

Exemption from Career Schools and Colleges Regulation Based on Courses of Instruction Offered

[Texas Workforce Commission \(TWC\) – Career Schools & Colleges](#)

Applying for an Exemption

You must apply to TWC for an exemption from regulation of the school or a course. This involves submitting documentation to demonstrate the school or course meets the criteria for one of the regulation exemptions authorized by [Texas Education Code Chapter 132](#). TWC will review your documentation and respond with a letter to let you know whether or not the exemption is granted.

Send your exemption request to:

TWC Career Schools and Colleges
Attn: Exemptions
101 E 15th St, Rm 226T
Austin, Texas 78778-0001

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

Exemption Based on Courses of Instruction Offered

- Avocational or Recreational
- Non-Profit Dramatic Arts
- Career Skills or Avocational or Recreational
- Review for Exam

A. Avocational or Recreational

Exemption Criterion:

A school or training program that offers instruction or course of purely avocational or recreational subjects as determined by the Commission.

Required Documentation:

To establish that your school is exempt under this section, send a cover letter requesting exemption based on Avocational or Recreational under ***Section 132.002(a)(3)*** and submit all of the following:

1. School contact information: Name, address and telephone number (plus fax, email address and website address, 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.

B. Non-Profit Dramatic Arts

Exemption Criterion:

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.

Required Documentation:

To establish that your school is exempt under this section, send a cover letter requesting exemption based on Non-Profit Dramatic Arts under ***Section 132.002(a)(12)*** and submit all of the following:

1. Evidence that the school is nonprofit.
 - a. If the school and owner are one and the same, 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:
 - 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.

- Description of any plan for the distribution of earnings or the sharing of income of the school.
 - Description of the plan for distribution of the assets of the school upon dissolution.
 - Information concerning course income and expenses:
 - State the amount of tuition, fees and other charges for each course of instruction.
 - State the estimated cost per student for each course of instruction and provide a breakdown of expenses.
 - 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 the 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.

C. Development of Career Skills; Recreational or Avocational Subjects

Exemption Criteria:

All of the following criteria must be met.

1. The course or course of instruction is 24 hours or less in length.
2. The course or course of instruction costs less than \$500.
3. The course or course of instruction is designed to teach one of the following:
 - a. Knowledge or skills to maintain or enhance a person's competency or performance in a business, trade, or occupation
 - b. Recreational or avocational subjects
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.

Required Documentation:

To establish that your school is exempt under this section, send a cover letter requesting exemption based on Development of Career Skills; Recreational or Avocational Subjects under **Section 132.003** and submit all of the following:

1. School contact information: Name, address and telephone number (plus fax, email address and website address, 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 who:
 - 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.
 - 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: name, address, and telephone number (fax number, and email address if applicable) of the contact person and the preferred method of contact.
 - Copies of advertisements used, including newspaper and yellow page ads, Web pages and marketing flyers or brochures. If you will not advertise, so state.

D. Review for Exam

Exemption Criterion:

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

Required Documentation:

To establish that your school is exempt under this section, send a cover letter requesting exemption based on Review for Exam under ***Section 132.002(a)(9)*** and submit all of the following:

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 website, 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 website 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.