplies including student-owned books, equipment, tools, or supplies purchased by the school. ***These are only items that are over and above the normal operating costs due to the addition of students from the teachout.*** This information should be entered on the attached application. To support the additional cost of the teachout program, the following verifiable documentation should be provided:

- a. **Instructor Salaries** (see application, page 1, item 1a) Documentation *must* include:

- copies of the original payroll records, ledgers, journals, or time cards and
- copies of canceled payroll checks (front and back)

These records must also include, for comparison, payroll information for the semester/term *prior* to the teachout as well as the semester/term in which the teachout occurred. These records must show that the additional instructor(s) were employed to instruct teachout students or existing instructor(s) had an increase in hours for the purpose of instructing teachout students.

- b. **Facilities, Equipment, and Furniture Rental** (see application, page 1, items 1b-1d)
A record of rental expenses and copies of canceled rental expense checks (front and back) showing that increased rental payments for additional facilities, equipment, or furniture began when the teachout started and was required for teachout students.
- c. **Required Office Supplies** (see application, page 1, item 1e)
Copies of invoices/requisitions showing supplies purchased or distributed during the teachout with an explanation of the need for the supplies.
- d. **Student-owned Books, Equipment, Tools, or Supplies** (see application, page 1, item 1f)
Copies of each student's receipts for books, equipment, tools, or supplies paid by the school.

NOTE: The teachout school shall not claim expenses for facilities, equipment, utilities, or other items which were owned, rented, used, or otherwise obligated by the school prior to the director's approval of the teachout program even though such items may be used for the teachout program. **Claims for teachout expenses must be supported by verifiable documentation showing that extra expenses were incurred due to the teachout.**

1. Teachout expenses shall be disbursed to a teachout school in accordance with the following conditions:
 - a. School claims for reimbursable teachout expenses require the approval of the Commission;
 - b. Actual expenses shall be determined by the teachout school following the graduation or termination of the students from the teachout school;
 - c. Reimbursable teachout expenses shall be limited to expenses for tuition and fees that are non-recoverable from all financial resources including, but not limited to, grants and loans;
 - d. The sum of the tuition and fees paid to the student's account at the closed school and the teachout school must be the lesser of the amount the student would have been charged for the complete program at the closed school or the teachout school;
 - e. The teachout school must give credit for all training that is comparable to the training received at the closed school; and
 - f. Additional information may be requested.
2. Reimbursement from the fund for teachout expenses will occur after disbursements for student tuition refunds have been processed for the fiscal year in which the school for which the teachout is offered had closed. The amount reimbursed will be prorated among those schools approved for reimbursement from the remaining balance.

If you have any questions, please call Michael De Long (512) 936-3104.

REIMBURSEMENT CLAIM OF TEACHOUT EXPENSES
(FOR THE 12-MONTH PERIOD OF OCTOBER 1, THROUGH SEPTEMBER 30,)

A *separate application* must be completed for each program to be considered for reimbursement.

TEACHOUT SCHOOL	CLOSED SCHOOL
<hr/> Name <hr/> Street <hr/> City, State Zip <hr/> Program Name <hr/> Contact Person at Teachout School	<hr/> Name <hr/> Street <hr/> City, State Zip <hr/> Program Name <hr/> Telephone Number at Teachout School
Initial number of students in teachout program	<div style="display: flex; align-items: center;"> <div style="flex: 1;">_____</div> <div style="flex: 1; font-weight: bold;">NOTE: <i>Completed</i></div> </div>
Number of students <i>completing</i> teachout program this period	<div style="display: flex; align-items: center;"> <div style="flex: 1;">_____</div> <div style="flex: 1;">students are those who</div> </div>
Number of students <i>completing</i> teachout program in prior period(s)	<div style="display: flex; align-items: center;"> <div style="flex: 1;">_____</div> <div style="flex: 1;">have either graduated</div> </div>
Balance of students to be taught	<div style="display: flex; align-items: center;"> <div style="flex: 1;">_____</div> <div style="flex: 1;">or terminated.</div> </div>

1. Additional Costs of Teachout Program (*attach verifiable supporting documentation*)
 - a. Teacher salaries \$ _____
 - b. Facilities rental \$ _____
 - c. Equipment rental \$ _____
 - d. Furniture rental \$ _____
 - e. Required office supplies \$ _____
 - f. Student-owned books, equipment & tools/supplies paid by school \$ _____
2. Total of Additional Costs [Add Lines 1a through 1f] \$ _____
3. Total program revenues received for all students \$ _____
4. Net Claim [Subtract Line 3 from Line 2] \$ _____

THE UNDERSIGNED HAVE THOROUGHLY INSPECTED THE ATTACHMENTS LISTED BELOW AND, UNDER PENALTY OF PERJURY, TESTIFY THAT THEY ARE TRUE AND CORRECT.

SIGNATURE OF EACH OFFICER OR PRINCIPAL OWNER:

_____ SIGNATURE – <i>In Blue Ink</i>	_____ TYPED NAME AND TITLE
_____ SIGNATURE – <i>In Blue Ink</i>	_____ TYPED NAME AND TITLE
_____ SIGNATURE – <i>In Blue Ink</i>	_____ TYPED NAME AND TITLE
_____ SIGNATURE – <i>In Blue Ink</i>	_____ TYPED NAME AND TITLE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 200

MY COMMISSION EXPIRES _____.

FOR STAFF USE ONLY			
_____ Reviewer	_____ Date Reviewed	_____ Director Approval	_____ Date Approved
_____ Amount of Claim	_____ Amount Paid	_____ Date Paid	_____ Warrant Number

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

August 9, 2004

Dear Owner/Director:

Please find enclosed the 2003 – 2004 Annual Enrollment and Outcomes Data Packet for the reporting period of July 1, 2003 through August 31, 2004-**FOR THIS YEAR ONLY. NEXT YEAR'S** Reporting Period will be September 1, 2004 through August 31, 2005.

Make sure that you double-check your figures with last year's report and that all of the totals/edit checks work out.

The deadline to submit the 2003 – 2004 enrollment and outcomes forms to the Texas Workforce Commission (TWC) is **on or before December 1, 2004.**

If your school was not operating during this time period, please submit a letter stating so.

Be sure to submit your school's **three enrollment and outcomes forms (B, C, and D) no later than December 1st. *Failure to submit a complete and accurate report on time may place your school's Certificate of Approval in jeopardy.*** We appreciate your cooperation in gathering this important information on your programs. If you have any questions, you may call me at (512) 936-9264 or e-mail me at virginia.bosman@twc.state.tx.us.

Sincerely,

Virginia J. Bosman
Program Specialist
Career Schools and Colleges

Enclosure

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

2003 - 2004

Annual Enrollment and Outcomes Data Packet

July 1, 2003 – August 31, 2004 Reporting Period

This packet of materials contains the following:

<u>Page No.</u>	<u>Form</u>
2	Instructions for the Completer Follow-Up Survey Form, form PS-072A
3-5	Instructions for the Enrollment and Outcomes Report form, PS-072C
6	Instructions for the Student-Level Completer Information form, form PS-072D
7	Completer Follow-Up Survey Form , form PS-072A
8	Cover Document for Enrollment and Outcomes Report, PS-072B
9	Enrollment and Outcomes Report, form PS-072C
10	Student-Level Completer Information, form PS-072D

These materials are provided to assist you in complying with *Title 40, Texas Administrative Code, Section 807.214(b)*, which requires all schools to report job employment and placement data on an annual basis for each approved course at your school.

DUE DATE OF REPORT: • December 1, 2004 (postmarked on or before December 1st)

SUBMIT TO TWC: • Cover Document (notarized), form PS-072B,
• Enrollment and Outcomes Report, form PS-072C
• Student-Level Completer Information, form PS-072D

If you have questions or need additional information,
contact Virginia Bosman at (512) 936-9264
or e-mail virginia.bosman@twc.state.tx.us.

TEXAS WORKFORCE COMMISSION
Career Schools and Colleges Program
Instructions for Completer Follow-Up Survey, PS-072A

DEFINITIONS

1. *What is a **completer**?*

A completer is a student who:

- completed a vocational training program that leads to an entry-level job and graduated (received a certificate of completion or degree) from the school during the reporting period

Form PS-072A is to be filled out for each student who completes a vocational training program during the reporting period. The PS-072A forms should be kept at the school for review during TWC's annual renewal visit.

2. *What is meant by **placed**?*

If a school made an active effort (i.e., arranged an interview, contacted potential employers, brought potential employers to the school) to help the completer obtain a job related to his/her training and if the completer obtained that job as a result of this assistance, then that completer was placed by the school.

Posting job notices, handing students published job information, or offering job search classes are not considered to be placement.

INSTRUCTIONS

1. *What forms should be used to conduct the surveys of completers?*

Form PS-072A, Completer Follow-Up Survey, **must** be maintained in the school files for each completer to verify compliance with *Title 40, Texas Administrative Code, Section 807.214 (b)*. You may duplicate and use the form as needed. File the survey forms by program for each annual reporting period. Do not send the surveys to TWC.

2. *What if my school already documents enrollment, employment, and placement information on similar forms? Do I still have to keep a copy of form PS-072A on file for each completer?*

Yes, you must use TWC's form, PS-072A, to ensure uniformity in data collection and in records across all schools. You may, however, transfer the data from your records to the TWC form without contacting the student again.

3. *How should the survey forms be used to gather information?*

You may conduct surveys by mailing form PS-072A to completers, by contacting completers by telephone and referring to the form during the phone call, by transferring the data from your records to TWC's forms, or by using both the TWC's form and your own form. If the completer cannot be contacted, a telephone interview may be conducted with the completer's employer. On the form, document the person placing the call, the person receiving the call, and the date of the call.

