

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

2  
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**  
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**  
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**  
6

7 The Texas Workforce Commission (Commission) adopts the following new section to Chapter  
8 807, relating to Career Schools and Colleges, *without* changes, as published in the September 17,  
9 2010, issue of the *Texas Register* (35 TexReg 8480):

10  
11 Subchapter A. General Provisions, §807.5

12  
13 The Commission adopts amendments to the following sections of Chapter 807, relating to Career  
14 Schools and Colleges, *without* changes, as published in the September 17, 2010, issue of the  
15 *Texas Register* (35 TexReg 8480):

16  
17 Subchapter A. General Provisions, §807.3

18 Subchapter B. Certificates of Approval, §807.11 and §807.16

19 Subchapter F. Instructors, §807.81

20 Subchapter H. Courses of Instruction, §807.122 and §§807.130 - 807.132

21 Subchapter I. Application Fees and Other Charges, §807.151

22 Subchapter L. Progress Standards, §807.223

23 Subchapter M. Attendance Standards, §807.245

24 Subchapter N. Cancellation and Refund Policy, §807.263

25 Subchapter P. Complaints, §807.301

26  
27 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

28 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES**

29  
30 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

31 The purpose of the adopted Chapter 807 rule change is to address changes in the career school  
32 and college industry. To identify options for simplifying processes and eliminating duplicative  
33 regulation, Agency staff met with the Career Colleges and Schools of Texas, a group of industry  
34 representatives, to discuss amendments to Chapter 807, Career Schools and Colleges rules. The  
35 goal was to identify rule and process changes to:

36 --streamline the Commission's regulation of career schools and colleges; and

37 --eliminate requirements that do not improve student protections, but that unnecessarily restrict  
38 career schools and colleges' ability to respond to changing needs for training.

39  
40 In addition, the adopted amendments to Chapter 807 are to:

41 --clarify exemption requirements based on changes in the Texas Higher Education Coordinating  
42 Board (THECB) rules, which now recognize national accrediting bodies that approve  
43 baccalaureate or higher-level degrees; and

44 --better inform students of regulations governing licensed career schools and colleges, and  
45 grievance processes available to students.

46  
47 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**  
48 **RESPONSES**

1 (Note: Minor, nonsubstantive, editorial changes are made that do not change the meaning  
2 of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)  
3

#### 4 **SUBCHAPTER A. GENERAL PROVISIONS**

5 **The Commission adopts the following amendments to Subchapter A:**  
6

##### 7 **§807.3. Memorandum of Understanding for Regulation of Schools**

8 Section 807.3 deletes an incorrect reference to 40 TAC §800.205.  
9

##### 10 **New §807.5. Exemptions**

11 New §807.5 clarifies requirements for an exemption from the requirement for a certificate of  
12 approval to align with rule changes enacted by THECB (referred to as the Coordinating Board in  
13 this chapter). Texas Education Code, Chapter 61, allows THECB to authorize some career  
14 schools and colleges to offer baccalaureate or higher-level degrees. By rule, THECB recognizes  
15 certain national accrediting agencies that accredit career schools and colleges. If a career school  
16 or college is accredited by a recognized accreditor, the school or college can apply to THECB for  
17 a certificate of authorization to offer any degree program(s) up to, and including, a specific  
18 degree level cited in the certificate. This creates an opportunity for career schools and colleges  
19 in Texas with baccalaureate or higher-level degree programs to apply to the Commission for an  
20 exemption under Texas Education Code §132.002(a)(6).  
21

22 The Commission's intent is to provide consistent and clear standards regarding the applicability  
23 of exemptions pursuant to Texas Education Code, Chapter 132.  
24

25 New §807.5(1) - (5) sets forth that under the requirements of Texas Education Code  
26 §132.002(d), a career school or college application for an exemption from the provisions of  
27 Texas Education Code §132.002(a)(6) must provide evidence that:

- 28 (1) the school or college has been licensed for at least one year;  
29 (2) the school or college has a certificate of authorization from THECB to grant baccalaureate or  
30 higher-level degrees or a letter from THECB indicating THECB approval is not required;  
31 (3) the school or college is accredited by a THECB-recognized accrediting body;  
32 (4) the school or college is in good standing with the designated accrediting body and not subject  
33 to:

