



**Texas Workforce Commission
Career Schools and Colleges
Request for Exemption**

Please mail this form when completed to:

TWC Career Schools and Colleges
Attn: Request for Exemption
101 East 15th Street, Room 226T
Austin, Texas 78778-0001

For TWC Use Only

Date Received: _____

Date Assigned: _____

Initialed By: _____

Date of Determination: _____

Exemption Criterion Information

TWC is responsible for licensing and regulating private postsecondary educational institutions (also known as career schools and colleges), as required under Texas Education Code Chapter 132 and the TWC rules in Texas Administrative Code Chapter 807. Use this application to apply for a Certificate of Approval (license) from the Texas Workforce Commission (TWC) [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."

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 complete request to the Texas Workforce Commission for a specific exemption.
- **Provides** all the required evidence showing that the provisions of that exemption are met.
- **Receives** a response letter from TWC indicating that the exemption is granted.

After TWC has received a complete exemption request form with all the required document, we will review your exemption request and let you know the school exempt status, be advised of the deficiencies in the application, or be denied exempt status within about **45-60 days** whether the exemption is granted or denied, or more information is needed. If we deny the exemption, you may [appeal the denial decision](#).

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. Please review Texas Education Code for Exemptions from Career School and Colleges prior to submitting.

RULE §807.7(c) (1-2) Schools shall be required to provide documentation and additional information, as requested by the Agency, to facilitate the determination of whether a school meets the requirements of an exemption set out in the Act. All requests for exemption must

provide: (1) the school's legal name, physical address, telephone number, and website, if applicable, along with the name and phone number of the ownership and owner partners; and (2) the name, objective, length, and cost of the course(s) offered.

School Number (**TWC Use Only**): _____

School Legal Name (please print): _____

School Physical Address (Street 1): _____

School Physical Address (Street 2): _____

City: _____ State: _____ ZIP Code: _____

Telephone Number: _____ Fax Number: _____

Website URL Address: _____

Ownership Information

Please provide the applicable supporting documents for business entity.

Ownership Type (please print): _____

Legal Business Name (please print): _____

State or County Assumed Name (DBA): _____

State of Formation: _____

Ownership Mailing Address Country: _____

Texas County: _____

Ownership Mailing Address (Street 1): _____

Ownership Mailing Address (Street 2): _____

City: _____ State: _____ ZIP Code: _____

Telephone Number: _____ Fax Number: _____

Owner Partners Information

Owner Partners Name (please print): _____

Telephone Number: _____

Owner Partners Name (please print): _____

Telephone Number: _____

Owner Partners Name (please print): _____

Telephone Number: _____

Course(s) Offered

List the course information. Print additional pages if applicable.

Course Name: _____

Length of course: _____ Cost of Course: _____

Course Objective:

Course Name: _____

Length of course: _____ Cost of Course: _____

Course Objective:

Course Name: _____

Length of course: _____ Cost of Course: _____

Course Objective:

Course Name: _____

Length of course: _____ Cost of Course: _____

Course Objective:

Exemption Section Requested

The following schools or educational institutions may be exempted from this chapter by the commission under Subsection (d). Schools requesting an exemption under the following sections, must provide the items listed for that section. The Commission may request

additional information as needed in determining an institution meets exemption requirements.

132.002(a)(1). A school or educational institution supported by taxation from either a local or state.

Item #1-Evidence that the school is supported by taxation. At least a simple majority (51 percent) of the revenue derived for continued operations must be tax dollars from either a state or local source; this does not include federally funded programs.

132.002(a)(2). A nonprofit school owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution exempt from property taxation under the laws of this state.

Item # 1-Evidence that the school is nonprofit (TXSOS filings or registrations & IRS non-profit status);

Item # 2-Evidence that the school is owned, controlled, operated and conducted by a bona fide religious, denominational, eleemosynary or public institution (If entity and school are one in the same, nothing additional; if not, governing documents for the school indicating how it is controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution;

Item # 3-Evidence that the school is exempt from property taxation; and

Item # 4-If a school participates, or intends to participate, in student financial aid programs under Title IV, eligibility must be demonstrated.

132.002(a)(3). A school or training program that offers instruction of purely avocational or recreational subjects as determined by the commission.

Item # 1-Objective of course and an explanation of how the course is taught for purely avocational or recreational purposes. A course taught for purposes of preparing persons for paid employment or for the continuing education of a profession, cannot be considered for purposes of this exemption; and

Item # 2-Types of students (examples: homemakers, general public, etc.).

132.002(a)(4). 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.

Item # 1-Employer name, mailing address, email address and telephone number;

Item # 2-Name, objective, length and cost of course offered; and

Item # 3-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.

132.002(a)(5). 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.

Item # 1-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; and

Item # 2-Notarized affidavit from school stating that no students other than members of the organization(s) referenced in (A) above will be solicited or enrolled.