Before surveying the completer, enter the student's name, completion date, and social security number as well as the name of the program exactly as approved. In the upper right corner of the form, note the survey method used, i.e., mail, phone, etc.

Schools are strongly encouraged to survey graduates throughout the year so your school's data on student completers is accurate, complete, and submitted on time.

4. *How long may I continue to survey completers?*

You may continue to survey completers until the report is due. For the 2003 - 2004 reporting period, the due date is December 1, 2004. If a completer is unemployed after graduation, but finds employment just before the report is due, you may count the completer as employed.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Instructions for Annual Enrollment and Outcomes Report, PS-072C

Record the school's number, name, physical address, and the name of the county in which the school operates.

SECTION I: PROGRAMS

Column (1): Program Name

List all programs *exactly* as they appear on the school's List of Approved Courses of Instruction. Include any programs deleted during the reporting period. Account for all programs on the List of Approved Courses of Instruction and offered during the reporting period. *If no students were enrolled in a program during the reporting period, fill in zeros.*

SECTION II: ENROLLMENT & COMPLETER STATUS

Column (2): Students still enrolled prior to Reporting Period

Record the student enrollment (the total number of students still in the program) prior to July 1, 2003. This number must equal the number in column (8) of the 2002 – 2003 Enrollment and Outcomes Report **if** your school was open during the 2002 – 2003 period and you submitted a report for that period.

Column (3): New Starts

Record the number of students who started classes in the program for the first time at your school during the period July 1, 2003 – August 31, 2004.

Column (4): Re-entries

Record the number of students who withdrew from the program prior to July 1, 2003 and have reenrolled (reentered) in the program for instruction during the period July 1, 2003 – August 31, 2004.

Column (5): Total

Record the sum of columns (2), (3), and (4) to show the total number of students who attended classes in the program at some time during the period July 1, 2003 – August 31, 2004.

The bottom line (Section V: Seminars) is reserved to record attendance (if any) in seminar courses. Combine all seminar course attendance and record on the designated line. If a student attended three seminars at a school between July 1st, 2003 and August 31, 2004, the school will count the student's attendance three times.

Column (6): Completers

Record the number of students who completed the program during the period July 1, 2003 – August 31, 2004. (REMINDER: A *completer* is a student who completed a program of subjects and received a certificate of completion or degree, i.e. graduated.)

Column (7): Leavers

Record the number of students who dropped out of (withdrew from) the program and never returned during the period July 1, 2003 – August 31, 2004. If a student dropped out during the reporting period and later returned to complete during the same reporting period, he/she is counted as a completer only.

Column (8): Students still enrolled at End of Reporting Period

Record the number of students who are still attending classes (did NOT graduate) in the program as of August 31, 2004. Remember this number will also be needed for the starting population Column (2) of the 2004-2005 report.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Instructions for Annual Enrollment and Outcomes Report, PS-072C (Cont'd.)

SECTION III: EMPLOYMENT STATUS

Record the employment status of each completer only **once** in Columns (9) through (13).

Columns (9) through (13) must total the number in column (6).

Employment status is taken from the student's response in the YES/NO section of form PS-072A, Completer Follow-Up Survey. The parenthesized numbers following the student's responses on the Completer Follow-Up Survey Form indicate the column in which the student should be recorded on the form PS-072C Completer and Placement / Employment Report. If the student checked more than one box in the YES/NO section of the Completer Follow-Up Survey, report only the status with the smallest column number.

Column (9): Placed

Record the number of completers who were employed in jobs related to their training, and *who were actually placed in those jobs by your school*.

Column (10): Not Placed

Record the number of completers who were employed in jobs related to their training, *but who found their own jobs without active assistance from the school*.

Column (11): Postsecondary Education

Record the number of completers who continued their education on a full-time basis at accredited institutions of higher education (postsecondary).

Column (12): Active Military Service

Record the number of completers who joined any branch of the United States Military for full-time active duty.

Column (13): Other

Record the number of completers whose status falls into any of the following categories:

- Worked full- or part-time in jobs that were NOT related to the field of training;
- Were NOT in the labor force, i.e., NOT actively looking for employment because of choice, illness, pregnancy, retirement, etc;
- Were unemployed but actively seeking employment;
- No data could be collected for them ("status unknown"). The school mailed out, but did not receive back the completed survey form, or the school made a diligent effort to contact the completer by phone but was unsuccessful;
- Other.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Instructions for Annual Enrollment and Outcomes Report, PS-072C (Cont'd.)

SECTION IV: RATES

Instructions for Calculating 2003 – 2004 Completion, Employment, and Placement Rates

Calculate the completion, employment, and placement rates for each program on the 2003 – 2004 report using the formulas below. These rates are to be used on Form PS-005, Receipt of Enrollment Policies, as soon as the Enrollment and Outcomes Report is submitted to TWC. The rates will be verified during TWC's annual on-site visit.

FORMULAS FOR CALCULATIONS:

Numbers in parentheses below are column numbers on page 9 of the Enrollment and Outcomes Report:

COMPLETION RATIO

$$\frac{\text{Completers}}{\text{Completers} + \text{Leavers}} \times 100 = \frac{\text{Column (6)}}{[\text{Column (6)} + \text{Column (7)}]} \times 100$$

EMPLOYMENT RATE

$$\frac{\text{Placed} + \text{Not Placed}}{\text{Completers}} \times 100 = \frac{[\text{Column (9)} + \text{Column (10)}]}{\text{Column (6)}} \times 100$$

PLACEMENT RATE

$$\frac{\text{Placed}}{\text{Completers}} \times 100 = \frac{\text{Column(9)}}{\text{Column (6)}} \times 100$$

SECTION V: SEMINARS

Record the total attendance for all seminars at the school during the reporting period.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Instructions for Student-Level Completer Information, PS-072D

You may copy the form provided and use as needed, or you may provide the same information on forms you have developed. If you have the necessary information on a database or other format, you may submit the data in your self-generated format as long as all required information is provided. If your forms or format require additional explanation or clarification, please include directions for interpreting the data.

Record the school's number, name, and physical address.

Program Name: Record the name of the program exactly as it appears on the school's List of Approved Courses of Instruction. Schools with degree programs may abbreviate the degree type (AAS, AAA, AOS).

Student Name: Record the first and last name of each student who completed the program between July 1, 2003 and August 31, 2004.

SSN: Record the social security number of each completer.

Start Date: Record the month and year the student entered the program (i.e., 10/03).

Grad Date: Record the month and year the student completed and graduated from the program (i.e., 6/04).

Name of Employer & City: If the completer is employed, record the employer's name and city.
If the completer is enrolled full-time at an accredited institution of higher education, record the name of the institution and the city.
If the completer has joined any branch of the United States Military for full-time duty, record the branch of service and the city.

Job Title: If the completer is employed, record the job title. Do not record the name of the school's training program.
If the completer is enrolled full-time at an accredited institution of higher education, record the program or major.

Start Wage: Record the starting hourly wage for each employed completer.

Phone Number: If the completer is employed, record the employer's phone number.
If the completer is enrolled full-time at an accredited institution of higher education, record the student's home phone number.
If the completer has joined any branch of the United States Military for full-time duty, record the phone number of the local recruiting office or the military duty phone number.
If the completer is not employed, enrolled full-time in higher education, or in the military full-time, record the home phone number of the completer.

Placed/Not Placed: Record a "P" if the completer was actively assisted by the school to obtain a job related to his/her training. Record an "NP" if the completer found his/her own job related to training and was not actively assisted by the school to get the job.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Completer Follow-Up Survey

TO BE COMPLETED BY SCHOOL:

Student Name

Social Security Number

Student's Graduation Date

Program Name

IF TELEPHONE INTERVIEW, TO BE COMPLETED BY SCHOOL:

Name and Title of School Official Making Phone Call

Person's Name Receiving Phone Call

Date of Phone Interview

RECENT GRADUATES: Please check as many boxes as apply.

Since graduation, have you worked in the field for which you were trained?

YES



I obtained this job:

with the help of the school placement department or school staff (not applicable for Modeling or Acting programs) Column [9]

The school:

- arranged the job interview for me
- contacted the employer on my behalf.
- brought the employer to a school-sponsored job fair
- other: _____

on my own or with help from an outside source. Column [10]



NO



Since graduation, I have

enrolled full-time in the _____ program at _____
Name of Program or Major

Name of Postsecondary Education Institution

enlisted full time in the _____ Column [12]
Name of Military Branch

Recruiting Office Phone Number

other: _____ Column [13]

JOB INFORMATION

Please complete the following information for your most recent job in your field of training.

Name of firm/company where you are/were employed (write "self" if self-employed.)

First day on the Job

Job Title

Starting Hourly Wage

Job Duties

Address, city, state, zip code of the company/ firm

Immediate Supervisor: Full Name

(_____) _____
Telephone Number of Employer/Company

Student's Signature

Date

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges Program

Cover Sheet for Annual Enrollment and Outcome Report

July 1, 2003 – August 31, 2004

_____ Name of School	_____ School Number	_____ Contact Person for this Report
_____ Address		() Phone Number
_____ City, State, ZIP		_____ County Name

AUTHORITY FOR DATA COLLECTION: *Texas Education Code, §132.055(o).*

PLANNED USE OF THE DATA: Provide labor supply data for the Texas State Labor Market System; determine completion, employment, and placement rates; and provide those rates to prospective and current students.

INSTRUCTIONS: Every career school or college must submit one complete report which contains this notarized form, PS-072B, with original signatures; form PS-072C, Enrollment and Outcomes Report; and form PS-072D, Student-Level Completer Information. Please read the enclosed instructions carefully before completing the forms.

STATE OF _____,

COUNTY OF _____, WHERE WITNESSED.

I, _____, BEING FULLY SWORN, DEPOSE AND SAY THAT THE
(Type or Print Name)

INFORMATION STATED ON THIS FORM AND DOCUMENTS ATTACHED HERETO IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

(Typed Name and Signature of School Owner, Director, or Authorized Official of the School)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20__.

SEAL

Notary Public

My Commission Expires

Mail notarized form PS-072B, Cover Sheet; the original form PS-072C, Enrollment and Outcomes Report; and form PS-072D, Student-Level Completer Information, to:

Enrollment & Outcomes Coordinator
Texas Workforce Commission
Career Schools and Colleges Section
101 East 15th Street Room 202T
Austin, Texas 78778-0001

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Colleges Section, 101 East 15th Street, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION
Career Schools and Colleges Program

Annual Enrollment & Outcomes Report
 July 1, 2003 – August 31, 2004

School Number _____ School Name _____

County Name _____

Page _____ of _____

Street Address and City _____

SECTION I: PROGRAMS	SECTION II: ENROLLMENT & COMPLETER STATUS							SECTION III: EMPLOYMENT STATUS					SECTION IV: RATES		
Program Name (Write full program name exactly as listed on List of Approved Courses of Instruction.) (1)	Students enrolled prior to Start of Reporting Period (2)	New Starts (3)	Re-entries (4)	(2) + (3) + (4) & (6) + (7) + (8) Total *(5)	(Grads) Completers *(6)	Leavers (7)	Students still enrolled at End of Reporting Period (8)	Employed in a Related Field		Post-Sec Ed (11)	Active Military Service (12)	Other (13)	Completion ____(6) [(6) + (7)]	Employment [(9) + (10)] (6)	Placement (9) (6)
								Placed (9)	Not Placed (10)						
SECTION V: SEMINARS															

EDIT CHECKS:
 *(5) = (2) + (3) + (4)
 *(5) = (6) + (7) + (8)
 *(6) = (9) + (10) + (11) + (12) + (13)

Calculate completion, employment, and placement rates for each program and begin using them immediately on form PS-005, Receipt of Enrollment Policies.

August 9, 2004

Dear Career School or College Seminar School Owner/Director:

The Texas Workforce Commission's Career Schools and Colleges Program is requesting that your school submit annual enrollment data no later than December 1, 2004.

An important measure of career school or college regulation is the number of students served annually by licensed schools. As you may know, the Career Schools and Colleges Program has collected enrollment and outcomes data on vocational training programs since 1990. **NOW**, the Program Unit is also requiring **seminar schools to submit their annual enrollment statistics**. Your cooperation will enable the Commission to determine how many students are served annually by licensed career schools and colleges.

Please review the attached instructions and **submit** the Annual Seminar Enrollment form (page 2) by December 1, 2004. If you have any questions, you may call me at (512) 936-9264 or

e-mail me at virginia.bosman@twc.state.tx.us.

Sincerely,

Virginia J. Bosman
Program Specialist
Career Schools and Colleges

Enclosures

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges

Instructions for Total Annual Seminar Attendance, Form PS-073

1. *What is "Total Annual Number of Students Enrolled"?*

Total Annual Number of Students includes all students who attended seminars during the reporting period:

- students who attended seminars during the period of July 1, 2003 to August 31, 2004. This includes students who dropped out before completing their seminars, those who completed their seminars, and those who were still attending seminars on August 31st.

2. *If a student attends more than one seminar at my school, do I count them as a student for each seminar they attended or only once?*

Total annual seminar attendance counts each seminar attended during the reporting period. If a student attended three seminars at a school between July 1, 2003 and August 31, 2004, the school will count the student's attendance three times.

TEXAS WORKFORCE COMMISSION

Career Schools and Colleges

Total Annual Seminar Enrollment at Seminar Schools

July 1, 2003 – August 31, 2004

_____ Name of School	_____ School Number	_____ Contact Person for this Report
_____ Address		() Phone Number
_____ City, State, ZIP		_____ County Name

AUTHORITY FOR DATA COLLECTION: *Texas Education Code, §132.055(o)*

PLANNED USE OF THE DATA: Provide labor supply data for the Texas State Labor Market System

INSTRUCTIONS: Every career school or college seminar school must submit total annual seminar enrollment. Please read the enclosed instructions before completing this form.

Total Annual Number of Students Enrolled: _____	Number of Seminars with Enrolled Students: _____
--	---

STATE OF _____,

COUNTY OF _____, WHERE WITNESSED.

I, _____, BEING FULLY SWORN, DEPOSE AND SAY THAT THE
(Type or Print Name)

INFORMATION STATED ON THIS FORM AND DOCUMENTS ATTACHED HERETO IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

(Typed Name and Signature of School Owner, Director, or Authorized Official of the School)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20__.

SEAL

Notary Public

My Commission Expires

<p>Return this original Form (PS-073) to: Enrollment & Outcomes Coordinator Texas Workforce Commission Career Schools and Colleges Program, 101 East 15th Street Austin, Texas 78778-0001</p>

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Colleges Section, 101 East 15th Street, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Survey Checklist

School # _____ School Name _____ Phone _____

Current Location Address _____ City/State/Zip _____

E-mail _____ FAX _____ Toll Free # _____

Survey Date _____ Type of Visit _____ Certificate Expiration Date _____

TWC Surveyor _____ School Contact _____ Title _____

*This survey visit will consist of several parts: (1) an examination of the exhibits listed below as #1 through #12; (2) your provision of documents, numbers, lists and files, as requested in #13 through #36; **(items 13-36 NOT FOR ORIGINAL or MODIFICATION surveys)**; (3) a tour of the school facilities; and (4) other applicable items.*

EXHIBITS:

- _____ 1. Certificate of Occupancy for current address or letter of release from municipality
- _____ 2. Current fire inspection by municipal authority, or letter of release and approval of private contractor from municipal authority (last inspection date): _____
- _____ 3. Rental or lease agreement for school facilities, or statement of ownership for current address
Owner's/Leaseholder's Name: _____
Property Management Name: (if different from above): _____
Address: _____ City/State/Zip: _____
Contact Person: _____ Phone: _____
- _____ 4. Rental or lease agreement for instructional equipment and instructional aids, or statement of ownership
- _____ 5. Floor plan and school facilities are adequate for student capacity, and include:
_____ room numbers _____ pupil capacities _____ break room _____ utilities
_____ uses of rooms _____ room dimensions _____ restrooms _____ record storage
- _____ 6. Inventory of equipment & instructional aids adequate for student capacity and course objective
- _____ 7. Current list of textbooks, software, and reference library, including:
_____ title(s) _____ author/publisher _____ copyright dates(s)
- _____ 8. Sample of each certificate and/or diploma awarded to students
- _____ 9. Narrative description of the school's way of taking and maintaining a positive record of attendance, including when taken, symbols, methodology, and provisions for permanent maintenance; or evidence of TWC approval of alternative method of accurately determining a student's last date of attendance for refund purposes and accurate monitoring of absences
- _____ 10. Sample of forms used to record attendance; and progress, grades and transcript forms
(progress, grades and transcript forms not required for seminar schools)
- _____ 11. Statement outlining the methods of payment available to students including, if applicable, terms of agreements with lending institution(s), charges and true annual percentage rate(s), and the institution name(s) and address(es)
- _____ 12. Examples of all advertising (yellow page, newspaper ad, brochures, audio/video scripts, etc.)

INSTRUCTOR/DIRECTOR/REPRESENTATIVE APPROVALS:

- _____13. All representatives are registered
- _____14. Director is approved or has been submitted
- _____15. Director has attended workshop
- _____16. Designee has not changed
- _____17. Designee is trained
- _____18. All instructors have been qualified, approved or submitted to TWC for approval
- _____19. List of current instructors' licenses and/or certificates relevant to occupational objectives.
- _____20. Class schedules for the current grading period, indicating instructors, room numbers, subjects taught in each room and number of students in each subject, were available. Classes are being held according to the published class schedule. The pupil/teacher ratios are satisfactory. Classes were or were not observed. Instructors and/or students were or were not interviewed. *(Not required for seminar schools)*
- _____21. Form used for annual evaluation of instructors by school official and by students. Surveyor will request evaluations and examine a sample number of these evaluations and/or summaries of evaluations. *(Not required for seminar schools)*
- _____22. Documentation of licensed and certified instructors' active participation in course development and revisions, such as staff meeting agenda indicating instructor input. *(Not required for seminar schools)*
- _____23. Written plan for staff development and documentation of implementation, including: continuing education classes, staff meetings designed for development and training, attendance at trade and professional meetings, conferences and shows, use of professional's journals and audio/visual training and development materials, and observation of, or participation in, on-the-job activities. *(Not required for seminar schools)*
- _____24. Outline & schedule of in-service training (competency-based training, instructional methods, adult learning styles, student learning & skills assessment) provided for instructors without prior teaching experience. *(Not required for seminar schools)*
- _____25. Documentation of in-service training providing updates on skills, knowledge, and technology for instructors who have taught for two years but have not gained relevant work experience during the two-year period. *(Not required for seminar schools)*

COURSES OF INSTRUCTION:

- _____26. The catalog and/or Seminar Only school information provided to students for coursework titles, hours, and tuition match the most recently issued List of Approved Courses of Instruction.
- _____27. Total current enrollment in all approved courses:

Current enrollment by course	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

- _____28. List of Advisory Committee members for each type of program in excess of 200 clock hours
(*Not required for seminar schools*)
- _____29. Annual Advisory Committee evaluations of curricula, instructional materials and media, equipment, and facilities for each type of program in excess of 200 clock hours. Date of last meeting: _____
(*Not required for seminar schools*)
- _____30. Back up documents for current Completer/Placement/Employment (Completer Follow-up Survey Form, PS-072A) reported to TWC (*Not required for seminar schools*)
- _____31. Course outlines for each approved program subject (performance objectives, references and resources, content outline) given to students. (*Not required for seminar schools.*)
- _____32. Lesson plans for each approved program subject. (*Not required for seminar schools.*)

MISCELLANEOUS:

- _____33. Review and update of application information on file at TWC
- _____34. Review Current Catalog with Addenda, or Seminar Only School information to be conveyed to students
- _____34a. Catalog/SO school information is not compliant and requires submission with form PS-042 Summary of Changes
- _____34b. Catalog/SO school information is not what is filed at TWC and requires submission with form PS-042 Summary of Changes
- _____35. Review Current Enrollment Agreement (*Not required for seminar schools.*)
- _____35a. Enrollment Agreement is not compliant and requires submission with form PS-042 Summary of Changes
- _____35b. Enrollment Agreement is not what is filed at TWC and requires submission with form PS-042 Summary of Changes

STUDENT FILE REVIEW:

- _____36. Master Student Registration List dating from last survey conducted on: _____
The surveyor will randomly mark the Master Student Registration List identifying student files to be examined. Please provide these files complete with the following records:
- Enrollment Agreement (*not for Seminar Only schools*)
 - PS-005, Receipt of Enrollment Policies (*not for seminars, single subjects, or SSw/<40*)
 - PS-010, Record of Previous Education & Training (*not for seminars, single subjects, or SS/<40*)
 - Proof Student Has Toured the Facilities & Equipment (*not Seminar Only or Corr. schools*)
 - HS/GED/ATB/Home School/College Credits (*Sem. & SSw/<40 may have other TWC approved*)
 - Documents of Re-enrollment or Program Changes (*not Seminar Only schools or SSw/<40*)
 - Attendance Records (Including LOA and Make-up Requests)
 - Progress Records/Transcripts (*not for Seminar Only schools*)
 - Record of Charge/Payment to student account with receipts
- Plus for All Drops, Cancellations and Terminations:**
- Refund Calculation Worksheet (Calculations by TWC formula must be evidenced.)
 - Check #s & Dates for refund paid within 60 days of termination, not cleared at day of survey
 - Cancelled checks or copies of both sides of cancelled checks for refund paid past 60 days from termination and cleared within or past 120 days from termination
- Thank you for your assistance and cooperation during this survey visit.***

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TT

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Sample Refund WorksheetResidence School

Instructions: *We suggest you use this form to calculate allowable refund charges, and to include it in the student's file. You must have all of the supportive documentation listed on page 2 readily available; and we encourage you to attach copies of that documentation to this Refund Worksheet in the student's file.*

School # _____ School Name _____ Date of this Refund Calculation _____

Student's Name _____ Student's SSID # _____

Student's Address _____ City/State/Zip _____

Student's Phone # _____ Refund Computed By _____

Type of funding (circle applicable) LOAN, GRANT, CASH, SPONSORED (by _____)

Course _____ Total Clock Hours in Course (1) _____
 (Use separate Refund Worksheet for each Course) or (2) _____

Fee \$ _____ Tuition (1) \$ _____ or (2) \$ _____ Other Charges if separate from Tuition \$ _____

Enrollment Date _____ First Day of Attendance _____ Last Day of Attendance _____

Hours Scheduled Per Day _____ Days Scheduled Per Week _____ Termination Date _____

Computation Data:

Has the student completed more than three weeks of training? _____ If not, how many weeks? _____

1. Hours Attended _____
2. Hours Absent _____
3. Scheduled Hours _____ (*how many hours scheduled through the last day of attendance*)
4. Total hours scheduled for the current year _____
5. Percent scheduled hours completed _____% (*Total of #3 divided by total of #4 multiplied by 100*)

(1) Course hours and costs should reflect totals adjusted for credit given for previous education and training if applicable.

(2) Clock hours are for the current year. Charge for each year independently. The length of a course, for purposes of calculating refunds owed, is the shortest scheduled time period in which the course may be completed by continuous attendance of a full-time student.

TWC Table* of Allowable Refund Charges

- week 1 or 10%, whichever is less =10%
- after week 1 or 10%, whichever is less, but within the first 3 weeks or 20%, whichever is less =20%
- after the first 3 weeks or 20%, whichever is less, thru 25% =25%
- more than 25% thru 50% =50%
- more than 50% thru 75% =90%
- more than 75% =100%

6. Tuition and included fees earned (*total of Tuition (1) or Tuition (2) multiplied by applicable percentage from Table**) = \$ _____
7. Allowable fee earned, but not included in tuition (not to exceed \$100.00) = \$ _____
8. Chargeable books not included in tuition (*receipts required*): = \$ _____
9. Chargeable supplies and other fees not included in tuition: = \$ _____
10. Total earned by school (items 6 + 7 + 8 + 9) = \$ _____
11. Amount paid on behalf of student (Fees, Tuition, Books, Supplies) = \$ _____
12. Refund due (if Item #11 is greater than Item #10) = \$ _____
13. Balance due school (if Item #11 is less than Item #10) = \$ _____

The following documents must be readily available, preferably attached to this Refund Worksheet in the student's file:

1. Enrollment Agreement
2. Record of Previous Education & Training (PS-010)
3. Complete attendance record
4. Complete progress record w/status changes
5. LOA/make-up requests (if applicable)
6. Ledger
7. Book & supply receipts (if applicable)
8. Proof of consummation of refund

NOTE: Single subject offerings, seminars, workshops and small career schools or colleges with programs of 40 clock hours or less have fewer requirements for records.

For questions concerning the Texas Workforce Commission Career Schools and Veterans Education Cancellation and Refund Policy, please consult the form series PS-023; pages 9-11 of the Law governing Career Schools and Colleges, Title 3, Texas Education Code, Chapter 132; and pages 42-44 of the RULES for Texas Career Schools and Colleges, Title 40, Texas Administrative Code, Chapter 807.191-194.

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

Career Schools and Veterans Education

Installment Payment Worksheet

THIS WILL BE THE ONLY NOTICE YOU WILL RECEIVE REGARDING PAYMENT DUE DATES. IT IS THE RESPONSIBILITY OF THE SCHOOL TO MAKE TIMELY PAYMENTS WITHOUT A REMINDER LETTER FROM THE TEXAS WORKFORCE COMMISSION, CAREER SCHOOLS AND COLLEGES SECTION.

(Name of School)

(Location)

Title 40, Texas Administrative Code, Section 807.128(g):

With the exception of the renewal installment schedule for small career schools and colleges outlined in subsection (b) of this section, a school may elect to pay any single fee in excess of \$1,000 by quarterly installment.

A service charge of 10% of the fee shall be added to the fee and the total divided into equal quarterly installment payments.

$$[\$ \underline{\hspace{2cm}}] \quad + \quad [\$ \underline{\hspace{2cm}}] \quad = \quad [\$ \underline{\hspace{2cm}}]$$

AMOUNT DUE SERVICE CHARGE TOTAL AMOUNT OF FEE

The first payment shall be due on the date the fee is due.

$$[\$ \underline{\hspace{2cm}}] \quad + \quad [\$ \underline{\hspace{2cm}}] \quad = \quad [\$ \underline{\hspace{2cm}}] \quad \quad [\underline{\hspace{2cm}}]$$

AMOUNT DUE SERVICE CHARGE TOTAL AMOUNT DUE DUE DATE

The second payment shall be 90 days after the initial due date.

$$[\$ \underline{\hspace{2cm}}] \quad + \quad [\$ \underline{\hspace{2cm}}] \quad = \quad [\$ \underline{\hspace{2cm}}] \quad \quad [\underline{\hspace{2cm}}]$$

AMOUNT DUE SERVICE CHARGE TOTAL AMOUNT DUE DUE DATE

The third installment shall be due 180 days after the initial due date.

$$[\$ \underline{\hspace{2cm}}] \quad + \quad [\$ \underline{\hspace{2cm}}] \quad = \quad [\$ \underline{\hspace{2cm}}] \quad \quad [\underline{\hspace{2cm}}]$$

AMOUNT DUE SERVICE CHARGE TOTAL AMOUNT DUE DUE DATE

The final installment shall be due 270 days after the initial due date.

$$[\$ \underline{\hspace{2cm}}] \quad + \quad [\$ \underline{\hspace{2cm}}] \quad = \quad [\$ \underline{\hspace{2cm}}] \quad \quad [\underline{\hspace{2cm}}]$$

AMOUNT DUE SERVICE CHARGE TOTAL AMOUNT DUE DUE DATE

Failure to pay any installment by the due date shall result in a penalty being assessed in the amount of 50% of the total amount of the fee, with full payment of the penalty and outstanding balance due within 30 days.

$$[\$ \underline{\hspace{2cm}}]$$

PENALTY AMOUNT

Failure to submit timely payment as required shall suspend participation in the installment payment plan for the next renewal period.

(Date Prepared) (Initials)

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TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Fee Sheet

Make checks payable to TWC Career Schools and Colleges & mail with this fee sheet (using a separate fee sheet for each check) to:

Texas Workforce Commission
Career Schools and Colleges -
Controller
101 East 15th Street
Austin, Texas 78778-0001

A separate fee sheet is required for each school and for each check you include.

Instructions: Please indicate below the amount and purpose of each fee you are conveying with this fee sheet. Please feel free to copy this form as many times as necessary. (*Please type or print*)

School # _____ School Name _____
 School Location _____ Phone () _____
 Mailing Address _____ City/State/Zip _____
 School e-mail _____ School FAX () _____ School (800) # _____
 School Director _____ Today's Date _____

Total amount of money you transmit with this check and fee sheet: \$ _____

*****check below if using credit balance and no money is enclosed*****

CERTIFICATES: (Enter Amount) Code

_____ \$3000 Original Certificate (Large School) = \$ _____ (or) (101)
 _____ 1st pmt. _____ 2nd pmt. _____ 3rd pmt. _____ 4th pmt. = \$ _____
 _____ 10% service charge for partial payment = \$ _____ (199)
 _____ \$1001 Original Certificate (Small School) = \$ _____ (or) (113)
 _____ 1st pmt. _____ 2nd pmt. _____ 3rd pmt. _____ 4th pmt. = \$ _____
 _____ 10% service charge for partial payment = \$ _____ (199)
 _____ Annual Renewal (*Partial pmt only allowed for amt > \$1,000*) = \$ _____ (106)
 _____ 1st pmt. _____ 2nd pmt. _____ 3rd pmt. _____ 4th pmt. = \$ _____
 _____ 10% service charge for partial payment = \$ _____ (199)
 _____ 10% penalty for late renewal (\$200.min./\$1000.max.) = \$ _____ (107)
 _____ Change in Owner Certificate (\$3000. Lg. Sch./\$1001. Sm. Sch.) = \$ _____ (or) (102)
 _____ 1st pmt. _____ 2nd pmt. _____ 3rd pmt. _____ 4th pmt. = \$ _____
 _____ 10% service charge for partial payment = \$ _____ (199)
 _____ Late partial pmt. penalty (50% of total amount + balance due) = \$ _____ (198)

COURSES, INSTRUCTIONAL STAFF AND REPRESENTATIVES:

_____ @ \$225 Regular additional program(s) = \$ _____ (201)
 names: _____
 _____ @ \$35 Seminar and workshop additional program(s) = \$ _____ (202)
 names: _____
 _____ @ \$20 Instructor application(s) = \$ _____ (203)
 names: _____
 _____ @ \$20 Dir., Dir. of Education application(s) = \$ _____ (204)
 names: _____
 _____ @ \$90 Original representative(s) registration = \$ _____ (301)
 names: _____
 _____ @ \$45 Renewal representative(s) = \$ _____ (302)
 names: _____
 _____ @ \$15 School name/address change for rep.(s) = \$ _____ (303)
 names: _____
 _____ @ \$15 Personal name/address change for rep.(s) = \$ _____ (304)
 names: _____

OTHER:

_____ \$150 Change in name of school = \$ _____ (108)
 _____ \$150 Change in name of school owner = \$ _____ (109)
 _____ \$270 Change in address of school = \$ _____ (110)
 _____ \$375 Classroom facility separate from main campus = \$ _____ (111)
 _____ \$600 On-site investigation of substantiated complaint = \$ _____ (112)
 _____ Assessment of civil penalty = \$ _____ (300)
 _____ Tuition Trust Account = \$ _____ (104)
 _____ Interest penalty for late refunds = \$ _____ (200)
 _____ \$15 New School Packet (Res./Sem.-Wk./Corr.) = \$ _____ (305)
 _____ Director's Workshop Registration (\$35 - \$70) = \$ _____ (306)
 _____ *****USE OF CREDIT BALANCE - no money enclosed***** (900)

TWC USE ONLY

_____ TWC Receipt Number

_____ Date Received

_____ Verified

_____ Total for this check and sheet

Used Remaining

Used Remaining

Used Remaining

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

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TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Enrollment Agreement Checklist

SCHOOL: _____ DATE: _____

- ____ 1. Full and correct name of the school (*Title 40, Texas Administrative Code, Section 807.144*)
- ____ 2. Street address of the school. (**P.O. Box not acceptable.**)
- ____ 3. Program title.
- ____ 4. Date training is to begin.
- ____ 5. Program length.
- ____ 6. Name and address of student.
- ____ 7. Tuition.
- ____ 8. Fees.
- ____ 9. Cost of books and supplies.
- ____ 10. Other expenses.
- ____ 11. Total cost of the program.
- ____ 12. Items subject to cost change.
- ____ 13. Method of payment and payment schedule.
- ____ 14. Disclosure statement (if interest is charged or more than three payments.) If no interest is charged, so state.
- ____ 15. Detachable notice of cancellation. (Required if students are enrolled off the school premises, and/or a form PS-001V, Affidavit of On Campus Enrollment, has not been submitted.)
- ____ 16. FTC statement. (Holder in due course.) **"Any holder of this consumer credit contract is subject to all claims and defenses which the debtor could assert against the seller of goods or services obtained pursuant hereto or with the proceeds hereof. Recovery hereunder by the debtor shall not exceed the amounts paid by the debtor hereunder."**
- ____ 17. Statement that the student has received a copy of the school enrollment agreement and catalog.
- ____ 18. Complete refund policy (*Texas Education Code, Section, 132.061 and Title 40, Texas Administrative Code, Section 807.191-194*)
 - ____ a. Provides a full refund if the school does not accept student.
 - ____ b. Provides a full refund if educational service is discontinued by the school, preventing the student from completing.
 - ____ c. Provides a full refund if the owner or representatives of the school procured the enrollment as a result of any misrepresentation in advertising, promotional materials of the school, or representations.
 - ____ d. Provides a 3-day cancellation right after signing and after receiving a tour of the facilities and equipment.
 - ____ e. Identifies the penalty fee consistent with statute after the 3-day cancellation periods expire.
 - ____ f. Identifies the method of determining the official date of termination.
 - ____ g. The refund formula, including cancellation, is consistent with statute.
 - ____ h. Provides the refund within 60 days of termination.
 - ____ i. The policy is easily understood and clearly visible to the student.
 - ____ j. Identifies the basis for the refund, i.e., time based or lesson based.
- ____ 19. Statement: **"APPROVED AND REGULATED BY THE TEXAS WORKFORCE COMMISSION, CAREER SCHOOLS AND VETERANS EDUCATION SECTION, AUSTIN, TEXAS."**
- ____ 20. Identifying data, including revision date of enrollment agreement.
- ____ 21. Signature lines should be provided for Registered Representative or Authorized School Official and Student or Guardian.

REMINDER: Except for students enrolled in seminars, single subjects, and small school programs of 40 clock hours or less, each student shall complete the Receipt of Enrollment Policies and Record of Previous Education and Training, as formatted on the TWC forms (PS-005 and PS-010), at the time s/he are enrolled.

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

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TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
New Program Application

Definitions {Ref. Title 40, Texas Administrative Code, §807.2 and §807.91}

A **program** is a set of approved subjects that, when taken as a whole, prepares a student for entry-level employment in a particular occupation.

A **new program** is a program that

- has not been offered previously or has been offered and then discontinued; OR
- is being revised to provide training for a different occupation (Examples: legal secretary to paralegal; dental technician to medical technician; computer operator to computer programmer) OR
- provides training for additional occupation (Example: secretarial program adding a medical secretary option); OR
- is being revised so that the program's clock hour length will change 25% or more within a 12-month period
Examples: a 600-hour program increasing to 750 hours; a 600-hour program decreasing to 450 hours).

A **seminar** is a continuing education or exam preparation course that enhances a student's career, as opposed to a program that teaches skills required for entry-level employment.

A **new seminar** is a seminar that

- has not been offered previously or has been offered and then discontinued OR
- is being revised so that the objective is different; OR
- is being revised so that the total clock hours of the approved seminar change 25% or more within a 12-month period.

To apply for a new program that HAS NOT BEEN OFFERED PREVIOUSLY, has been discontinued, or that has changed in clock hour length by 25% or more submit:

- Cover Sheet for New Program Application (p. 4 of this form, PS-302)
- Attachment 1: Proposed Catalog Pages (see p. 5)
- Attachment 2: Subject syllabi (see p. 6)
- Attachment 3: Externship information (see p. 6)
- Attachment 4: Letter from the certification or licensing agency indicating approval of program content (if Applicable) [see p. 7]
- Attachment 5: Copy of certificate or diploma awarded program graduates (see p. 7)
- Attachment 6: Occupational Expert Support for Program Content and Length (see p. 7) [Appendix 1]
- Attachment 7: Equipment (see p. 7)
- Notarized Form PS-042R, Summary of Submitted Changes/Revisions to Catalogs [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$225 [licensed schools only]

Note: All associate degree programs are approved and regulated by the Texas Higher Education Coordinating Board.

**** Schools applying for Original Certificate of Approval do not submit a PS-042R, PS-186, and Application Fee**

For more information on new or revised course applications, call (512) 936-3100

To apply for a NURSE AIDE training program that is 150 CLOCK HOURS OR LESS, submit:

- Cover Sheet for New Program Application (see p. 4)
- Attachment 1: Proposed Catalog Pages (see p. 5)
- Attachment 3: Externship information (see p. 6)
- Attachment 4: Letter from Texas Department of Human Services indicating program approval (see p. 7)
- Attachment 5: Copy of certificate or diploma awarded program graduates (see p. 7)
- Attachment 7: Equipment (see p. 7)
- Notarized Form PS-042R, Summary of Submitted Changes/Revisions to Catalogs [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$225 [licensed schools only]

To apply as a residence school for a NEW SEMINAR, submit:

- One copy of proposed catalog pages referencing the seminar, which must include:
Seminar title, clock hour length, seminar objective (what students will learn how to do), admissions requirements, textbook, and the price.