- 34 (A) probation;  
35 (B) a directive to show cause as to why accreditation should not be revoked; or  
36 (C) any other action that, as defined by the accrediting agency, will prevent the school from  
37 seeking approval of its degree programs; and  
38 (5) at least a simple majority (51 percent) of credits earned in the educational programs of the  
39 school or college are transferable to educational programs that are:  
40 (A) at an equivalent or higher academic level (e.g., baccalaureate to baccalaureate or  
41 higher);  
42 (B) at a junior college, college, or university supported entirely or partly by taxation from a  
43 local or state source; and  
44 (C) within the same local/regional service area as the offered program, as determined by the  
45 Agency.  
46

#### 47 **SUBCHAPTER B. CERTIFICATES OF APPROVAL**

48 **The Commission adopts the following amendments to Subchapter B:**

1  
2 **§807.11. Original Approvals**

3 Section 807.11(b) adds that schools must complete the Agency's application requirements within  
4 180 days of receipt of the original application or the application may be considered withdrawn.  
5

6 Section 807.11(c) states that a school's failure to respond to any Commission request for  
7 additional information within 30 days may result in withdrawal of the application by the  
8 Commission.  
9

10 Section 807.11(d) requires that to reapply, a school shall submit:

11 (1) a complete application as required under §807.11(a); and

12 (2) an affidavit stating that the school will not reopen until it has been issued a Certificate of  
13 Approval.  
14

15 **§807.16. Degrees**

16 Section 807.16 replaces the section title "Associate Degrees" with "Degrees" to align with  
17 THECB rules.  
18

19 Section 807.16(a) removes the term "associate" because THECB now approves several levels of  
20 degrees.  
21

22 Section 807.16(b) states that the Commission may recognize the approval to grant degrees upon  
23 receipt of notice issued by THECB and adds that additional notice by the school's accreditor also  
24 may be required. These changes are made to align with THECB rules.  
25

26 **SUBCHAPTER F. INSTRUCTORS**

27 **The Commission adopts the following amendments to Subchapter F:**  
28

29 **§807.81. Instructor Qualifications**

30 Section 807.81(a) replaces the term "program" with "course of instruction" to clarify that  
31 instructors for both programs and seminars must comply with this section.  
32

33 Section 807.81(b)(1)(D) replaces the term "includes" with "is supplemented by" to further  
34 specify the requirements for a master's degree.  
35

36 Section 807.81(b)(2)(A) adds the term "satisfactory completion of" to further specify the  
37 requirements for a bachelor's degree.  
38

39 Section 807.81(b)(2)(D) replaces the term "includes" with "is supplemented by" to further  
40 specify the requirements for a bachelor's degree.  
41

42 Section 807.81(b)(3)(B) replaces the term "includes" with "is supplemented by" to further  
43 specify the requirements for an associate's degree.  
44

45 Section 807.81(b)(4) makes editorial changes to the language to align with the other subsections.  
46

47 Section 807.81(b)(5) makes editorial changes to the language to align with the other subsections.  
48

1 Section 807.81(c)(5) replaces the term "awareness course" with "seller training program" to align  
2 with terminology used by the Texas Alcoholic Beverage Commission.

3  
4 Section 807.81(d) adds the term "proficiency" to address an editorial omission in the subsection.

5  
6 **SUBCHAPTER H. COURSES OF INSTRUCTION**

7 **The Commission adopts the following amendments to Subchapter H:**

8  
9 **§807.122. General Information for Courses of Instruction**

10 Section 807.122 adds new subsections (a) - (c) to reduce paperwork and allow flexibility in  
11 evaluating courses of instruction. The application process is modified for schools that are  
12 approved by an accrediting body recognized by the U.S. Secretary of Education and a variance to  
13 the general requirements is allowed, under certain conditions. Career schools and colleges must  
14 respond rapidly to changing market demands to improve their capability to compete with other  
15 educational institutions. Currently, courses in accredited career schools and colleges undergo  
16 two review and approval processes--first by the Agency and second by the appropriate  
17 accrediting agency--which delays the implementation of courses developed to meet students'  
18 changing needs.

19  
20 Section 807.122(a) states that a school is not required to submit applications for additional  
21 courses of instruction or for course revisions to the Commission for approval, if the school:

- 22 (1) has been licensed for at least one year under current ownership;  
23 (2) is accredited by an agency recognized by the U.S. Secretary of Education; and  
24 (3) is in good standing with its designated accrediting agency and not subject to:  
25 (A) probation;  
26 (B) a directive to show cause as to why accreditation should not be revoked; or  
27 (C) any other action, as defined by the accrediting agency, that would otherwise prevent the  
28 school from seeking approval to add or revise a course of instruction.

29  
30 Section 807.122(b) requires that immediately upon receipt of the approval of the course of  
31 instruction from the accrediting agency, the school shall provide a copy to the Commission.

32  
33 Section 807.122(c) sets forth that the Commission may require the school director of an  
34 accredited school to file applications for nondegree programs if there have been two  
35 substantiated complaints regarding programs in the previous year.

36  
37 Section 807.122(h), formerly §807.122(e), replaces the term "programs" with "courses of  
38 instruction" to indicate that both programs and seminars must comply with this subsection.

39  
40 Certain subsections have been relettered to accommodate additions.

41  
42 **§807.130. Admission Requirements Relating to Courses of Instruction**

43 Section 807.130 replaces the section title "Admission Requirements Relating to Programs" with  
44 "Admission Requirements Relating to Courses of Instruction" to establish that both programs  
45 and seminars must comply with this section.

46  
47 Section 807.130(a) and (b) replaces the term "program" with "course of instruction" to establish  
48 that both programs and seminars must comply with this section.

1  
2 **§807.131. School Responsibilities Relating to Courses of Instruction**

3 Section 807.131 replaces the section title "School Responsibilities Regarding Programs" with  
4 "School Responsibilities Relating to Courses of Instruction" to establish that both programs and  
5 seminars must comply with this section.  
6

7 Section 807.131(a) adds the requirement that schools must identify any portion of instruction  
8 "conducted by distance education."  
9

10 Section 807.131(b)(2) adds the phrase "as established by the Commission" to clarify that the  
11 Commission establishes minimum employment rates in jobs related to the stated occupation.  
12

13 **§807.132. Course of Instruction Revisions**

14 Section 807.132 replaces the section title "Course of Instruction Program" with "Course of  
15 Instruction Revisions" to establish that both programs and seminars must comply with this  
16 section.  
17

18 Section 807.132(a) - (c) replaces the term "program" with "course of instruction" to establish that  
19 both programs and seminars must comply with this section.  
20

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

22 **The Commission adopts the following amendments to Subchapter I:**  
23

24 **§807.151. Fee Schedule**

25 Section 807.151(13) changes the fee for investigation of a complaint from \$400 to \$600 to  
26 conform with Texas Education Code §132.201(e).  
27

28 **SUBCHAPTER L. PROGRESS STANDARDS**

29 **The Commission adopts the following amendments to Subchapter L:**  
30

31 **§807.223. Progress Requirements for Asynchronous Distance Education Schools**

32 Section 807.223 replaces the section title "Progress Requirements for Distance Education  
33 Schools" with "Progress Requirements for Asynchronous Distance Education Schools" to clearly  
34 exclude synchronous distance education schools only from the requirements of this particular  
35 section.  
36

37 Section 807.223(a) adds the term "asynchronous" to clearly exclude synchronous distance  
38 education schools only from the requirements of this particular section.  
39

40 **SUBCHAPTER M. ATTENDANCE STANDARDS**

41 **The Commission adopts the following amendments to Subchapter M:**  
42

43 **§807.245. Leaves of Absence**

44 Section 807.245 reduces paperwork, allows flexibility, and improves potential student outcomes  
45 by allowing courses of instruction eligible for payment from Title IV funds under 20 U.S.C.  
46 §1070 et seq. to adopt a leave of absence policy consistent with that of the U.S. Secretary of  
47 Education.

1 Section 807.245(c) adds the phrase "except as provided in subsection (d) of this section" to  
2 clarify the exception to the leave of absence policy set forth in this subsection.

3  
4 Section 807.245(d) allows programs with a course time of more than 600 hours, and that are  
5 eligible for Title IV funding, to have a leave of absence policy consistent with the U.S.  
6 Department of Education policy at 34 C.F.R. §668.22(d).

7  
8 Certain subsections have been relettered to accommodate additions to this section.

9  
10 **SUBCHAPTER N. CANCELLATION AND REFUND POLICY**

11 **The Commission adopts the following amendments to Subchapter N:**

12  
13 **§807.263. Refund Requirements**

14 Section 807.263 replaces the section title "Refund Requirements for Residence Schools" with  
15 "Refund Requirements" to clarify that the information contained in this section applies to all  
16 types of schools.

