

Figure: 40 TAC §807.353(e)

Violation	First Offense: Penalty	Repeat Offenses: Penalty	<u>Definition of Instance</u>
<p><u>Failure of a small school transitioning to a large school to notify the Agency of status change, timely apply, or remit increased fees</u></p> <p>[Small school transitioning to a large school:</p> <ul style="list-style-type: none"> • Failure to notify Agency of the school's status change; • Failure to timely apply; or Failure to remit increased fees.] 	\$250	<p>[Second Offense: \$500</p> <p>Third and Subsequent Offenses: \$1,000]</p> <p><u>NA</u></p>	<u>Per violation</u>
<p><u>Failure to disclose to the Agency changes in tuition, fees, or other charges</u></p> <p>[Failure to disclose tuition, fees, or other charges, including increases, to the Agency]</p>	\$250	<p>Second Offense: \$500</p> <p>[Third and] Subsequent Offenses: \$1,000</p>	<u>Per violation</u>
<p><u>Failure to provide the Agency notice of a change of address prior to permanently vacating the school facility</u></p> <p>[Vacating the school facility without providing prior notification to the Agency of a change of address]</p>	\$250	<p>Second Offense: \$500</p> <p>[Third and] Subsequent Offenses: \$1,000</p>	<u>Per violation</u>
<p><u>Failure to maintain records demonstrating compliance with requirements of statute or rule</u></p>	\$250	<p>Second Offense: \$500</p> <p>[Third and] Subsequent Offenses: \$1,000</p>	<u>Per record or student record</u>
<p><u>Failure to properly destroy or arrange for the destruction of sensitive personal information in the school's custody or control</u></p>	<u>\$250</u>	<p><u>Second Offense: \$500</u></p> <p><u>Subsequent Offenses: \$1,000</u></p>	<u>Per student affected</u>
<p><u>Failure to protect student records against damage, loss, or misuse</u></p>	<u>\$250</u>	<p><u>Second Offense: \$500</u></p> <p><u>Subsequent Offenses: \$1,000</u></p>	<u>Per record or student record</u>
<p><u>Failure to provide complete and accurate information as required by the Agency</u></p>	\$250	<p>Second Offense: \$500</p> <p>[Third and] Subsequent Offenses: \$1,000</p>	<u>Per violation</u>
<p><u>Failure to ensure a staff member has taken required training and been approved by the Agency</u></p>	\$500	<p>[Second and] Subsequent Offenses: \$1,000</p>	<u>Per staff member</u>

Failure to provide an instructor who meets necessary qualifications and whose application was submitted within required time frames	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per instructor</u>
Failure to make arrangements satisfactory to the Agency for the completion of a discontinued course of instruction	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per course of instruction</u>
[Failure to respond to a request or direction from the Agency]	[\$500]	[Second and Subsequent Offenses: \$1,000]	
Making a false statement in an application to the Agency	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per violation</u>
Failure to maintain the [schools] instructors, facilities, equipment, or courses of instruction and outcomes on the basis of which approval was issued	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per course of instruction</u>
Failure to disclose limitations on transferability of courses of instruction to a prospective student	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per student affected</u>
Advertising that financial aid is available or advertising that financial aid may be available for a program for which it is not available	\$500	[Second and] Subsequent Offenses: \$1,000	<u>Per student affected</u>
Failure to establish that a student met the approved admission requirements when the student was enrolled	\$750	[Second and] Subsequent Offenses: \$1,000	<u>Per student affected</u>
Failure to submit the annual program completion, job placement, and employment data required by the Agency by the required due date	\$750	[Second and] Subsequent Offenses: \$1,000	<u>Per school</u>
Failure to submit annual financial statements no later than 180 days from the close of the school's or college's fiscal year	\$750	[Second and] Subsequent Offenses: \$1,000	<u>Per school</u>
Transfer of all students from one school location to another school location, by an owner with multiple school locations, without Agency approval	\$750	[Second and] Subsequent Offenses: \$1,000	<u>Per violation</u>
Dismissal of all students contrary to the school's class schedule as printed in the school catalog for reasons not approved by the Agency	\$750	[Second and] Subsequent Offenses: \$1,000	<u>Per dismissal event</u>
Operating a school without a certificate of approval	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per school</u>

Teaching a course of instruction or revised course of instruction that has not been approved by the Agency	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per course of instruction</u>
Using advertising that is false, misleading, or deceptive, including the misrepresentation of degrees other than those approved by the Coordinating Board	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per student affected</u>
Failure to notify the Agency of the discontinuance of the course of instruction or the operation of a school or college within 72 hours of cessation of classes, and to make available accurate records as required	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per course of instruction</u>
Solicitation of a prospective student in violation of statutory and rule requirements	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per student affected</u>
Any misrepresentation	\$1,000	[Second and] Subsequent Offenses: \$1,000	<u>Per misrepresentation</u>
Failure to file a complete application for renewal at least 30 days before the expiration date of the certificate of approval	10% of renewal fee not less than \$200 and not more than \$1,000	[Second and] Subsequent Offenses: 10% of renewal fee, not less than \$200 and not more than \$1,000	<u>Per application</u>
Failure to pay any fee or penalty installment by the required due date	50% of the total amount of the fee	50% of the total amount of the fee	<u>Per failure</u>
Paying a refund late	A rate established annually by the Commission	A rate established annually by the Commission	<u>Per refund</u>