If seminar is over 80 hours, the time spent on each main topic must also be stated.
- Notarized Form PS-042R, Summary of Submitted Changes/Revisions to Catalogs [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$35 [licensed schools only]

To apply for WORKFORCE ENGLISH AS A SECOND LANGUAGE (WESL) PROGRAM, submit:

- Forms PS-302WESL A & B
- Notarized Form PS-042R, Summary of Submitted Changes/Revisions [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$225 [licensed schools only]

To apply as a residence school for a NEW WESL SEMINAR, submit:

- Cover sheet (page 1 of PS-302WESL B)
- Attachments 2 – 8 of PS-302WESL B
- PS-304S, New Seminar Application
- Three completed Professional Support forms (Appendix 3 of PS-302WESL)
- Notarized Form PS-042R, Summary of Submitted Changes/Revisions (licensed schools only)
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$35 [licensed schools only]

To apply as a correspondence school for a **NEW SEMINAR, submit:**

- One copy of PS-304S (Exhibits E and F) -- Pages 1-3 along with course handout
- Form PS-042SC, Summary of Submitted Changes/Revisions [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$35 [licensed schools only]

To apply as a correspondence school for a **NEW PROGRAM, submit:**

- Cover Sheet for New Program Application (see p. 4)
- Attachment 1: Proposed Catalog Pages (see p. 5)
- Attachment 2: Subject syllabi (see p. 6)
- Attachment 3: Occupational Expert Support for Program Content and Length (p. 7) [Appendix 1]
- Attachment 6: Copy of certificate or diploma awarded program graduates (see p. 7)
- Notarized Form PS-042SC, Summary of Submitted Changes/Revisions [licensed schools only]
- Form PS-186, Fee Sheet [licensed schools only]
- Application fee of \$225 [licensed schools only]

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

New Program Application: Cover Sheet

DEPT. USE ONLY	
Receipt #	_____
Fee Paid	_____
Date Paid	_____
Initialed by	_____

For LICENSED SCHOOLS:
Send New Program Application with \$225 fee to:
Texas Workforce Commission
Career Schools and Veterans Education - Controller
101 East 15th Street
Austin, TX 78778-0001

For SCHOOLS APPLYING FOR LICENSURE:
Send New Program Application without \$225 fee to:
Texas Workforce Commission
Career Schools and Veterans Education Section
101 East 15th Street
Austin, TX 78778-0001

Authority for Data Collection: *Texas Education Code, §132.055.*

Planned Use of the Data: To provide the information necessary to determine if the program is of such quality, content, and length to reasonably and adequately achieve the stated objectives for which it is offered and to provide the total program cost.

School Name _____	School # _____
School Mailing Address _____	School Phone _____
City/State/Zip: _____	School FAX _____
Contact Person _____	Contact's E-mail Address _____

Overview of the Program

Program Name: _____

Stated Occupation(s): _____

Classification of Instructional Programs (CIP) Code Number: _____

Program Length: _____ (Clock Hours) _____ (Quarter Credit Hours, if applicable) _____ (Semester Credit Hours, if applicable)

Number of Lessons (Correspondence Schools Only) _____ Total Program Price: _____

Projected completion rate for students who enroll in the program: _____

Projected employment rate for students who graduate from the program: _____

I certify that the information provided in this New Program Application is true and correct to the best of my knowledge.

_____	_____	_____
Typed Name of School Director	Signature of School Director (<i>In BLUE Ink</i>)	Date

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An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

ATTACHMENT 1: Proposed Catalog Pages

[Ref. Title 40, TAC, §807.125(a)(8), (10), (13), and (14)]

Submit one (draft) copy of the various proposed catalog pages that contain the following information:

A. Program title

B. Program description that includes: (*see Appendix 3*)

1. Occupation(s) for which training will be provided
2. Main job-skills students will learn, and
3. Different work settings in which program graduates may work

C. Admissions requirements

1. Admissions requirements for the proposed program. Include education, experience, and testing.
2. If a test is given, provide the name of the test and the minimum acceptable test score. If the test is not nationally recognized, submit a copy of the test.

D. Program outline to include: (*see Appendix 3*)

1. List of subjects/levels in the program in the order they will be offered
2. Clock hours of lecture, lab, and externship (and credit hours as applicable) for each subject in the program
3. Subtotal the individual clock hours for lecture, lab, and externship (and credit hours as applicable)
4. Total clock hours (and credit hours as applicable) for the program
5. Length of time (in weeks or months) to complete the program

E. Subject description/synopsis for each subject with prefixes and titles to include: (*See Appendix 3*)

1. Description of skills students will learn and how they will apply these skills - **not** what they will know, understand, or be familiar with.
2. Prerequisites for each subject
3. Number of clock hours of lecture, lab, and externship and credit hours (semester/quarter) if applicable

G. Fee breakdown and total amount students will be charged for the program

H. Class schedule showing hours per day, days per week, and class start dates (List all dates the school will be closed for holidays, teacher in-service days, etc.)

ATTACHMENT 2: Subject Syllabi (Not Included In Actual Catalog):

Provide a syllabus for each subject to include the following: (*See Appendix 2 for an example of a subject syllabus*)

- a. Subject description
- b. Subject length
- c. Performance objectives or competencies, e.g., what students will be able to do after completing the subject. They should support the job-specific skills.

Example: Medical Terminology

- 1) Spell and define common prefixes, suffixes, word roots, combining forms for each body system
- 2) Build medical words using prefixes, suffixes, and root words for each body system
- 3) Spell and define common medical terms for each body system
- 4) Pronounce common medical terms for each body system
- 5) Identify and translate common abbreviations and acronyms for each body system
- 6) List examples of words whose spelling varies in different forms
- 7) Describe the difference between brief forms and medical slang and give examples of each body system

- d. Prerequisites for subject
- e. Textbooks, software, and other instructional materials and media (include author's/producer's name, title, publisher, and copyright date/software version)
- f. Instructional methods used (such as lecture, demonstration, cooperative learning, simulated work site, self-paced learning, computer-based instruction, etc)
- g. Maximum student to instructor ratio (lecture and lab)
- h. Reference materials and media for the subject (author's/producer's name, title, publisher, and copyright date)
- i. Daily or weekly outline (list) of the main topics discussed
- j. Grades determination (percentage of the grade from tests, skill demonstrations, attendance, etc)

These syllabi must be distributed to students on the first day that the subject is taught and will be reviewed during your annual TWC visit.

ATTACHMENT 3: Externship (if applicable) Provide the following:

- a. Externship schedule -- hours per day, number of days per week, and number of weeks
- b. Maximum number of externs in the program at any one time
- c. Copies of letters from employers to verify that sufficient on-site clinical or externship arrangements have been made. (These letters must note how many externs may participate at a particular work site at any one time.)
- d. Number of visits the school's externship coordinator will make to the work site to monitor an extern
- e. Number of telephone contacts the school's externship coordinator will make with the work site supervisor to monitor extern's progress
- f. Information on whether a weekly meeting will be held for externs to discuss their experiences and observations
- g. Whether externs will be required to keep a daily journal on their observations and experiences
- h. Whether externs will be required to write a final report on what they have learned from their externship
- i. Explain how externs will be evaluated. Submit a copy of the externship monitoring form. This form should list the knowledge, skills, and attitudes or qualities to be monitored and evaluated by the work site supervisor. It must also indicate how often externs will be evaluated by their work site supervisors.

ATTACHMENT 4: Attach a letter from the certification or licensing agency indicating approval of program content (if applicable).

ATTACHMENT 5: Attach a copy of the certificate or diploma that will be awarded to program graduates.

ATTACHMENT 6: Occupational Expert Support For Program Content and Length

[Ref. Title 40, Texas Administrative Code, §807.92(b) and §807.92(d)]

Provide five (5) Occupational Expert Support forms (see Appendix 1) from employer representatives who will certify that they:

- are familiar with the required job skills and responsibilities
- have reviewed and approved all items in Attachments 1 and 2

At least three of these experts must be either currently or previously employed in the stated occupation.

Occupational experts may be members of the school's program advisory committee. Employers, occupational experts, and advisory committee members shall have no financial or family ties with the school's owner or director. *No more than one individual may represent each employer.*

[Career Schools and Veterans Education staff may refer your program application to outside reviewers for their evaluative comments.]

ATTACHMENT 7: Equipment, hardware, tools, instruments, & software [Ref. Title 40, Texas Administrative Code, §807.98]

A. Provide the following:

- List the equipment, hardware, tools, instruments, and software by name, description, quantity, and age (date manufactured).
DO NOT include equipment items used by school support/instructional/administrative staff on the list.
- Mark with an asterisk (*) those items that have not yet been acquired and state the expected date of acquisition.
- State the maximum ratio of students to each equipment item.

B. Applications for truck driving programs must include PS-322, Motor Vehicle Fleet and copies of certificates of insurance for all vehicles listed. Certificates of insurance must include information regarding the minimum bodily injury and property liability amounts.

