

CHAPTER 807. CAREER SCHOOLS AND COLLEGES

PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.

ON AUGUST 31, 2010, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

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The Texas Workforce Commission (Commission) proposes the following new section to Chapter 807, relating to Career Schools and Colleges:

Subchapter A. General Provisions, §807.5

The Commission proposes amendments to the following sections of Chapter 807, relating to Career Schools and Colleges:

Subchapter A. General Provisions, §807.3
Subchapter B. Certificates of Approval, §807.11 and §807.16
Subchapter F. Instructors, §807.81
Subchapter H. Courses of Instruction, §807.122 and §§807.130 - 807.132
Subchapter I. Application Fees and Other Charges, §807.151
Subchapter L. Progress Standards, §807.223
Subchapter M. Attendance Standards, §807.245
Subchapter N. Cancellation and Refund Policy, §807.263
Subchapter P. Complaints, §807.301

PART I. PURPOSE, BACKGROUND, AND AUTHORITY
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PART I. PURPOSE, BACKGROUND, AND AUTHORITY

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

--streamline the Commission's regulation of career schools and colleges; and
--eliminate requirements that do not improve student protections, but that unnecessarily restrict career schools and colleges' ability to respond to changing needs for training.

In addition, the proposed amendments to Chapter 807 are to:

--clarify exemption requirements based on changes in the Texas Higher Education Coordinating Board (THECB) rules, which now recognize national accrediting bodies that approve baccalaureate or higher-level degrees; and
--better inform students of regulations governing licensed career schools and colleges, and grievance processes available to students.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER A. GENERAL PROVISIONS

The Commission proposes the following amendments to Subchapter A:

§807.3. Memorandum of Understanding for Regulation of Schools

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

New§807.5. Exemptions

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

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

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

- (1) the school or college has been licensed for at least one year;
- (2) the school or college has a certificate of authorization from THECB to grant baccalaureate or higher-level degrees or a letter from THECB indicating THECB approval is not required;
- (3) the school or college is accredited by a THECB-recognized accrediting body;
- (4) the school or college is in good standing with the designated accrediting body and not subject to:
 - (A) probation;
 - (B) a directive to show cause as to why accreditation should not be revoked; or
 - (C) any other action that, as defined by the accrediting agency, will prevent the school from seeking approval of its degree programs; and
- (5) at least a simple majority (51 percent) of credits earned in the educational programs of the school or college are transferable to educational programs that are:

- (A) at an equivalent or higher academic level (e.g., baccalaureate to baccalaureate or higher);
- (B) at a junior college, college, or university supported entirely or partly by taxation from a local or state source; and
- (C) within the same local/regional service area as the offered program, as determined by the Agency.

SUBCHAPTER B. CERTIFICATES OF APPROVAL

The Commission proposes the following amendments to Subchapter B:

§807.11. Original Approvals

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

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

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

- (1) a complete application as required under §807.11(a); and
- (2) an affidavit stating that the school will not reopen until it has been issued a Certificate of Approval.

§807.16. Degrees

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

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

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

SUBCHAPTER F. INSTRUCTORS

The Commission proposes the following amendments to Subchapter F:

§807.81. Instructor Qualifications

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

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

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

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

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

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

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

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

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

SUBCHAPTER H. COURSES OF INSTRUCTION

The Commission proposes the following amendments to Subchapter H:

§807.122. General Information for Courses of Instruction

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

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

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

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

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

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

Certain subsections have been relettered to accommodate additions.

