
From: Career Schools <career.schools@twc.state.tx.us>
Sent: Friday, March 20, 2020 4:24 PM
Cc: Sandoval,Vangie
Subject: Texas Workforce Commission Career Schools and Colleges - COVID-19 FAQ - March 20th

Good afternoon,

In an effort to keep you apprised of current questions we are receiving; we are providing these frequently asked questions (FAQ) to assist in your operations.

1. Q: Can VA funded students take distance education training, if the program is approved as a residence program?

A: Currently, conversion has an adverse impact for benefits to students using GI Bill Benefits. [Senate Bill 3503](#) (116th Congress) is currently pending presidential signature and will authorize the Secretary of Veterans Affairs (VA) to treat certain programs of education converted to distance learning by reason of emergencies and health-related situations in the same manner as programs of education pursued at educational institutions, and for other purposes.

2. Q: Do I have to terminate students utilizing veterans' benefits because of the attendance issues cited above?

A: No, we are not requiring you to terminate enrollment of students using veterans' benefits due to attendance calculations related to current VA policy. If a student request to withdraw, the refund policy must be adhered to. Future guidance will assist schools in resolving excessive absence issues do to the current situation.

3. Q: Are we required to close at this time?

A: [Executive Order No. GA 08](#) does not require that at this time. It is imperative that you follow city, state and Federal mandates when determining the operational status of your institution. TWC does not have the ability to interpret legal requirements on your behalf but will not announce required closures unless ordered to by State or Federal authorities.

4. Q: Can we enroll new students if we cannot conduct externships?

A: Yes, you may enroll students, but there needs to be clear transparency that a program may not complete as indicated in the enrollment agreement, due to COVID-19 restrictions. You need to have a signed affidavit from each student enrolled under these circumstances. Failure to ensure students are aware of possible issues completing their programs could result in the school being ordered to pay full refunds.

5. Q: What is the difference between closing down and moving classes to a different start date?

A: They are essentially three deviations from approved operations at this time, and we should be notified of any of these actions. NOTE any notices are only valid to the 15th of the subsequent

month, please notify us 1-3 days in advance for adjustment for the subsequent month (e.g. March 16th notice good until April 15th, advise us by April 14th to extend up to May 15th):

- Suspend operations – stop conducting classes at this time. Note if you suspend operations, the refund policies come into play and must be adhered to.
- Defer or postpone commencement – delay the start of a program. If a student request to withdraw, a refund must be provided.
- Modality adjustment – change of method of delivery (e.g. residence to synchronous distance education).

6. Q: An accreditor has stated we can accept an affidavit in lieu of a transcript, because their school is closed?

A: With the exception of certificate programs, which may use an approved ability to benefit exam, rule requires proof of secondary education or equivalent. You are responsible for ensuring entrance requirements are met, we are not going to specify how at this time.

If you have any questions, please contact your program specialist, copied on this e-mail.

Thank you,

Career Schools and Colleges
Texas Workforce Commission

512-936-3100

<http://www.texasworkforce.org/careerschools>

<http://texasworkforce.org/careerschoolstudents>

<http://texasworkforce.org/careerschoolforms>

From: Career Schools <career.schools@twc.state.tx.us>
Sent: Tuesday, March 17, 2020 4:33 PM
Cc: Sandoval,Vangie
Subject: Texas Workforce Commission Career Schools and Colleges - March 17, 2020 COVID-19 Update & Penalties Related to Late Refunds
Attachments: Late Refund Penalty Rate.docx
Importance: High

Good afternoon,

As of today, the Texas Department of State Health Services (DSHS) is reporting [64 confirmed cases](#) of the novel coronavirus disease (COVID-19), [including our first death](#), so we wanted to take the opportunity to update our career schools and colleges of the current state of operations with the COVID-19 pandemic.

The Texas Workforce Commission remains open and committed to providing essential services to all Texans. If you require assistance, please e-mail your program specialist, copied on this e-mail, or call them. If they are unable to answer your call, please leave a message with your name and phone number clearly stated as well as your reason for calling. They, or one of the other Career Schools and Colleges team members, will follow up with you at their earliest opportunity. As always, you may also contact us at career.schools@twc.state.tx.us and we will respond as soon as possible.

Here are a few items to assist you in your operations.

1. As a point of clarification, the executed enrollment agreement should indicate the approved modality, we will track deviations in the instruction methodology, and suspension of operations, as they are reported to us. As a reminder, we are not annotating any modality deviations past April 15th at this time and should you determine a need to extend past this date, we are requiring you to notify us monthly, no later than the 15th of each month. **IMPORTANT – If you are coregulated by another agency or accredited, it is imperative that you get approval or acquiescence from the other parties.**
2. Virtual tours are an acceptable method of providing the required tours. The virtual tour should address the same items and clearly, visually show the same areas that are covered in a physical tour.
3. If a session is being cancelled, postponed for an extended period of time, suspended for the long-term, or a similar type action, please note it does affect refunds as required per the Chapter 132 of the Texas Education Code, the Career Schools and Colleges Act, and Chapter 807 of the Texas Administrative Code, the Career Schools and Colleges rules. Refunds must be totally consummated within 60 days after the effective date. It is imperative that refunds are consummated timely, as per §132.061(e) of the Act, “if a refund is not made within the period required by this section, the career school or college shall pay a penalty”, and per §807.264(a) of rule, “a penalty shall be paid on any refund not completed in a timely manner as required by the Act. The penalty assessment shall begin on the first day following the expiration of the statutorily defined refund period and end on the day preceding the date the refund is completed.” Per §807.353(e) of rules, the penalty rate has been established by the Commission as 250% for calendar year 2020, with a notice letter being attached. Please ensure that refunds are being processed promptly, if the situation dictates it.

4. The best sources for accurate, timely information for your ongoing operations continue to be:
 - a. <https://www.dshs.texas.gov/coronavirus/>
 - b. <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
 - c. <https://www.ed.gov/coronavirus/>
 - d. Your local municipality or authority having jurisdiction

We will continue to monitor the situation and communicate with our schools on a routine basis.

Thank you for your contribution to our joint mission of providing quality education to the citizens of Texas and for the role you play in your community.

Career Schools and Colleges Helpdesk

Texas Workforce Commission

512-936-3100

<http://www.texasworkforce.org/careerschools>

<http://texasworkforce.org/careerschoolstudents>

<http://texasworkforce.org/careerschoolforms>

Refund Penalty Assessment

January 1 ,2020

RE: Late Refund Penalty Rate for Calendar Year 2020

Dear Owners and Directors of all Licensed Career Schools and Colleges:

The Texas Workforce Commission has set the annual rate of interest on the late payment of refunds to students at 250 percent, effective January 1, 2020.

In accordance with Texas Education Code §132.061(e) and Texas Administrative Code §807.264, outstanding student refunds will begin accruing penalties beginning the 61st day following the effective date of a student's last day of attendance, or as determined by TWC, and will end on the day preceding the date the refund was completed. As an example, on a \$1,000 refund the annual rate of 250 percent equates to \$6.85 each day.

If you have any questions, please contact your assigned school specialist directly or Career Schools and Colleges.

Sincerely,

Career Schools and Colleges

Web: www.texasworkforce.org/careerschools

Helpdesk: career.schools@twc.state.tx.us

(512) 936-3100 (Austin Area) / (866) 256-6333, Option 3 (Statewide)