C. If a timely on-site visit to inspect new equipment cannot be arranged, new programs will receive conditional approval under the following conditions:

- All required equipment is available to complete the first term or grading period.
- For succeeding terms or grading periods, all required equipment must be available at the start of that term or grading period.
- *If sufficient equipment is not available for any term or grading period, a full (100%) refund will be due for each student enrolled in that particular program.*

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
APPENDIX 1: Occupational Expert Support

Name of Individual filling out form: _____
 Current Occupation: _____ Telephone Number: (____) _____
 Name of Employer: _____
 Relevant Education related to this program: _____
 Years of Relevant Experience related to this program: _____

Name of School Submitting New Program Application: _____
 Name of Proposed Program: _____

Statements of Support

I reviewed the proposed skills to be learned and support them as appropriate and sufficient for entry-level employment in the stated occupation.	_____ Initials	_____ Date
I reviewed the proposed assessment methods and support them as appropriate and sufficient for entry-level employment in the stated occupation.	_____ Initials	_____ Date
I reviewed the proposed admissions requirements and support them as appropriate and sufficient for successful completion of the proposed course of instruction and for entry-level employment in the stated occupation.	_____ Initials	_____ Date
I reviewed the proposed course syllabi (outlines) for each subject and the sequence of subjects and support them as appropriate and sufficient for entry-level employment in the stated occupation.	_____ Initials	_____ Date
I reviewed the proposed hours of training and support the program length as appropriate and not excessive to prepare students for entry-level employment in the stated occupation.	_____ Initials	_____ Date

 Typed or Printed Name

 Title

 Signature (*In BLUE Ink*)

 Date

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

APPENDIX 2: Syllabus Example

HUMAN ANATOMY & PHYSIOLOGY I / AP 100 SYLLABUS

Subject Description:	Anatomy and Physiology combines lecture and audio-visual presentations to provide the beginning student with a base of knowledge of the human body systems.
Subject Hours:	48 clock hours (36 hours lecture, 12 hours lab)
Performance Objectives:	Identify and describe the structure and functions of the human body system. Name and locate all body systems. Describe common body cells and tissue. Identify common changes in the body systems throughout the life span. Identify common diseases and pathological conditions affecting the body systems throughout the life span.
Prerequisites:	None
Required Textbooks:	Scanlon: <u>Essentials of Anatomy & Physiology</u> , 3 rd ed., F. A. Davis, 1999
Instructional Methods:	1. Lecture 2. Overhead Transparencies 3. Anatomical Charts 4. Anatomical Models
Maximum Student: Instructor Ratio:	30:1
Materials and Media References:	Chabner: <u>The Language of Medicine</u> , 5 th ed., W. B. Saunders, 1996
Weekly Content Outline:	Week 1 Basic Chemistry and Cells Week 2 Tissues & Membranes Week 3 Skeletal & Muscular Week 4 Nervous System, Senses, Endocrine Week 5 Endocrine System Week 6 Heart and Blood
Basis of Grades:	Tests/Quizzes 25% Final Exam 25% Class/Homework assignments 25% Lab assignments 25%

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

APPENDIX 3: Examples of Required Catalog Information

#1 Program Description – Nurse Aide

The Nurse Aide program is a comprehensive course designed to teach students the skills and abilities essential to the provision of basic care to patients and residents in hospitals and long term care facilities. Graduates of this program will be able to communicate and interact effectively with patients, assist patients in attaining and maintaining maximum functional independence, while observing patient rights. They will learn how to perform basic first aid, CPR, take vital signs, apply the elements of basic nutrition in meal planning, and follow infection control measures. Additionally, they will be able to apply proper body mechanics in bed making, lifting, and turning patients. Graduates of this program may find entry-level employment as a nurse aide with hospitals and nursing homes.

#2 Program Outline:

Nurse Aide Program

Subject Number	Subject Title	Clock Hours Lec/Lab/Ext/Total	Quarter Credit Hours
NA-101	Introduction to Long Term Care	16 / 00 / 00 / 16	1.5
NA-102	Personal Care Skills	10 / 07 / 00 / 17	1.0
NA-103	Basic Nursing Skills	08 / 00 / 00 / 08	0.5
NA-104	Restorative Services	04 / 00 / 00 / 04	0.0
NA-105	Mental Health & Social Service Needs	06 / 00 / 00 / 06	0.5
NA-106	Clinical Practice	00 / 00 / 24 / 24	0.5
Total Hours		44 / 07 / 24 / 75	4.0

The approximate time required to complete the Nurse Aide Program is three weeks for the day program and four weeks for the night program.

#3 Subject Description or Synopsis (Lec/Lab/Total S Cr Hrs)

OS 101 - Windows 98: Students will learn to manipulate the Windows operating environment, change screen formats and backgrounds, use the operating system programs and accessories, and create and maintain directories and files. (15/25/1.5) Prerequisites: OS 100 – Introduction to Computers

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
New Seminar Application Instructions for
Residence Schools

A Seminar is a course of instruction that enhances a student's career, as opposed to a program that teaches skills and fundamental knowledge required for a stated occupation. A seminar may include a workshop, an introduction to an occupation or cluster of occupations, a short course that teaches part of the skills and knowledge for a particular occupation, language training, continuing professional education, and review for postsecondary examination.

To apply as a residence school for a NEW SEMINAR, submit:

- One copy of catalog pages referencing the seminar, which must include:
Seminar title, clock hour length, seminar objective, admissions requirements, main skills to be learned, and the price. If seminar is over 10 hours, the time spent on each main topic must also be stated.
- Notarized Form PS-042R, Summary of Changes (licensed schools only)
- Form PS-186, Fee Sheet (licensed schools only)
- Application fee of \$35 (licensed schools only)

Submission of an application fee for each seminar **IS NOT REQUIRED** for schools applying for an original certificate of approval.

Send mail without money to:

Texas Workforce Commission
Career Schools and Veterans Education
101 East 15th Street
Austin, Texas 78778-0001

Send mail with money to:

Texas Workforce Commission
Career Schools and Veterans Education –
Controller
101 East 15th Street
Austin, Texas 78778-0001

*Note: Schools applying for original certification **DO NOT** need to submit an application fee for each new seminar/workshop. The costs of seminar applications are included in the original application fee.*

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100. An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION
Career Schools and Veterans Education
Revised Program Application

Instructions: Please complete both pages of this Revised Program Application (PS-303).
Revised Programs must be approved by TWC before the revisions can be implemented.

Submit a separate Revised Program Application (PS-303) for each program being changed.
Only program changes requiring catalog revisions must be submitted for approval.
Changes in program tuition and/or fees do not have to be approved by TWC, but must be submitted.
Some examples of program revisions which must be approved by TWC before implementation include:

Program title	Subject length in clock/credit hours
Main skills to be learned	Subject additions and/or deletions
Admission requirements	Subject structure (hours of lecture, lab, and/or externship)
Clock/credit hours for program	

Include with this original PS-303, Revised Program Application, the following:

- 1 copy of the existing program page(s) in the current school catalog**
- 1 draft copy of the new catalog page(s) with changes**
- 1 copy of the Summary of Submitted Changes/Revisions to Catalogs (PS-042R)**

Note: Send only the catalog page(s) that apply (not the entire catalog), send only the four items listed above, and keep a copy of the program revision application for your own files.

(Type or print only)

1. School #: _____ School Name: _____ Phone: (____) _____
2. School Physical Address: _____ School Director: _____
3. School Mailing Address: _____ City/State/Zip _____
4. School e-mail _____ School FAX (____) _____ School (800) # _____
5. School credit hour type (if applicable): _____ quarter credit hours **or** _____ semester credit hours
Conversion ratio used: 1 credit hour = _____ # lecture hours 1 credit hour = _____ # lab hours
6. Program Title: _____
7. Will the revisions improve and/or update the skills and/or knowledge of students? _____ YES _____ NO

(If "Yes" please explain): _____

8. List the specific proposed revisions/changes in this program and the reasons for these revisions.

Proposed Revision

Reason for Revision

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: If the clock hour length of the program changes 25% or more, or if the program provides training for an additional occupation, or if the program provides training for a different job title, then you must submit a New Program Application, form PS-302, instead of this form.

9. Will additional equipment be needed to implement this revised program? _____YES _____NO

(If "YES" please list the additional equipment) :

Date additional equipment available for on-site inspection: _____

10. Is approval by another agency required before revisions may be implemented? _____YES _____NO

If "YES" please provide an approximate implementation date: _____

(You must provide TWC a copy of the approval(s) from other agencies in order for your List of Approved Programs to be updated accordingly.)

11. ***I certify that the information provided on this revised program application and in the foregoing statements is true and correct to the best of my knowledge.***

_____	Date _____
Signature (In BLUE Ink)	
_____	Title _____
Typed or printed name	

**Mail to: Career Schools and Veterans Education Section
Texas Workforce Commission
101 East 15th Street
Austin, Texas 78778-0001**

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.
An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

TEXAS WORKFORCE COMMISSION

New Seminar Application Career Schools and Veterans Education

Revised Seminar Application

Summary of Seminar

Exhibit E

DEPT. USE ONLY	
Receipt #	_____
Fee Paid	_____
Date Paid	_____
Initialed by	_____

Authority for Data Collection: Texas Education Code, Chapter 132.055.

Planned Use of the Data: To provide the information necessary to determine if the course is of such quality, content, and length to reasonably and adequately achieve the stated objectives for which the program is offered, and to provide the current charges.

Instructions:

New Seminar Applications: Submit an original and one copy of this form (PS-304S) with **original signature in blue ink**, a seminar overview, a properly completed form PS-042SC (Summary of Changes), a properly completed form PS-186 (Fee Sheet), and a \$35.00 application fee for each new seminar. An application fee and PS-042SC for each new seminar **IS NOT REQUIRED** for schools applying for an original certificate of approval.

Revised Seminar Applications: Submit an original and one copy of the revised PS-304S with **original signature in blue ink**, a seminar overview, and a properly completed form PS-042SC. There is no application fee for revised seminars. However, changes in length of 25% or more require submission of a New Seminar Application.