§807.130. Admission Requirements Relating to Courses of Instruction

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

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

§807.131. School Responsibilities Relating to Courses of Instruction

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

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

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

§807.132. Course of Instruction Revisions

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

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

SUBCHAPTER I. APPLICATION FEES AND OTHER CHARGES

The Commission proposes the following amendments to Subchapter I:

§807.151. Fee Schedule

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

SUBCHAPTER L. PROGRESS STANDARDS

The Commission proposes the following amendments to Subchapter L:

§807.223. Progress Requirements for Asynchronous Distance Education Schools

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

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

SUBCHAPTER M. ATTENDANCE STANDARDS

The Commission proposes the following amendments to Subchapter M:

§807.245. Leaves of Absence

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

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

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

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

SUBCHAPTER N. CANCELLATION AND REFUND POLICY

The Commission proposes the following amendments to Subchapter N:

§807.263. Refund Requirements

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

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

SUBCHAPTER P. COMPLAINTS

The Commission proposes the following amendments to Subchapter P:

§807.301. School Policy Regarding Complaints

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

Section 807.301(5) requires that schools post a visible notice on the school's Web site and centrally located at or near the school's main entrance; in at least one of the student common

areas (e.g., the student cafeteria and/or breakroom); in places where student solicitation, financial aid assistance, and enrollment activities take place; and other locations as necessary to respond to problems with career schools rule compliance, which states that:

- (A) the school has a certificate of approval from the Agency, and provides the Agency-assigned school number;
- (B) the school's programs are approved by the Agency and may also be approved by other state agencies or accrediting bodies, and provides the name of any accrediting body and state agency, as applicable;
- (C) students must address their concerns about an educational program by following the school's grievance process outlined in the school catalog;
- (D) students who are dissatisfied with the school's response to their complaints can file a formal complaint with the Agency, as well as with the school's accrediting body, if applicable; and
- (E) additional information on complaint procedures is located on the Agency's Career Schools and Colleges Web site.

PART III. IMPACT STATEMENTS

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and local governments expected as a result of enforcing or administering the rules.

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

The Commission anticipates no significant economic cost to persons or small or microbusinesses (in this case, interpreted as small career schools and colleges) required to comply with this rule.

These rules will not have adverse economic effects on small businesses or microbusinesses (in this case, interpreted as small career schools and colleges) as the purpose of the proposed rule changes is to simplify processes and eliminate duplicative regulation.

The reasoning for these conclusions is as follows:

--Amendments to make technical wording changes in Subchapter F, Subchapter H, and Subchapter L are not substantive.

--Amendments to add new §807.5, Exemptions, and to amend §807.16, Associate Degrees, to align with rule changes enacted by THECB, pursuant to Texas Education Code, Chapter 61, are not anticipated to have significant foreseeable implications relating to the cost to or revenues of those affected by the rules (career schools and colleges, including small career schools and colleges) or the state.

--The amendment to change the fee for investigation of a complaint from \$400 to \$600 is largely technical, as it is being made to conform with Texas Education Code §132.201(e). Program staff does not expect that the increase will be significant, will result in significant increases or decreases in revenue to the state, or result in significant economic cost to persons regulated by the rule (career schools and colleges, including small career schools and colleges).

--Amendments to add new §807.122 subsections to reduce paperwork and enhance flexibility, as well as amendments to change references from "programs" to "courses of instruction" for clarification in §§807.122, 807.130, 807.131, and 807.132 will not result in significant economic cost to persons regulated by the rule (career schools and colleges, including small career schools and colleges).

--Amendments to provide clarification of references in §807.223 and §807.263 will not result in economic costs, as well the amendment in §807.245 to allow flexibility and improve potential student outcomes by authorizing adoption of a leave of absence policy consistent with that of the U.S. Secretary of Education.

--The amendment in §807.301 to require schools to post critical information to enhance student awareness about the student grievance processes, as well as the Agency's role in regulating career schools and colleges, will not result in significant economic cost to persons regulated by the rule (career schools and colleges, including small career schools and colleges).

Richard C. Froeschle, Director of Labor Market and Career Information, has determined that there is no significant negative impact upon employment conditions in the state as a result of the rules.

Laurence M. Jones, Director, Workforce Development Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to regulate career schools and colleges as efficiently as possible by avoiding duplicative regulatory actions and providing career school and college students with enhanced information about institutions performance and their recourses for complaints.

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

PART IV. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, the Commission sought the involvement of the Career Colleges and Schools of Texas, an organization representing career schools and colleges, the major national accreditors of career schools and colleges and THECB. During the rulemaking process, the Commission considered all information gathered in order to develop rules that provide clear and concise direction to all parties involved.

Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us.

The Commission must receive comments postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

The rules are proposed 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.

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

CHAPTER 807. CAREER SCHOOLS AND COLLEGES

SUBCHAPTER A. GENERAL PROVISIONS

§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, Austin, Texas 78778.

§807.5. Exemptions.

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

- (1) the school or college has been licensed for at least one year;
- (2) the school or college has a certificate of authorization from the Coordinating Board to grant baccalaureate or higher-level degrees or a letter from the Coordinating Board indicating the Coordinating Board approval is not required;
- (3) the school or college is accredited by a Coordinating Board–recognized accrediting body;
- (4) the school or college is in good standing with the designated accrediting body and not subject to:
 - (A) probation;
 - (B) a directive to show cause as to why accreditation should not be revoked;
or
 - (C) any other action that, as defined by the accrediting agency, will prevent the school from seeking approval of its degree programs; and
- (5) at least a simple majority (51 percent) of credits earned in the educational programs of the school or college are transferable to educational programs that are:
 - (A) at an equivalent or higher academic level (e.g., baccalaureate to baccalaureate or higher);

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

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

SUBCHAPTER B. CERTIFICATES OF APPROVAL

§807.11. Original Approvals.

(a) 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.

(b) Schools shall fully satisfy the Agency application requirements within 180 days of receipt of the original application or the application may be considered withdrawn.

(c) If a school fails to respond to a request for additional information within 30 days, the Commission may withdraw the application.

(d) To reapply, a school shall submit:

- (1) a complete application as required in subsection (a) of this section; and
- (2) an affidavit stating that the school will not reopen until it has been issued a Certificate of Approval.

§807.16. Associate Degrees.

(a) ~~For If a school desires approval authorization to grant associate degrees, the school shall make application to the Coordinating Board.~~

(b) The Commission may recognize the ~~approval authorization~~ to grant degrees upon receipt of ~~notice a copy of the letter of authorization~~ issued by the Coordinating Board. Additional notice by the school's accreditor also may be required.

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 course of instruction program, as determined by the Agency Commission, in which the instructor teaches.
- (b) Instructors shall possess and affirm on forms provided by the Agency Commission that the instructor has one of the following qualifications that applies to the course 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 class to be taught;
 - (B) includes satisfactory completion of three semester credit hours or four quarter credit hours in the course area and one year of related practical experience within the ten years immediately preceding employment by the school, if the class to be taught is in a technical field;
 - (C) includes satisfactory completion of three semester credit hours, or four quarter credit hours in the course area to be taught, if the class to be taught is in a non-technical field; or
 - (D) is supplemented by ~~includes~~ one year of related practical experience in the class to be taught within the ten years immediately preceding employment by the school, if the class to be taught is in a non-technical field.
 - (2) The instructor has a bachelor's degree that:
 - (A) includes satisfactory completion of nine semester hours or 12 quarter hours related to the course area to be taught;
 - (B) includes satisfactory completion of six semester credit hours or eight quarter credit hours in the course area to be taught and one year of related practical experience within the ten years immediately preceding employment by the school, if the class to be taught is in a technical field;
 - (C) includes satisfactory completion of three semester credit hours or four quarter credit hours in the course area and one year of related practical experience within the ten years immediately preceding employment by the school, if the class to be taught is in a non-technical field; or

- (D) ~~is supplemented by 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 course area to be taught and two years of related practical experience within the ten years immediately preceding employment by the school; or
 - (B) ~~is supplemented by includes~~ three years of related practical experience within the ten years immediately preceding employment by the school.
 - (4) The instructor has a secondary education ~~that if it~~ includes a certificate of completion from a recognized postsecondary school for a program with course time of at least 900 hours in a relevant course 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 ~~and 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 hours of course time 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 course time of 40 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 seller training program~~awareness course~~.
- (d) The director shall ensure that an instructor applicant demonstrates sufficient language proficiency to teach the class for which the instructor is applying to teach.
- (e) For those instructors who return to the school prior to one full year of absence, and who will be teaching the same classes as previously approved, the school shall document the leave and reinstatement dates in the instructor's personnel file. When an instructor begins teaching new classes or the absence was more than one year, the school shall submit a new application to the Commission.

