

General Exemptions from Career School Licensing

Chapter 132, Texas Education Code requires that almost all types of training be regulated. This regulation requires the person(s) offering the training to obtain a Certificate of Approval (license). There are some exceptions to this requirement of regulation, which are called “exemptions.”

In order for a school or course to be granted an exemption, the school or course must show that it clearly and completely meets the provisions of one or more of the specific exemptions. A school is exempt only if it submits a request to the Texas Workforce Commission (TWC) for a specific exemption, provides all of the required evidence showing that the provisions of that particular exemption are met, and receives a response letter from TWC indicating that the exemption is granted.

After TWC has received an exemption request with all of the required documents, the school will be granted exempt status, be advised of the deficiencies in the application, or be denied exempt status and advised of the right to appeal that decision.

If you have questions concerning this process, please contact TWC Career Schools and Colleges at 512- 936-3100 or career.schools@twc.state.tx.us.

All exemption requests should be sent to:

**Texas Workforce Commission
Career Schools and Colleges
101 E. 15th St, Rm 226T
Austin, Texas 78778-0001
Attn: Unregistered Schools and Exemptions**

The criteria used to determine whether these provisions of each exemption are clearly and completely met, and thus the training can be exempted from regulation, are outlined below.

Educational Institution supported by taxation

A school or educational institution supported by taxation from either a local or state source - Section 132.002(a)(1). To establish that your school is exempt under this section, please submit all of the following:

1. Name, address and telephone number (fax, e-mail address and web site, if applicable) of the school.
2. Evidence that your school is supported by taxation. More than 50% of the school funds must be tax dollars from either a state or local source.

3. List of course(s) offered.

Non-profit

A non-profit school owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation - Section 132.002(a)(2). To establish that your school is exempt under this section, please submit all of the following:

1. Evidence that the school is nonprofit.
 - A. If the school and owner are one and the same, please submit the following for the owner: Evidence of owner's nonprofit status with the Internal Revenue Service under *Section 501(c)(3)*. This may be a tax-exempt certificate or letter from the Internal Revenue Service.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner run the organization's entire operation, including the school.

- B. If the school is not one and the same with the owner, submit either evidence of non-profit status for the school with the Internal Revenue Service under *Section 501(c)(3)* in the form of a tax-exempt certificate or letter from the Internal Revenue Service or the following for the school in the form of a notarized affidavit:
 - 1) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee or officer's name, annual salary, and position with the organization.
 - 2) Describe any plan for the distribution of earnings or the sharing of income of the school.

- 3) Describe the plan for distribution of the assets of the school upon dissolution.
 - 4) The following information should be submitted concerning course income and expenses:
 - a) State the amount of tuition, fees and other charges for each course of instruction.
 - b) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - c) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.
2. Evidence that the school is owned, controlled, operated and conducted by one of the following (submit evidence as noted):
- A. A bona fide religious or denominational institution. Submit the following:
 - 1) Notarized affidavit with the name of the religion or denomination and explanation of how it owns, controls, operates, and conducts the school.
 - 2) By-laws and articles of incorporation if the institution is incorporated.

Or,
 - B. A bona fide eleemosynary institution. Submit the following:
 - 1) Notarized affidavit with the name of the eleemosynary institution and explanation of how it owns, controls, operates and conducts the school (facilities, faculty, subject matter, how tuition is paid). The affidavit must also include information to show that the institution was created for charitable and benevolent purposes, is nonprofit and receives all or more than 50% of its sustaining funds from donations or gifts. The percentage of total funding that these donations and gifts constitute must be given.
 - 2) State whether the Board of Directors receives any remuneration and include information about the fee schedule for instruction, unless previously stated as required under 2.a.(2).

3) If incorporated, by-laws and articles of incorporation.

Or,

- C. A public institution similar to (1) or (2). Submit the following:
- 1) Notarized affidavit with the name of the institution and an explanation of how it owns, controls, operates and conducts the school. The affidavit must also give reasons why you believe this institution to be public and similar to a religious, denominational or eleemosynary institution.
 - 2) By-laws and articles of incorporation if incorporated and provide the appropriate information as requested under 2.b.(1) or (2).
3. Evidence that the school is exempt from property taxation, in the form of a document from the local county taxing authority that shows the institution is exempt from local property taxation.
4. A school or educational institution that participates or intends to participate in student financial aid programs under Title IV, Higher Education Act of 1965 (20 U.S.C. Section 1070 et seq.) must demonstrate that either:
- A. the school or institution is accredited by a regional or national accrediting organization recognized by the United States secretary of education; or
 - B. the school or institution, or the primary campus* of the school or institution, has been operating continuously in this state for at least 20 years in compliance with state career school regulatory requirements, regardless of the amount of time the current owner has owned the school or institution; or
- *"primary campus" means, for educational institutions that are owned and operated by the same owner, the school or institution designated by the owner as the main or principal campus.
- C. the school or institution:
- 1) is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation; and
 - 2) awards only degrees or certificates relating to religion, including a certificate of Talmudic studies, an associate of biblical studies degree, a master of divinity degree, or a doctor of divinity degree.

5. Name, address and telephone number (fax number, e-mail address and web site, if applicable) of school.
6. Name, objective, length and cost of course(s) offered.
7. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Avocational/Recreational subjects

A school or training program that offers instruction or course of purely avocational or recreational subjects as determined by the Commission - Section 132.002(a)(3). To establish that your school or training program is exempt under this section, please submit all of the following:

1. School name, address and telephone number (fax number, e-mail address and web site, if applicable).
2. Name, content, length and cost of course(s) offered.
3. Objective of course(s) and an explanation of how the subjects are taught for purely avocational or recreational purposes. A course taught for purposes of preparing persons for paid employment as a teacher or other professional, or for the continuing education of a professional, cannot be considered as for purely avocational or recreational purposes.
4. Types of students (examples: homemakers, general public, etc.).
5. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Employer sponsored training

A course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student - Section 132.002(a)(4). A "sponsor" is a person or organization that pays for or plans and carries out a project or activity. (*AG Opinion - JM 529*) To establish that your course is exempt under this section, please submit all of the following:

1. Employer name, address and telephone number (fax number, e-mail address and web site, if applicable).

2. Name, objective, length and cost of course(s) offered.
3. A notarized affidavit from the school stating that no students other than employer-sponsored will be solicited or enrolled. Further, the employer will bear all the tuition costs and the employee will not be required to reimburse the employer by means of cash, production of work without pay, or any other means. The affidavit must include a list of the employers' names and addresses as well as the name and phone number of a contact person with each employer.
4. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Trade, Business, or Professional sponsored training

A course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership - Section 132.002(a)(5). A "sponsor" is a person or organization that pays for or plans and carries out a project or activity. (*AG Opinion - JM 529*) To establish that your course is exempt under this section, please submit all of the following:

1. Sponsoring person or organization's name, address, and telephone number (fax number, e-mail address and web site address, if applicable).
2. Name, objective, length and cost of course(s) offered.
3. Letter from each recognized trade, business or professional organization that will sponsor students. This letter must include an explanation as to how the membership is closed. Membership is not closed if any member of the public can join. Such organization must provide other services and benefits to their members in addition to the educational instruction they offer. In addition, the organization may be asked to furnish the charter and by-laws.
4. A notarized affidavit from school stating that no students other than members of the organization(s) referenced in subparagraph c. will be solicited or enrolled.
5. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Private College or University

A private college or university that awards a recognized baccalaureate, or higher degree, and that maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source - Section 132.002(a)(6) and Texas Administrative Code, Section 807.5. To establish that your school is exempt under this section, please submit all of the following:

1. College or university name, address and telephone number (fax number, e-mail address and web site address, if applicable).
2. Name, objective, length and cost of course(s) offered.
3. Evidence that:
 - A. the school or college has a certificate of authorization from the Texas Higher Education Coordinating Board (THECB) to grant baccalaureate or higher-level degrees or a letter from THECB indicating that THECB approval is not required;
 - B. the school or college is accredited by a THECB-recognized accrediting body;
 - C. the school or college is in good standing with the designated accrediting body and not subject to:
 - 1) probation;
 - 2) a directive to show cause as to why accreditation should not be revoked; or
 - 3) any other action that, as defined by the accrediting agency, will prevent the school from seeking approval of its degree programs; and
 - D. at least a simple majority (51 percent) of credits earned in the educational programs of the school or college are transferable to educational programs that are:
 - 1) at an equivalent or higher academic level (e.g., baccalaureate to baccalaureate or higher);
 - 2) at a junior college, college or university supported entirely or partly by taxation from a local or state source; and

- 3) within the same local/regional service area as the offered program, as determined by the Agency.

If the school is accredited by a regional accrediting body recognized by THECB, submit a copy of the accreditation letter from the accrediting body which provides the school's current accreditation status.

If the school is accredited by one of the national, professional or specialized accrediting bodies recognized by THECB, submit a letter or other document from at least one college, junior college, or university supported entirely or partly by taxation from either a local or state source, located within the same local/regional service area as the school, providing evidence that at least 51% of credits earned in the educational programs of the school are transferable to educational programs at an equivalent or higher academic level (e.g., baccalaureate to baccalaureate or higher) at that public institution of higher education.