132.002(a)(6). A private college or university that awards a recognized baccalaureate, or higher degree, and that maintains and operates 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.

Item # 1-Proof of 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;

Item # 2-Proof the school is accredited by a THECB recognized accrediting body;

Item # 3-Proof the school or college is in good standing with the designated accrediting body; and

Item # 4-Proof that a simple 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.

132.002(a)(7). 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 Subsection (c).

Item # 1-Copy of certificate, license, letter, or other document showing approval of your school/course under another law or rulemaking process of this State; and

Item # 2-Name, address, and phone number of the office enforcing the State law by which your school is regulated and approved; or

Item # 3-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.

132.002(a)(8). An aviation school or instructor approved by and under the supervision of the Federal Aviation Administration

Item # 1-Copy of the FAA Certificate for the course(s) or school.

132.002(a)(9). 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.

Item # 1-Purpose of review or preparation; and

Item # 2-Name of examination or degree admission test being studied for.

132.002(a)(10). 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 \(Compulsory School Attendance\)](#) pursuant to

Section [25.086 \(Exemptions\)](#)(a)(1).

Item # 1-A notarized affidavit stating that the school will offer only pre-k, kindergarten, elementary and secondary education, that satisfies compulsory attendance requirements and will not offer a vocational training program or seminar.

132.002(a)(11). A course or courses of instruction by bona fide electrical trade associations for the purpose 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.

Item # 1-Name, mailing address, email address and telephone number of the Electrical Trade Association; and, of the school operated by the association, if different;

Item # 2-Notarized affidavit identifying the name of the Electrical Trade Association and explaining how it owns, controls, operates and conducts the school; and

Item # 3-Information explaining how the course(s) will prepare students for initial licensure and renewal of license.

132.002(a)(12) 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 19 years of age.

Item # 1-Proof of nonprofit status; and

Item # 2-Letter from the organization which explains that the primary purpose is instruction in the dramatic arts or the communications media and how the training will be closed to those persons 19 years of age or older.

132.002(a)(13). Course by air conditioning and refrigeration non-profit associations 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 Chapter 1302 (Air Conditioning and Refrigeration Contractors), Occupations Code;

Item # 1-Proof association is nonprofit;

Item # 2-Proof the association has legal approval to offer training in this state;

Item # 3-Notarized affidavit identifying the name of the Air Conditioning and Refrigeration Contractors Association that conducts the course or training program; and

Item # 4-Information explaining how the course(s) will prepare students for initial licensure and renewal of license.

132.002(a)(14). Course by 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.

Item # 1-Proof the association has legal approval to offer training in this state;

Item # 2-Notarized affidavit identifying the name of the Plumbing Trade Association and explaining how it conducts the school/course; and

Item # 3-Information explaining how the course(s) will prepare students for initial licensure and renewal of license.

132.002(a)(15). A course of instruction in the use of technological 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.

Item # 1-Description detailing the primary business of the company offering hardware or software training.

Item # 2-Notarized affidavit identifying that offering courses in hardware or software training is not the primary business.

Item # 3-Name(s) of specific hardware or software manufactured or developed, and sold, by the company that may be purchased from the company as a prerequisite for providing training.

Item # 4-Copy of the sales contract for purchase of the course.

132.002(b). Schools offering 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, may apply to the commission for exemption of such course or courses from this chapter and such course or courses may be declared exempt by the commission where the commission finds the course or courses to be outside the purview of this chapter.

Item # 1-Explanation of the nature of the group(s) of students to be served by/enrolled in the course(s), including eligibility or enrollment criteria;

Item # 2-Explanation of how the course(s) are of special study, developed or offered specifically by contract for this specific group of students, and open only to those students (and not open to the public); and

Item # 3-Copy of the contract signed by responsible parties, stating the names of

Item # 4-principals in contract, beginning and ending dates of the contract, and the scope of work or deliverables.

Course Exemption. A school may request to have a specific course exempted from Chapter 132 of the Texas Education Code and Chapter 807 of the Texas Administrative Code if they meet these requirements:

Item # 1-It is 24 hours or less in length;

Item # 2-It costs less than \$500;

Item # 3-It is a course that is designed to teach one of the following:

- knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation; **or**
- recreational or avocational subjects; **and**

Item # 4-It is a course in which there is not an award of any credits or units toward the completion of another course of more than 24 classroom hours, on completion of the course;

Item # 5-Schools requesting an exemption under the following sections, must provide the listed information:

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;

sample of cancellation and refund policy;

notarized affidavit attesting that the school will;

- 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**
- 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**
- 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**
- 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**

the school will provide these records to the Commission upon request, if within the three-year record retention period. 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.
- Complete physical address for location where records will be stored and Information relating to records storage, to include (enter information below):

Name of Records Storage Facility:

Contact person:

Physical address:

Telephone number:

Email address:

Preferred method of contact: