

TO THE OWNER/SCHOOL ADDRESSED:

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

807.2(3) adds a definition of "academic term" to be consistent with legislative changes to the statute.

807.2(4) adds a definition of "academically related activity" to be consistent with legislative changes to the statute.

807.2(7) deletes the definition of "Board" because it is defined in Chapter 800.2 of this title; therefore, it is unnecessary to redefine the term in this chapter.

807.2(8) deletes the definition of "clock hour" because it is obsolete. Throughout the chapter, the term "clock hour" is replaced by the term "course time," which is defined in new 807.2(12).

807.2(9) deletes the definition of "Commission" because it is defined in Chapter 800.2 of this title; therefore, it is unnecessary to redefine the term in this chapter.

807.2(9) adds a definition of "class or course" to be consistent with legislative changes to the statute. Generally, "class" refers to a single period of instruction that is part of a "course."

807.2(12) adds a definition of "course time" to be consistent with legislative changes to the statute.

807.2(19) adds a definition of "program or program of instruction." to be consistent with legislative changes to the statute.

807.2(31) adds a definition of "Title IV school" to be consistent with legislative changes to the statute.

Certain paragraphs in §807.2 have been renumbered to accommodate additions or deletions.

807.14 changes the term "clock hour" to "course time."

807.62(a) removes the exemption for initial training for the school director of a small school.

807.62(d) is deleted and the information moved to new Subchapter G.

807.62(i) is deleted because the provision is obsolete.

Certain subsections in §807.62 have been relettered to accommodate additions or deletions.

807.64(a) eliminates the grandfather clause, which is obsolete because of the passage of time.

807.66 is added to establish the minimum qualifications for the director of admissions position.

807.81 changes the term "subject" to "course" or "class" and the term "clock hour" to "course time."

807.81(e) is deleted because the provision is obsolete.

Certain subsections in §807.81 have been relettered to accommodate additions or deletions.

807.82 changes the term "subject" to "course" or "class."

807.83 changes the term "subjects" to "classes."

807.84(c), **807.84(f)**, and **807.84(g)** are deleted and the information contained in each is moved to new Subchapter G.

Certain subsections in §807.84 have been relettered to accommodate additions or deletions.

807.101 consolidates initial training requirements previously set forth in repealed §807.62(d), §807.84(c), §807.84(f), and §807.84(g).

807.101(a) adds an option for online training to meet the initial training requirement for school directors.

807.102(a) sets forth the requirement that providers must submit an application for approval of continuing education training to the Commission, unless they are exempt.

807.102(b) provides for approval of any training conducted after January 1, 2006, but prior to September 1, 2006.

807.102(c) sets forth the training requirements previously located in §807.84(c).

807.102(d) requires that each school director, full-time instructor, and director of admissions must complete a minimum of six hours of course time of continuing education applicable to the position within 12 months of employment in the position and each calendar year thereafter.

807.102(e) states that the school must 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.

807.103 establishes the requirements for record keeping to document accomplishment of training and continuing education

Because of the insertion of the new Subchapter G., the remaining subchapters, sections and subsections are renumbered.

807.121 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.122 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.125 changes the term "subject" to "class."

807.126 changes the term "subject" to "class."

807.131 changes the term "subject" to "class."

807.173 changes the term "subjects" to "classes."

807.175 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.191 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.192 changes the term "subjects" to "classes."

807.193 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.193(b)(4) specifies that attendance is a requirement for non-Title IV schools.

807.193(b)(12) adds a requirement to provide written notice of all policies related to program interruption prior to completion and written notice of the student's responsibility to inform the school if the student withdraws.

807.194(e)(5) adds that the executed enrollment agreement must include a student's e-mail address if any part of the instruction or academically related activity is Web based.

807.196 changes the term "subjects" to "classes."

807.221 changes the term "subjects" to "classes."

807.222 changes the term "clock hour" to "course time."

807.224 changes the term "subjects" to "classes."

807.241(b) adds that Title IV schools are not required to take attendance.

807.242 changes the term "clock hour" to "course time."

807.242(a) clarifies that the requirements of the subsection are for non-Title IV schools and Title IV schools that voluntarily take attendance.

807.243 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.243(b)(1)–807.243(b)(4) adds the requirement that a Title IV school that does not voluntarily take attendance must terminate enrollment for a student whose participation in an academically related activity cannot be documented at the four specified points during the academic term.

807.243(c) specifies that for purposes of §807.243, the definition of "month" is four weeks.

807.244 changes the term "clock hour" to "course time."

807.245 changes the term "subject" to "class" and the term "clock hour" to "course time."

807.263(d) adds instruction on the calculation of refunds for Title IV and non-Title IV schools.

807.283(a) states that the requirements in this subsection apply only to non-Title IV schools.

807.283(b)(1) adds the requirement for Title IV schools to maintain a form signed and dated by the student to document participation in an academically related activity. An e-mail sent from the student's e-mail account of record will meet this requirement.

807.283(b)(2) adds the requirement that Title IV schools maintain a class schedule for each student that includes the number of hours for each class day, or for synchronous distance education, the number of scheduled hours for each week.

807.283(c) adds that a Title IV school may voluntarily take attendance to meet the requirements of Texas Education Code, Chapter 132 and this chapter.

807.322 changes the term "clock hours" to "course time."

807.361 provides that the Agency may issue a statement of charges and notice of hearing to consider issuance of a cease and desist order, if the Agency believes a person is operating a career school or college without a certificate of approval.

807.362 changes the reference to "Executive Director" to "Agency."

807.362(2) changes the reference to "Commission" to "Agency."

807.364 adds requirements to ensure that the Agency and all parties comply with standard prohibitions against ex parte contacts.

807.365(a) clarifies that the hearing officer's decision becomes final on the 15th day after receipt in order to be consistent.

807.365(c) specifies that the Commission must consider a written appeal and promptly issue a decision. Additionally, if oral argument is requested and approved, the Commission must schedule and hold an oral argument not later than 90 days after the receipt of the written appeal.

807.366(a) changes the reference to "Executive Director" to "hearing officer" and specifies that a cease and desist order also must be issued against the person operating a career school or college without a certificate of approval.

The amendments became effective August 28, 2006.

Sincerely,

J. Michael De Long
Program Administrator
Career Schools and Colleges