Regulated by 3rd party entity

A school or course that is otherwise regulated and approved under and pursuant to any other law or rulemaking process of this state or approved for continuing education credit, by an organization that accredits courses for the maintenance of a license, except as provided by Section 132.002, Subsection (c) - Section 132.002(a)(7). To establish that your school is exempt under this section, please submit all of the following:

1. School name, address and telephone number (fax, e-mail address and web site, if applicable).
2. Name, objective, length and cost of course(s) offered.
3. Evidence for one of the following:
 - A. Copy of certificate, license, letter or other document showing approval of your school/course under another law or rulemaking process of the State. Also submit the appropriate copy of the law or rule. Please know that we consider on-site inspections and the required maintenance of certain records to be an integral part of being regulated, or
 - B. Letter from an organization that accredits courses for the maintenance of a license stating that this course is approved and required for Continuing Education credit [but not as provided by Section 132.002(c)].

4. Name, address and phone number of the office enforcing the State law by which your school is regulated and approved.
5. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Aviation approved by FAA

An aviation school or instructor approved by and under the supervision of the Federal Aviation Administration - Section 132.002(a)(8). To establish that your school is exempt under this section, please submit all of the following:

1. School name, address and telephone number (fax number, e-mail address and web site address, if applicable).
2. Name, objective, length and cost of course(s) offered.
3. A copy of the FAA Certificate for the course(s).

Student Education Review

A school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program - Section 132.002(a)(9). To establish an exemption under this section, please submit all of the following evidence that the courses provide intensive review to prepare students to achieve the necessary scores:

1. For an examination required for a credential after students complete or substantially complete a particular degree program.
 - A. Name of the examination for which review and preparation is offered.
 - B. Name of degree program that was completed or substantially completed by the student.
 - C. A description of the education, training or experience that will be reviewed.
 - D. Name, content, length, cost and admissions requirements of the course(s) offered.

- E. Name, address and telephone number (fax, e-mail address and web site, if applicable) of the company offering the intensive review course(s).
 - F. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.
2. For an examination required for admission into an undergraduate or graduate degree program.
- A. Name of the degree program admissions test for which review and preparation is offered.
 - B. Education, training or experience that will be reviewed.
 - C. Name, content, length, cost and admissions requirements of the course(s) offered.
 - D. Name, address and telephone number (fax, e-mail address, and web site if applicable) of the company offering the intensive review course(s).
 - E. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Private Primary or Secondary education school

A private school offering primary or secondary education, which may include a kindergarten or prekindergarten program, and that satisfies the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1) of the Texas Education Code - Section 132.002(a)(10). To establish that your school is exempt under this section, please submit all of the following:

- 1. School name, address and telephone number (fax number, e-mail address and web site, if applicable).
- 2. A notarized affidavit stating that the school will offer only pre-k, kindergarten, elementary and secondary education, that satisfies compulsory attendance requirements of *Section 25.085 of the Texas Education Code* pursuant to *Section 25.086 (a)(1)* and will not offer a vocational training program or seminar.

Electrical Trade Associations

A course or courses of instruction offered by bona fide electrical trade associations for the purposes of preparing students for electrical tests required for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses - Section 132.002(a)(11). To establish that your school is exempt under this section, please submit all of the following:

1. Name, address and telephone number (fax number, email address and web site, if applicable) of the Electrical Trade Association; and also of the school operated by the association, if different.
2. Name, content, length and cost of course(s) offered.
3. A notarized affidavit identifying the name of the Electrical Trade Association and explaining how it owns, controls, operates and conducts the school.
4. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation and by-laws of the association, requirements for membership, total number of the membership, names of the officers of the association, and services and benefits to the membership.
5. Information explaining how the course(s) will:
 - A. prepare students for electrical tests required for licensing, or
 - B. provide continuing education to students for the renewal of electrical licenses.
6. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Plumbing Trade Association

A course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, certification, or endorsement or to provide continuing education approved by the Texas State Board of Plumbing Examiners - Section 132.002(a)(14). To establish that your course is exempt under this section, please submit all of the following:

1. Name, content, length and cost of course(s) offered.
2. A notarized affidavit identifying the name of the Plumbing Trade Association and explaining how it conducts the school/course.
3. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation, by-laws of the association, total number of the membership, names of the officers of the association, and services and benefits to the membership.
4. Information explaining how the course(s) will:
 - A. prepare students for plumbing tests or a program required for licensing, certification, or endorsement, or
 - B. provide continuing education to students for the renewal of plumbing licenses.
5. Copy of certificate, license, letter or other document showing approval of your school/course by the Texas State Board of Plumbing Examiners.
6. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Arts programs for persons under 19 years of age

Courses offered by a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than nineteen (19) years of age - Section 132.002(a)(12). To establish that your organization is exempt under this section, please submit all of the following:

1. The school must be nonprofit.
 - A. If the school and owner are one and the same, please submit the following for the owner: Evidence of nonprofit status with the Internal

Revenue Service under *Section 501(c)(3)*. This may be a tax-exempt certificate or letter from the Internal Revenue Service.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner runs the organization's entire operation including the school.

- B. If the school is not one and the same with the owner, either submit evidence of non-profit status for the school with the Internal Revenue Service under *Section 501(c)(3)* in the form of a tax-exempt certificate or letter from the Internal Revenue Service or the following for the school in the form of a notarized affidavit:
- 1) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee's or officer's name, annual salary and position with the organization.
 - 2) Describe any plan for the distribution of earnings or the sharing of income of the school.
 - 3) Describe the plan for distribution of the assets of the school upon dissolution.
 - 4) The following information should be submitted concerning course income and expenses:
 - a) State the amount of tuition, fees and other charges for each course of instruction.
 - b) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - c) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.

2. Letter from organization which explains how the training will be closed to those persons 19 years of age or older, to include: Articles, by-laws and information to substantiate the primary purpose of the organization as it relates to training in the dramatic arts and communications.
3. Name, objective, length and cost of course(s) offered.
4. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Air Conditioning and Refrigeration Non-profits

A course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by the Air Conditioning and Refrigeration Contractor License Law (Chapter 1302, Occupations Code) - Section 132.002(a)(13). To establish that your school is exempt under this section, please submit all of the following:

1. Name, objective, length and cost of course(s) offered.
2. The association must be nonprofit.
 - A. If the school and owner are one and the same, please submit the following for the owner: Evidence of nonprofit status with the Internal Revenue Service under *Section 501(c)(3)*. This may be a tax-exempt certificate or letter from the Internal Revenue Service.

A school is considered to be one and the same with the owner if the owner is responsible for all the school's liabilities and assets; the owner's tax return includes the school; all of the school's employees are paid by the owner; and the executive body of the owner runs the organization's entire operation including the school.

- B. If the school is not one and the same with the owner, either submit evidence of non-profit status for the school with the Internal Revenue Service under *Section 501(c)(3)* in the form of a tax-exempt certificate or letter from the Internal Revenue Service or the following for the school in the form of a notarized affidavit:
 - 1) Financial statements, preferably audited, for the most recent fiscal year. These financial statements must be in a form consistent with generally accepted accounting principles and

include a statement of financial position, statement of results of operation, and statement of changes in financial position. These financial statements must be prepared by a licensed, independent public accountant or certified public accountant registered with the State Board of Accountancy. Also, included with the financial statements must be a salary schedule that includes each employee's or officer's name, annual salary and position with the organization.

- 2) Description of any plan for the distribution of earnings or the sharing of income of the school.
- 3) Description of the plan for distribution of the assets of the school upon dissolution.
- 4) The following information should be submitted concerning course income and expenses:
 - a) Amount of tuition, fees and other charges for each course offered.
 - b) State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - c) If the cost per student is less than the amount of tuition, fees, and other charges collected for any course, an explanation must be provided for the excess charges.
3. A notarized affidavit identifying the name of the Air Conditioning and Refrigeration Contractors Association that conducts the course or training program.
4. Certificate of Incorporation issued by the Secretary of State, Articles of Incorporation, by-laws of the association, total number of the membership, names of the officers of the association, and services and benefits to the membership.
5. Information explaining how the course(s) will:
 - A. Prepare students for air conditioning and refrigeration tests required for licensing, or
 - B. Provide continuing education to students for the renewal of air conditioning and refrigeration licenses.

6. Copy of certificate, license, letter or other document showing approval of your course or training program by the Air Conditioning and Refrigeration Contractors Advisory Board.
7. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.

Computer hardware/software training

Courses of instruction in the use of hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the Commission - Section 132.002(a)(15). To establish that your school is exempt under this section, please submit all of the following:

1. Name(s), objective, length, cost and admissions requirements of course(s) offered.
2. Name, address and telephone number (fax number, e-mail address, and web site if applicable) of the company offering hardware or software training.
3. Description of the primary business of the company offering hardware or software training, including copies of company documents detailing the company's primary business.
4. Samples of newspaper and yellow page ads, web pages, brochures, and any other means of soliciting or advertising the hardware or software training.
5. Name(s) of specific hardware or software manufactured or developed by the company that may be purchased from the company as a prerequisite for providing training.
6. A copy of the sales contract for purchase of course instruction.