If money is required with this submission, please make checks payable to TWC Career Schools and Veterans Education and mail (with Fee Sheet, PS-186) to Texas Workforce Commission, Career Schools and Veterans Education – Controller, 101 East 15th Street, Austin, Texas 78778-0001. If no money is enclosed, mail to Texas Workforce Commission, Career Schools and Veterans Education, 101 East 15th Street, Austin, Texas 78778-0001. *(Please type or print)*

School Name _____ School # _____

School Mailing Address _____ City/State/Zip _____

Phone () _____ FAX () _____ School e-mail address _____

1. Seminar title: _____

2. Objective of seminar (skills to be learned): _____

3. Admissions requirements (education, experience and/or minimum score or specifications): _____

4. Length of seminar in clock hours: _____

5. Seminar fees:

(1) Registration \$ _____

(2) Tuition \$ _____

(3) Books and supplies \$ _____

(4) Other (Please specify) \$ _____

(5) TOTAL \$ _____

How fees paid (on-site, in advance, other arrangements): _____

I certify that the information on this form is true and correct to the best of my knowledge and belief.

Typed Name of School Director

Signature of School Director (In BLUE Ink)

Date

Completed forms, inquiries, or corrections to the individual information contained in this form shall be sent to the attention of the Career Schools and Veterans Education Section, 101 East 15th Street, Room 202T, Austin, Texas 78778-0001 or call (512) 936-3100.

An individual may receive and review information that TWC collects regarding that individual by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Section, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

Seminar title: _____

6. Detail of Instructional Materials, Media, and Supplies:

<u>Books etc.:</u>	<u>Title</u>	<u>Author</u>	<u>Pub Date</u>	<u>Cost</u>

Cost

<u>Supplies:</u>				

Cost

<u>Other:</u>				

TEXAS WORKFORCE COMMISSION

Career Schools and Veterans Education

Student Complaint Record

DEPT. USE ONLY

School # _____

Complete page 1 & 2 of this form and mail to: TWC-Career Schools and Veterans Education, 101 East 15th Street, Austin, Texas, 78778-0001, phone (512) 936-3100.

Unless you reveal your name and address, we are unable to investigate your complaint and may use this form for information only. Please submit a copy of your enrollment agreement with the school and copies of any other documents that may help us substantiate this complaint. **DO NOT SEND ORIGINALS OF ANY DOCUMENTATION.**

Your Full Name at Time of Enrollment	Name of School
Address	School's Address
City	City
State Zip	State Zip
Home Phone ()	Phone ()
Work Phone ()	Program Attended
Social Security Number	Last Date of Attendance

Please list the names and phone numbers of any witnesses or persons who can substantiate your complaint.

Who else have you contacted regarding this complaint?

Have you used the school's complaint process? Yes No
If no, why not?

In your opinion, why was this complaint not resolved at the school?

How much tuition have you paid? How did you pay this? If loans were used, please list the names of the lenders and account numbers of the loans.

Describe your complaint in detail. Include names of persons, locations, and dates involved. Please use additional sheets if you need more space. If this complaint is against specific person(s), please list their name and title.

October 25, 2004

School Director
School Name
School Address
Coty, TX 79102

Dear M . Director:

School Name was issued a three-year Certificate of Approval, which will expire The instructions for interim renewal were referenced in the cover letter that accompanied your Certificate of Approval.

To continue to maintain the Certificate of Approval, the following information will need to be submitted postmarked on or before.....

1. A fee of \$250 - made out to TWC-CSVE and mailed to:
Texas Workforce Commission
Careers Schools - Controller
101 E. 15th Street
Austin, Texas 78778-0001
3. Financial statements, as required
4. Any other revisions or evidence required by this commission in writing
5. Submission of Annual Enrollment and Outcomes Report, if applicable
6. Assurance that the appropriate business taxes have been paid
7. Renewal fee of \$45 for each approved representative

If you have any questions about this letter, please contact me at (512) 936-3253.

Sincerely,



Nora Perez
Program Specialist II
Proprietary Schools

NP:renewal

Enclosures
PS-186, Proprietary Schools Fee Sheet
PS-014A, Addendum to Representative Application
PS-018, Citations Relating to Small Career Schools General Information Sheet

October 25, 2004

M School Director
 School Name
 School Address
 City, Texas 78701

Dear M Director:

The Certificate of Approval issued to the above referenced school expires

A complete and acceptable renewal application must be postmarked with a date on or before A minimum late fee of \$200 must be paid in addition to the annual fee if any part of the renewal application package is late. **If the renewal application is not postmarked by the expiration date, you must file an original application.**

COMPLETE RENEWAL APPLICATION PACKAGE:

- _____ 1. Completed Application for Renewal of Certificate of Approval. (Form PS-015 enclosed).
- _____ 2. Renewal fee made payable to "TWC-CSVE" in the amount of \$..... (Form PS-186 enclosed). **Please note if financial statements have not been received or have been received, but tuition income was not specified, we may re-calculate the renewal fee and assess an additional fee when the additional information is received.**
- _____ 3. A late fee of \$..... will be due if a complete and acceptable renewal application package is not postmarked on or before
- _____ 4. Financial statements, if required. Remember, financial statements are due six months after the end of your fiscal year. If you have questions concerning the submission of financial statements, please contact Michael De Long at (512) 936-3104.
- _____ 5. Any other revisions or evidence of which the school has been notified in writing necessary to bring the school's application for approval to a current and accurate status; for example: response to survey, response to complaints, and requested catalog revisions.
- _____ 6. Submit form PS-014a (form enclosed) and \$45 registration fee for each representative application to be renewed and \$90 for each new representative.
- _____ 7. Submit the names of your current instructors and the subjects they teach. (Form PS-002c enclosed.) If you have questions concerning instructors, please contact Catherine Regan at (512) 936-2015.

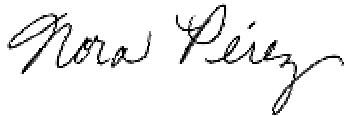
_____ 8. *Texas Education Code, Section 132.055(h)* requires a school to comply with all local, city, county, municipal, state and federal regulations. Please ensure that the appropriate business taxes have been paid and or filed. In addition, please ensure that assume name registrations are still valid with the Secretary of State's office and/or County Clerk's Office.

For your protection, we recommend your complete renewal application package with fees be sent by certified mail before the due date.

If the renewal application package is not complete on or before the expiration date, a notice of denial will be issued. This notice will outline the deficiencies in the application and will advise you of your right to appeal our decision to deny.

If you have questions regarding your renewal application, please contact me at 512-936-3253.

Sincerely,



Nora Perez
Program Specialist II
Career Schools and Veterans Education

Enclosures
Form PS-015, Application for Renewal
Form PS-014, Representative Registration Application
Form PS-014A, Addendum to Representative Application
Form PS-002C, Current Instructor Listing
Form PS-186, Fee Sheet

For your convenience you may download these forms from our website: <http://propschools.texasworkforce.org>

Information for Students Affected by a School Closure

The best option for students faced with a school closure is to continue their course of studies and obtain their certificate or degree. In most cases, this is accomplished by taking part in a [teach-out](#). It might also mean a [transfer](#) to another school.

If continuing studies is not possible, students may consider other options, including [discharge of their student loans](#), requesting a [refund of tuition](#), or other compensation. However, selecting discharges or refunds will likely result in the loss of credits already earned.

Here are seven essential pieces of information for students faced with a school closure:

1. Teach-Out

Students may be able to complete their studies at the closing school or other schools. The Career Schools and Colleges program will work with the closing school and other schools in the area to explore whether a teach-out can be made available. A teach-out is intended to fulfill the contract between the closing school and the student. The teach-out will provide comparable training for which the students will pay only what remains to be paid on their contract.

2. Transfer

Students may be able to transfer credits to another school offering similar courses. They should contact other schools about transfer eligibility. For a list of schools approved by the Career Schools and Colleges program, students can visit our [Web site](#). Students considering transfer may also want to visit the [Texas Higher Education Coordinating Board Web site](#). Unlike a teach-out, the Career Schools and Colleges program will have no part in any arrangement that the student makes, and the new school will determine what courses the student will need to take and the charges.

3. Discharge of Loan

If students don't complete their studies or transfer and they've received a federally subsidized loan, they may be eligible to have the loan discharged. Students should contact their lender or the [U.S. Department of Education](#) at 1-800-4-FEDAID to obtain more information, including a loan-discharge application. If the Texas Guaranteed Student Loan Corporation guaranteed the loan, contact them at 1-800-845-6267 or via e-mail at cust.assist@tgsllc.org.

4. School Refund

Students can make a written request for a refund of tuition from the school. The Career Schools and Colleges program investigates whether closing schools may have violated state law. If so, students may be eligible for a refund of all or part of tuition and other costs, such as book charges. More information on the refund policy for a particular school can be found in the school's catalog and/or enrollment agreement.

5. Tuition Trust Account

The Tuition Protection Fund was created by the Texas Legislature in 1989 to protect students of a licensed school from tuition loss if the school closes. As with bonds, the money available from the fund is limited, and may not provide full refunds. Again, students should ensure the Career Schools and Colleges program has the information needed to contact them by mail and/or telephone.

6. Transcripts and Other Records

Students seeking transcripts and other records from previously licensed closed schools should review the [closed school list](#) to determine whom to contact.

Additional Information

[Closed School Guide](#) - provided by the U.S. Department of Education.

Please contact your school or the Career Schools and Colleges program for more information.
Career Schools and Colleges contact information:

Mail:

Texas Workforce Commission
Career Schools and Colleges
101 East 15th Street
Austin, TX 78778-0001

E-mail:

closedschools@twc.state.tx.us

Phone:

(512) 936-3100

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Last Revision: October 08, 2003