17  
18 Section 807.263(e) removes the phrase "combination distance education-residence" to give  
19 students the same right to cancel as provided to other residence school students. More schools  
20 are offering hybrid programs, and having one distance education subject should not remove the  
21 student's right to cancel after a tour.

22  
23 **SUBCHAPTER P. COMPLAINTS**

24 **The Commission adopts the following amendments to Subchapter P:**

25  
26 **§807.301. School Policy Regarding Complaints**

27 Section 807.301 adds the requirement for schools to post critical information to enhance student  
28 awareness about the regulation of the school and the student grievance processes, as well as the  
29 Agency's role in the process. Currently, the Agency's Career Schools and Colleges unit receives  
30 frequent phone calls and written communications from students, indicating a lack of awareness  
31 of a school's grievance process and of their ability to file a complaint with the Agency. Adding  
32 this requirement will enable schools to facilitate greater awareness and more direct discussions  
33 with students by conveying grievance policy information to both current and prospective  
34 students in key locations at school facilities and on the school's Web site, in addition to providing  
35 materials to students as already required.

36  
37 Section 807.301(5) requires that schools post a visible notice on the school's Web site and  
38 centrally located at or near the school's main entrance; in at least one of the student common  
39 areas (e.g., the student cafeteria and/or breakroom); in places where student solicitation, financial  
40 aid assistance, and enrollment activities take place; and other locations as necessary to respond to  
41 problems with career schools rule compliance, which states that:

- 42 (A) the school has a certificate of approval from the Agency, and provides the Agency-assigned  
43 school number;
- 44 (B) the school's programs are approved by the Agency and may also be approved by other state  
45 agencies or accrediting bodies, and provides the name of any accrediting body and state  
46 agency, as applicable;
- 47 (C) students must address their concerns about an educational program by following the  
48 school's grievance process outlined in the school catalog;

1 (D) students who are dissatisfied with the school's response to their complaints can file a formal  
2 complaint with the Agency, as well as with the school's accrediting body, if applicable; and  
3 (E) additional information on complaint procedures is located on the Agency's Career Schools  
4 and Colleges Web site.  
5

6 No comments were received.  
7

8 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to  
9 be within the Agency's legal authority to adopt.  
10

11 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the  
12 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it  
13 deems necessary for the effective administration of Agency services and activities.  
14

15 The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302, as well as  
16 Texas Education Code, Chapter 132.  
17

1  
2 **CHAPTER 807. CAREER SCHOOLS AND COLLEGES**  
3

4 **SUBCHAPTER A. GENERAL PROVISIONS**  
5

6 **§807.3. Memorandum of Understanding for Regulation of Schools.**  
7

8 The Act requires the Commission to execute a memorandum of understanding with the  
9 Texas Guaranteed Student Loan Corporation and each state agency regulating schools to  
10 reduce default rates at the regulated schools and to improve the overall quality of the  
11 programs. Copies are available at the Texas Workforce Commission, 101 East 15th  
12 Street, Austin, Texas 78778.  
13

14 **§807.5. Exemptions.**  
15

16 Texas Education Code §132.002(d) requires that a career school or college application  
17 for an exemption from the provisions of Texas Education Code §132.002(a)(6) must  
18 provide evidence that:  
19

- 20 (1) the school or college has been licensed for at least one year;  
21  
22 (2) the school or college has a certificate of authorization from the Coordinating  
23 Board to grant baccalaureate or higher-level degrees or a letter from the  
24 Coordinating Board indicating the Coordinating Board approval is not  
25 required;  
26  
27 (3) the school or college is accredited by a Coordinating Board–recognized  
28 accrediting body;  
29  
30 (4) the school or college is in good standing with the designated accrediting body  
31 and not subject to:  
32  
33 (A) probation;  
34  
35 (B) a directive to show cause as to why accreditation should not be revoked;  
36 or  
37  
38 (C) any other action that, as defined by the accrediting agency, will prevent  
39 the school from seeking approval of its degree programs; and  
40  
41 (5) at least a simple majority (51 percent) of credits earned in the educational  
42 programs of the school or college are transferable to educational programs that  
43 are:  
44  
45 (A) at an equivalent or higher academic level (e.g., baccalaureate to  
46 baccalaureate or higher);  
47



1 (B) at a junior college, college, or university supported entirely or partly by  
2 taxation from a local or state source; and  
3

4 (C) within the same local/regional service area as the offered program, as  
5 determined by the Agency.  
6