Non-student funded training

A course or courses of special study or instruction financed or subsidized by local, state, or federal funds or by any person, firm, association, or agency other than the student involved, on a contract basis and having a closed enrollment - Section 132.002(b). To establish that your course is exempt under this section, please submit all of the following:

1. Name of course(s),
2. Addresses of sites where the course(s) will be offered.
3. The nature of the group(s) of students to be served by/enrolled in the course(s), including eligibility or enrollment criteria.
4. Explanation of how the course(s) are of special study, developed or offered specifically by contract for this specific group of students to meet their particular training needs, and open only to those students (and not open to the public).
5. Name, address and telephone number of the sponsor providing funds for the course of special study, and the name of a contact person responsible for authorizing use of the funds by contract for the course.
6. A complete enumeration of the source of all funds, with amounts, to be used to finance the education of the students. This must clearly demonstrate that the course is at least 51% funded by public local, state and/or federal funds. It must also clearly demonstrate that there is no cost to the participating students.
7. A copy of the contract signed by responsible parties, stating the names of principals in contract, beginning and ending dates of the contract, and the scope of work or deliverables, which must be consistent with the above listed requirements. A letter of agreement or interest from the sponsor to develop such a contract may also suffice.

Course Exemption

Course Exemption: Development of Career Skills; Recreational or Avocational Subjects - Section 132.003. A course or course of instruction is exempt from this chapter if it meets the following criteria:

1. It is a course or course of instruction that is 24 hours or less in length;

2. it is a course or course of instruction that costs less than \$500;
3. it is a course or course of instruction that is designed to teach one of the following:
 - (1) knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation; or
 - (2) recreational or avocational subjects; and
4. it is a course or course of instruction in which there is not an award of any credits or units toward the completion of another course of instruction of more than 24 classroom hours, on completion of the course or course of instruction.

(A course or course of instruction is not exempt under this section if the course or course of instruction is designed to teach or is represented by the person offering the course or course of instruction as teaching knowledge of building, electrical, plumbing, mechanical, fire, or other similar technical codes applicable to the construction, remodeling, or repair of a home, building, or any other structure or improvement to real property in this state.)

Section 132.003

To establish that your school is exempt under this section, please submit all of the following:

1. School name, address and telephone number (fax number, e-mail address and web site, if applicable).
2. Name, objective, length and cost of course(s) offered.
3. Objective of course and an explanation of how the course is designed to teach knowledge or skills to maintain or enhance a person's competency or performance in a business, trade or occupation.
4. Sample of cancellation and refund policy that at a minimum provides a refund of the course fee to any person that:
 - A. completes at least 8 hours or one-half of the course, whichever is less, and is dissatisfied with the course; and who requests a refund in writing, providing a reasonable basis for their dissatisfaction, no later than the 14th day after the date the course is concluded; or
 - B. for a course in which the instructor or the instructor's qualifications are different from the instructor or the instructor's qualifications stated in any advertising, publicity, or solicitation for the course, notifies the school before the course begins that they elect not to attend and requests a refund. (A general refund policy that provides for a full refund of fees at any time before the course begins will satisfy the requirement of this subparagraph.)
5. A notarized affidavit attesting to the following:
 - A. The school will provide a written description of the course content and refund policy to students no later than the 14th day before the date the course begins; and
 - B. The school will not enroll students or accept applications for enrollment within 14 days of the course start date; or has another method to document that registrants have received a written description of the course content and any refund policy not later than the 14th day before the date the course begins and
 - C. For the three-year period following the date the course is concluded, the school will maintain records sufficient to identify the differences

between advertised instructors and their qualifications and actual instructors and their qualifications; and

- D. For the three-year period following the date the course is concluded, the school will maintain a record of registrants' attendance, fees paid by registrants and any refunds paid to registrants; and
 - E. The school will provide these records to the Commission upon request, if within the three-year record retention period.
6. If enrollments are accepted within 14 days of the course start date, a complete description of the method that will document that registrants have received a written description of the course content and refund policy not later than the 14th day before the date the course begins.
 7. Complete physical address for location where records will be stored and information relating to records storage, to include: name, address, and telephone number (fax number, and email address if applicable) of the contact person and the preferred method of contact.
 8. Copies of advertisements used, including newspaper and yellow page ads, web pages and marketing flyers or brochures. If you will not advertise, so state.