

AN ORDER OF THE TEXAS WORKFORCE COMMISSION REGARDING TEMPORARY
SUSPENSION OF CAREER SCHOOLS AND COLLEGES
RULE 40 TAC §807.387(a), HEARINGS PROCEDURES

WHEREAS, 40 Texas Administrative Code (TAC) §800.8 authorizes the Commission to suspend the operation of an agency rule, if the Commission finds a public emergency or imperative public necessity exists, and the Commission finds that the suspension will best serve the public health, safety, or welfare; and

WHEREAS, a Disaster Declaration was issued by Governor Greg Abbott on March 13, 2020, and most recently renewed on January 5, 2021, due to the COVID-19 pandemic; and

WHEREAS, 40 TAC Chapter 807 Career Schools and Colleges rule §807.387(a) states that all hearings “. . . shall be conducted in person in Austin, Texas, unless the parties agree to a telephonic hearing or request a different location;” and

WHEREAS, because of the measures put in place to ensure public safety during the COVID-19 pandemic, TWC’s Commission Appeals Hearings Unit is unable to accommodate in-person hearings; and

WHEREAS, the inability to conduct in-person hearings is leaving administrative actions unresolved and, in some cases, preventing or delaying students from receiving refunds of tuition and fees.

NOW THEREFORE, based on these considerations and findings and in accordance with 40 TAC §800.8, the Commission suspends 40 TAC §807.387(a) until the public emergency has passed and the TWC Commission Appeals Hearings Unit resumes in-person hearings.

Signed this 23rd day of February 2021, upon the affirmative vote of a majority of the Commission present and voting.

Bryan Daniel, Chairman and Commissioner Representing the Public

Julian Alvarez, Commissioner Representing Labor

Aaron Demerson, Commissioner Representing Employers