## 7 **SUBCHAPTER B. CERTIFICATES OF APPROVAL**

### 8 **§807.11. Original Approvals.**

- 9
- 10 (a) A complete application for an original certificate of approval shall consist of the  
11 following:  
12
- 13 (1) a completed application form provided by the Commission;
  - 14 (2) complete and correct financial statements, as specified in this chapter,  
15 demonstrating the school is financially stable and capable of fulfilling its  
16 commitments for training;  
17
  - 18 (3) the application fee as specified in this chapter; and  
19
  - 20 (4) any other revisions or evidence necessary to bring the school's application for  
21 approval to a current and accurate status as requested by the Commission.  
22
- 23 (b) Schools shall fully satisfy the Agency application requirements within 180 days of  
24 receipt of the original application or the application may be considered withdrawn.  
25
- 26 (c) If a school fails to respond to a request for additional information within 30 days, the  
27 Commission may withdraw the application.  
28
- 29 (d) To reapply, a school shall submit:  
30
- 31 (1) a complete application as required in subsection (a) of this section; and  
32
  - 33 (2) an affidavit stating that the school will not reopen until it has been issued a  
34 Certificate of Approval.  
35  
36  
37

### 38 **§807.16. Degrees.**

- 39
- 40 (a) For approval to grant degrees, the school shall make application to the Coordinating  
41 Board.  
42
- 43 (b) The Commission may recognize the approval to grant degrees upon receipt of notice  
44 issued by the Coordinating Board. Additional notice by the school's accreditor also  
45 may be required.  
46  
47  
48

1     **SUBCHAPTER F. INSTRUCTORS**  
2

3     **§807.81. Instructor Qualifications.**  
4

- 5           (a) The instructor shall be of good reputation and shall not be a current student in the  
6           same or similar course of instruction, as determined by the Agency, in which the  
7           instructor teaches.  
8
- 9           (b) Instructors shall possess and affirm on forms provided by the Agency that the  
10           instructor has one of the following qualifications that applies to the course area to be  
11           taught. In such cases where the practical experience is gained on a seasonal basis as  
12           an industry standard, the season of at least three months of experience shall be  
13           considered as one year of experience.  
14
- 15           (1) The instructor has a master's degree or higher that:  
16
- 17                   (A) includes satisfactory completion of six semester credit hours or eight  
18                   quarter credit hours in the class to be taught;  
19
- 20                   (B) includes satisfactory completion of three semester credit hours or four  
21                   quarter credit hours in the course area and one year of related practical  
22                   experience within the ten years immediately preceding employment by the  
23                   school, if the class to be taught is in a technical field;  
24
- 25                   (C) includes satisfactory completion of three semester credit hours, or four  
26                   quarter credit hours in the course area to be taught, if the class to be taught  
27                   is in a non-technical field; or  
28
- 29                   (D) is supplemented by one year of related practical experience in the class to  
30                   be taught within the ten years immediately preceding employment by the  
31                   school, if the class to be taught is in a non-technical field.  
32
- 33           (2) The instructor has a bachelor's degree that:  
34
- 35                   (A) includes satisfactory completion of nine semester hours or 12 quarter  
36                   hours related to the course area to be taught;  
37
- 38                   (B) includes satisfactory completion of six semester credit hours or eight  
39                   quarter credit hours in the course area to be taught and one year of related  
40                   practical experience within the ten years immediately preceding  
41                   employment by the school, if the class to be taught is in a technical field;  
42
- 43                   (C) includes satisfactory completion of three semester credit hours or four  
44                   quarter credit hours in the course area and one year of related practical  
45                   experience within the ten years immediately preceding employment by the  
46                   school, if the class to be taught is in a non-technical field; or  
47

- 1 (D) is supplemented by two years of related practical experience within the ten  
2 years immediately preceding employment by the school.  
3
- 4 (3) The instructor has an associate's degree that:  
5  
6 (A) includes satisfactory completion of nine semester credit hours or 12  
7 quarter hours in the course area to be taught and two years of related  
8 practical experience within the ten years immediately preceding  
9 employment by the school; or  
10  
11 (B) is supplemented by three years of related practical experience within the  
12 ten years immediately preceding employment by the school.  
13
- 14 (4) The instructor has a secondary education that includes a certificate of  
15 completion from a recognized postsecondary school for a program with course  
16 time of at least 900 hours in a relevant course area and four years of related  
17 practical experience within the ten years immediately preceding employment  
18 by the school; or  
19
- 20 (5) The instructor has proof of satisfactory completion of secondary education and  
21 five years of related practical experience within the ten years immediately  
22 preceding employment by the school.  
23
- 24 (c) In addition to the other applicable requirements for instructors, including the good  
25 reputation requirement, the following qualifications apply to the specific instructors  
26 listed in this subsection.  
27
- 28 (1) The Commission requires that a court reporting instructor of only machine  
29 shorthand theory and speedbuilding shall have:  
30  
31 (A) an associate's degree or higher and certificate of completion of machine  
32 shorthand theory requirements in an accredited court reporting program;  
33  
34 (B) an associate's degree in court reporting from any state-recognized school;  
35  
36 (C) a Registered Professional Reporter or Certified Shorthand Reporter  
37 certification from any state; or  
38  
39 (D) a certificate of completion of a court reporting program from a state-  
40 certified school.  
41
- 42 (2) The Commission requires that a court procedures and technology instructor  
43 shall have:  
44  
45 (A) a Registered Professional Reporter or Certified Shorthand Reporter  
46 certification; and  
47  
48 (B) one year of court reporting experience.

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

37 **SUBCHAPTER H. COURSES OF INSTRUCTION**

38  
39 **§807.122. General Information for Courses of Instruction.**

- 40  
41 (a) A school is not required to submit applications for additional courses of instruction  
42 or for course revisions to the Commission for approval, if the school:  
43  
44 (1) has been licensed for at least one year under the current ownership;  
45  
46 (2) is accredited by an agency recognized by the U.S. Secretary of Education; and  
47  
48 (3) is in good standing with its designated accrediting agency and not subject to:

- 1  
2 (A) probation;  
3  
4 (B) a directive to show cause as to why accreditation should not be revoked;  
5 or  
6  
7 (C) any other action, as defined by the accrediting agency, that would  
8 otherwise prevent the school from seeking approval to add or revise a  
9 course of instruction.  
10
- 11 (b) Upon receipt of the approval of the course of instruction from the accrediting  
12 agency, the school shall provide a copy to the Commission.  
13
- 14 (c) The Commission may require the school director of an accredited school to file  
15 applications for nondegree programs if there have been two substantiated complaints  
16 regarding programs in the previous year.  
17
- 18 (d) A school submitting applications for approval of seminars shall use abbreviated  
19 forms provided by the Commission.  
20
- 21 (e) No class or program shall be approved by the Commission unless the school  
22 demonstrates that the program's quality, content, and length reasonably and  
23 adequately imparts the job skills and knowledge necessary for the student to obtain  
24 employment in the stated occupation.  
25
- 26 (f) A school may not solicit students, otherwise advertise, or conduct classes for a  
27 course of instruction prior to the Commission's approval of the course of instruction.  
28 Any such activity by the school, prior to the Commission's approval of the course of  
29 instruction, shall constitute a misrepresentation by the school and shall entitle each  
30 student in the course of instruction to a full refund of all tuition and fees paid by the  
31 student and release from all obligations.  
32
- 33 (g) The school shall establish and maintain a formal advisory committee of at least five  
34 members, unless the Commission approves a lesser number of persons in advance,  
35 for each type of program with course time in excess of 200 hours in length. At least  
36 annually, the committee shall evaluate the curriculum, instructional materials and  
37 media, equipment, and facilities to ensure they meet the needs of the job market.  
38 The school shall have written documentation of the evaluation available for review  
39 by the Commission. If the school does not follow an advisory committee  
40 recommendation, the school shall maintain written documentation of the justification  
41 for not following the recommendation.  
42
- 43 (h) If the applicant requests approval to measure courses of instruction in credit hours,  
44 the following conversion table shall be used.  
45
- 46 (1) One academic quarter credit hour equals a minimum course time of:  
47  
48 (A) 10 hours of classroom lecture;

1  
2 (B) 20 hours of laboratory experience; or

3  
4 (C) 30 hours of externship.

5  
6 (2) One academic semester credit hour is equal to a minimum course time of:

7  
8 (A) 15 hours of classroom lecture;

9  
10 (B) 30 hours of laboratory experience; or

11  
12 (C) 45 hours of externship.

13  
14 (3) The school shall calculate lecture, laboratory, and externship credit hour  
15 conversions individually for each class, rounding down to the nearest half  
16 credit hour. The school shall add the total for the credit hours for lecture,  
17 laboratory, and externship to determine the total credit hours for a class.

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

20  
21 (a) The school shall submit, for approval by the Commission, its admission requirements  
22 for each course of instruction with justification for the requirements.

23  
24 (b) The school shall ensure that the student demonstrates to the school sufficient  
25 proficiency in the language of instruction to successfully complete the training  
26 course of instruction.

27  
28 **§807.131. School Responsibilities Relating to Courses of Instruction.**

29  
30 (a) As a condition of program approval or renewal, the school shall identify any portion  
31 of instruction that is self-paced, conducted by distance education, or not conducted in  
32 English.

33  
34 (b) To maintain program approval, the school shall demonstrate the following:

35  
36 (1) a reasonable student completion rate for each program; and

37  
38 (2) a minimum employment rate, as established by the Commission, for program  
39 graduates in jobs related to the stated occupation.

40  
41 (c) When a school is approved to offer a program, the school shall maintain sufficient  
42 instructors to teach all subjects for completing the program during the length of time  
43 stipulated in the school catalog, regardless of the size of the class.

44  
45 (d) The school shall schedule classes so that students will be able to complete the  
46 program during the length of time stipulated in the school catalog.  
47

- 1 (e) The school shall ensure that students receive the lecture and laboratory experience  
2 hours with sufficient instructors and scheduling. An instructor may not be  
3 simultaneously supervising a laboratory experience and a lecture even if they are in  
4 the same room.  
5
- 6 (f) A school shall provide course outlines to students at the beginning of each subject  
7 which lists students' performance objectives, references and resources, and a general  
8 content outline for the subject.  
9
- 10 (g) A school shall have and use lesson plans for all subjects.  
11
- 12 (h) A school may not use classes from one or more approved programs to create a new  
13 program and award a certificate of completion without prior approval.  
14
- 15 (i) The student-to-instructor ratio shall be sufficient for students to learn, practice, and  
16 demonstrate the necessary knowledge and skills. These ratios may be varied at the  
17 discretion of the Commission to conform to conditions in an individual school. The  
18 following student-instructor ratios may be acceptable for single classes:  
19
- 20 (1) business lecture or laboratory--30 to one;  
21
- 22 (2) technical, vocational, or allied health lecture--30 to one;  
23
- 24 (3) technical lab (examples: computer programming, data processing,  
25 electronics)--20 to one;  
26
- 27 (4) vocational lab (examples: auto mechanics, air conditioning and refrigeration,  
28 drafting)--20 to one; and  
29
- 30 (5) intensive language instruction (beginning)--15 to one; (intermediate to  
31 advanced)--20 to one.  
32

33 **§807.132. Course of Instruction Revisions.**  
34

- 35 (a) The school shall submit a revised course of instruction application for any proposed  
36 changes in the course of instruction that shall be reflected in the school catalog's  
37 course of instruction information.  
38
- 39 (b) The school shall receive approval of proposed course of instruction revisions in  
40 writing from the Commission before implementing the revisions.  
41
- 42 (c) The school shall work closely with employers in its job market to ensure that the  
43 course of instruction meets employers' needs.  
44  
45  
46  
47  
48

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

2  
3 **§807.151. Fee Schedule.**

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

- 6  
7 (1) The initial fee for a certificate of approval for a small school is \$1,001.  
8  
9 (2) The initial fee for any other school is \$3,000.  
10  
11 (3) In the event of a change in ownership of the school, the new owner shall pay  
12 the same fee as that charged for an initial fee for a school.  
13  
14 (4) The initial registration fee for a representative is \$90.  
15  
16 (5) The annual renewal fee for a representative is \$45.  
17  
18 (6) The fee for a change of name of the school or owner is \$150.  
19  
20 (7) The fee for a change of address of a school is \$270.  
21  
22 (8) The fee for a change in the name or address of a representative or a change of  
23 the name or address of a school that causes the reissuance of the notice of  
24 permitted representative is \$15.  
25  
26 (9) The application fee for a course of instruction that is an additional program is  
27 \$225.  
28  
29 (10) The application fee for a course of instruction that is a seminar program is \$35.  
30  
31 (11) The application fee for a school director, administrative staff member, or  
32 instructor is \$20.  
33  
34 (12) The fee for an inspection of classroom facilities that are separate from the main  
35 campus is \$375.  
36  
37 (13) The fee for an investigation of a complaint against a school is \$600, if  
38 assessed.  
39

40 **SUBCHAPTER L. PROGRESS STANDARDS**

41  
42 **§807.223. Progress Requirements for Asynchronous Distance Education Schools.**

- 43  
44 (a) Asynchronous distance education schools shall evaluate progress as the school  
45 receives each lesson assignment. The school shall maintain the record of progress on  
46 forms approved by the Commission. Forms shall include:  
47  
48 (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.

### **SUBCHAPTER M. ATTENDANCE STANDARDS**

#### **§807.245. Leaves of Absence.**

- (a) Seminars and small schools with programs with course time of 40 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) Except as provided in subsection (d) of this section, in a 12-month calendar period, a student may have no more than two leaves of absence. For a program with course time of 200 hours or less, a student may be on leave of absence for a total of 30 calendar days. For programs with course time of more than 200 hours, a student may be on leave of absence for a total of 60 calendar days.
- (d) Programs with a course time of more than 600 hours, and that are eligible for Title IV funding, may have a leave of absence policy consistent with the U.S. Department of Education policy at 34 C.F.R. §668.22(d).
- (e) 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.
- (f) 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.

1 **SUBCHAPTERN. CANCELLATION AND REFUND POLICY**

2  
3 **§807.263. Refund Requirements.**

- 4  
5 (a) Students are entitled to a full refund for classes attended if the school does not  
6 provide a class with:  
7  
8 (1) an approved instructor;  
9  
10 (2) an instructor for whom an application has been properly submitted to the  
11 Commission; or  
12  
13 (3) a temporary instructor for whom the school submitted notice to the  
14 Commission.  
15  
16 (b) If a class has no instructor for more than one class period, students are entitled to a  
17 full refund for each such class attended.  
18  
19 (c) The length of a program, for purposes of calculating refunds owed, is the shortest  
20 scheduled time period in which the program may be completed by continuous  
21 attendance of a full-time student.  
22  
23 (d) A non-Title IV school, or a Title IV school voluntarily taking attendance, shall  
24 calculate refunds for students based upon scheduled hours of classes through the last  
25 date of attendance. A Title IV school shall calculate refunds for students based upon  
26 scheduled hours of classes through the last documented day of an academically  
27 related activity. Neither type of school shall count leaves of absence, suspensions,  
28 school holidays, days when classes are not offered, and summer vacations for  
29 purposes of calculating a student's refund.  
30  
31 (e) For all schools other than distance education and seminars, a student may cancel  
32 enrollment, request a full refund, and request a release from any obligations to the  
33 school within three days, excluding Saturdays, Sundays, and legal holidays  
34 following:  
35  
36 (1) the first day of the student's scheduled classes if the student is not provided an  
37 opportunity to tour the school facilities, which includes inspection of  
38 equipment, before signing an enrollment contract; or  
39  
40 (2) the day the tour of the school facilities, including inspection of the equipment,  
41 is completed, when provided before the first day of the student's scheduled  
42 classes.  
43  
44  
45  
46  
47  
48

1 **SUBCHAPTER P. COMPLAINTS**

2  
3 **§807.301. School Policy Regarding Complaints.**

4  
5 The school shall:

- 6  
7 (1) submit a written grievance procedure designed to resolve disputes between  
8 current and former students and the school for Commission approval;  
9  
10 (2) provide a copy of the grievance procedure to each student and maintain proof  
11 of such delivery;  
12  
13 (3) maintain records regarding grievance filings and resolutions;  
14  
15 (4) diligently work to resolve all complaints at the local school level; and  
16  
17 (5) post a visible notice on the school's Web site and centrally located at or near  
18 the school's main entrance; in at least one of the student common areas (e.g.,  
19 the student cafeteria and/or breakroom); in places where student solicitation,  
20 financial aid assistance, and enrollment activities take place; and other  
21 locations as necessary to respond to problems with career school rule  
22 compliance, which states that:  
23  
24 (A) the school has a certificate of approval from the Agency, and provides the  
25 Agency-assigned school number;  
26  
27 (B) the school's programs are approved by the Agency and may also be  
28 approved by other state agencies or accrediting bodies, and provides the  
29 name of any accrediting body and state agency, as applicable;  
30  
31 (C) students must address their concerns about an educational program by  
32 following the school's grievance process outlined in the school catalog;  
33  
34 (D) students who are dissatisfied with the school's response to their complaints  
35 can file a formal complaint with the Agency, as well as with the school's  
36 accrediting body, if applicable; and  
37  
38 (E) additional information on complaint procedures is located on the Agency's  
39 Career Schools and Colleges Web site.  
40