

1 **In-person Career School hearings conducted by TWC Commission Appeals Hearings Unit**
2 **Discussion Paper**

3 **Background:**

4 Texas Education Code §132.152 establishes the right of a career school to have a hearing to
5 contest administrative penalties assessed by the Commission. Texas Workforce Commission
6 Career Schools and Colleges rules, specifically 40 Texas Administrative Code §807.387(a),
7 states that all hearings “. . . shall be conducted in person in Austin, Texas, unless the parties
8 agree to a telephonic hearing or request a different location.”

9 **Issue:**

10 As a result of the COVID-19 pandemic and the measures put in place to ensure public safety,
11 TWC’s Commission Appeals Hearings Unit has been unable to accommodate in-person hearings
12 as requested by several schools. The inability to conduct in-person hearings is leaving
13 administrative actions unresolved and, in some cases, preventing and delaying students from
14 receiving refunds of tuition and fees. In addition, statute requires that hearings be held within
15 thirty days from the receipt of the request for a hearing [Texas Education Code §132.101(b)].

16 **Decision Point:**

17 TWC Career Schools and Colleges staff seeks direction on the following action to assist the
18 Commission Appeals Hearings Unit and Career Schools and Colleges program in developing
19 contingency plans for conducting hearings throughout the duration of the COVID-19 pandemic:

- 20 • **Waive §807.387(a) requiring TWC to accommodate in-person hearing requests.** The
21 waiver will allow the Commission Appeals Hearings Unit to schedule telephonic hearings
22 and adjudicate appeals in a timely manner.