

# **What is a Career School or College?**

## **Consumer Information Sheet – Career Schools and Colleges in Texas**

### **1. What is a Career School or College?**

In Texas, the term “career school or college” refers to a private business (could be for-profit, or non-profit) that offers postsecondary education in Texas or to Texans. Texas career schools and colleges are regulated under career schools and colleges law (statute) at Title 3, Texas Education Code, Chapter 132, and career schools and colleges rules, at Title 40, Texas Administrative Code, Chapter 807. The statute is available online at <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.132.htm> and the rules are available at: <http://www.twc.state.tx.us/twcinfo/rules/ch807.pdf>.

The vast majority of businesses in Texas that solicit business or provide postsecondary training classes in Texas or to Texans must have either a Certificate of Approval (“license”) or an exemption from regulation from the Texas Workforce Commission’s Career Schools and Colleges department. Depending on a school’s particular circumstances, it may or may not fall under regulation. Any school or training program that meets the definition of a “career school or college” under Texas law must have either a TWC license or exemption to legally operate.

“Career school or college” means any business enterprise operated for a profit or on a nonprofit basis that maintains a place of business within this state or solicits business within this state, that is not specifically exempted by this chapter, and:

- (A) that offers or maintains a course or courses of instruction or study; or
- (B) at which place of business such a course or courses of instruction or study are available through classroom instruction or by distance education, or both, to a person for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for avocational or personal improvement.

(Texas Education Code, §132.001)

The 82<sup>nd</sup> Legislature passed legislation in 2011 to exclude certain institutions or specific types of educational programs from the definition of the schools and colleges required to have either a license or exemption from the Agency prior to enrolling Texas residents. These include:

Effective June 17, 2011:

- Certain schools or training programs that offer only avocational or recreational instruction or teacher instruction for the following subjects:
  - (1) dance;
  - (2) music;
  - (3) martial arts;
  - (4) yoga;
  - (5) physical fitness;
  - (6) horseback riding;
  - (7) riflery or other weapon use;
  - (8) sewing, knitting or other needlecrafts; or
  - (9) sports.

Effective September 1, 2011:

- Certain out of state, degree granting schools that only offer distance education in Texas. Such schools must be:
  - (1) physically located in a state other than Texas;
  - (2) legally authorized by the state of its physical location to offer postsecondary education and award degrees;
  - (3) accredited by a regional or national accrediting organization recognized by the United States secretary of education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.); and
  - (4) offer in Texas only postsecondary distance or correspondence programs of instruction.

These schools must post a conspicuous notice on the home page of their websites stating:

- (1) that the career school or college is not regulated in Texas under Chapter 132 of the Texas Education Code;
  - (2) the name of any regulatory agencies that approve and regulate the school's programs in the state where the school is physically located and in which it has legal authorization to operate; and
  - (3) how to file complaints or make other contact with applicable regulatory agencies.
- Training that is not postsecondary, that is, training that requires a student to have a high school diploma or high school equivalency certificate or requires that the person be beyond the age of compulsory education (18 years of age). Schools offering programs in yoga or in training persons to teach yoga are specifically excluded from the definition of postsecondary.

## **2. Is there any regulation for private postsecondary schools that are not a “career school or college?”**

An entity that does not meet the definition as a “career school or college” does not need to notify or file an application with TWC to obtain a license or exemption to operate in Texas. However, other regulatory requirements may apply for those schools. For instance, the new exclusion for out-of-state schools offering online degree programs has a statutory notification requirement. In addition, other agencies may have regulatory requirements that apply to the business entity.

## **3. What is a career school or college exemption?**

Some schools may qualify for an exemption from career schools and colleges licensure. Texas Education Code §132.002 and §132.003 list 17 specific exemptions from regulation. Section 132.002(d) provides that a school or educational institution is exempt from regulation only if:

- (1) the owner of the school or educational institution:
  - (A) applies to the commission for an exemption under this section; and
  - (B) provides to the commission any information considered necessary by the commission to support the owner’s application for an exemption; and

- (2) the commission declares that the school or educational institution is exempt after finding that the school or institution is a school or institution listed in Subsection (a).

Some schools are exempt because they are approved and regulated by another state agency; these schools may not need to apply to TWC for an exemption. Common examples are cosmetology schools, which are approved and regulated by the [Texas Department of Licensing and Regulation](#), and driver safety and defensive driving schools, which are regulated by the [Driver Training Division](#) of the Texas Education Agency.

#### **4. What must a career school or college do to operate legally?**

Any institution or educational program falling under the definition of a career school must apply for and be granted a Certificate of Approval, or an exemption if eligible, prior to advertising or operating. Operating without legal authorization can have significant ramifications. A school that operates illegally is subject to significant financial risks and enforcement actions, including to one or more of the following:

- a legal order to cease and desist immediately from operating illegally;
- administrative or civil penalties (fines); and
- the obligation to fully refund students because the school's educational contracts with them are not valid and therefore not enforceable.

#### **5. Where can I get more information?**

The TWC Career Schools and Colleges Web page: <http://csc.twc.state.tx.us>

Information for students:

Current Students of Career Schools Web page:

<http://www.twc.state.tx.us/svcs/propschools/current-students.html>

Considering Attending a Career School? Web page:

<http://www.twc.state.tx.us/svcs/propschools/considering-students.html>

Information about requirements for schools:

[General Information Sheet on Career Schools and Colleges](#) (PDF)

“Considering Opening a Career School?” Web page:

<http://www.twc.state.tx.us/svcs/propschools/considering-schools.html>

New School Application Packet:

<http://www.twc.state.tx.us/svcs/propschools/propforms.html#newschool>

Currently Licensed Schools Web page:

<http://www.twc.state.tx.us/svcs/propschools/current-schools.html>

The Help Desk:

[career.schools@twc.state.tx.us](mailto:career.schools@twc.state.tx.us)

Career Schools and Colleges Department:

(512) 936-3100