SUBCHAPTER H. COURSES OF INSTRUCTION

§807.122. General Information for Courses of Instruction.

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

(A) probation;

(B) a directive to show cause as to why accreditation should not be revoked;
or

(C) any other action, as defined by the accrediting agency, that would otherwise prevent the school from seeking approval to add or revise a course of instruction.

(b) Upon receipt of the approval of the course of instruction from the accrediting agency, the school shall provide a copy to the Commission.

(c) The Commission may require the school director of an accredited school to file applications for nondegree programs if there have been two substantiated complaints regarding programs in the previous year.

(d)(a) A school submitting applications for approval of seminars shall use abbreviated forms provided by the Commission.

(e)(b) No class or program shall be approved by the Commission unless the school demonstrates that the program's quality, content, and length reasonably and adequately imparts the job skills and knowledge necessary for the student to obtain employment in the stated occupation.

(f)(e) 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.

(g)(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 with course time in excess of 200 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.

(h)(e) If the applicant requests approval to measure courses of instruction programs in credit hours, the following conversion table shall be used.

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

(A) 10 hours of classroom lecture;

- (B) 20 hours of laboratory experience; or
 - (C) 30 hours of externship.
- (2) One academic semester credit hour is equal to a minimum course time of:
- (A) 15 hours of classroom lecture;
 - (B) 30 hours of laboratory experience; or
 - (C) 45 hours of externship.
- (3) The school shall calculate lecture, laboratory, and externship credit hour conversions individually for each class, 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 class.

§807.130. Admission Requirements Relating to Courses of Instruction Programs.

- (a) The school shall submit, for approval by the Commission, its admission requirements for each course of instruction ~~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 course of instruction ~~program~~.

§807.131. School Responsibilities Relating to Courses of Instruction Regarding Programs.

- (a) As a condition of program approval or renewal, the school shall identify any portion of instruction that is self-paced, conducted by distance education, 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, as established by the Commission, 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 classes 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 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.

§807.132. Course of Instruction ~~Program~~ Revisions.

- (a) The school shall submit a revised course of instruction ~~program~~-application for any proposed changes in the course of instruction ~~program~~ that shall be reflected in the school catalog's course of instruction ~~program~~-information.
- (b) The school shall receive approval of proposed course of instruction ~~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 course of instruction ~~program~~ meets employers' needs.

SUBCHAPTER I. APPLICATION FEES AND OTHER CHARGES

§807.151. 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 ~~\$600~~\$400, if assessed.

SUBCHAPTER L. PROGRESS STANDARDS

§807.223. Progress Requirements for Asynchronous Distance Education Schools.

- (a) ~~Asynchronous distance~~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.

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)(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.
- (f)(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.

SUBCHAPTER N. CANCELLATION AND REFUND POLICY

§807.263. 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 non-Title IV school, or a Title IV school voluntarily taking attendance, shall calculate refunds for students based upon scheduled hours of classes through the last date of attendance. A Title IV school shall calculate refunds for students based upon scheduled hours of classes through the last documented day of an academically related activity. Neither type of school shall 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.

SUBCHAPTER P. COMPLAINTS

§807.301. 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; ~~and~~

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

(A) the school has a certificate of approval from the Agency, and provides the Agency-assigned school number;

(B) the school's programs are approved by the Agency and may also be approved by other state agencies or accrediting bodies, and provides the name of any accrediting body and state agency, as applicable;

(C) students must address their concerns about an educational program by following the school's grievance process outlined in the school catalog;

(D) students who are dissatisfied with the school's response to their complaints can file a formal complaint with the Agency, as well as with the school's accrediting body, if applicable; and

(E) additional information on complaint procedures is located on the Agency's Career Schools and Colleges Web site.