Statement of Exemption Based on Accredited Distance Education

Chapter 7.14 of Texas Higher Education Coordinating Board rules outlines provisions for out-of-state institutions wishing to offer distance education in Texas.

A non-religious institution or a religious institution offering programs not in a religious discipline is exempt from Coordinating Board oversight if it fulfills the following:

1) Accredited to offer degrees at a specific level by an accrediting agency recognized by the Coordinating Board or approved by a Texas state agency which authorizes the school’s graduates to take a professional or career and technical state licensing examination administered by that agency; and

2) No physical presence in the state. Section 7.3 of Coordinating Board rules defines physical presence as the following:
   a) While in Texas a representative of the school or a person being paid by the school who conducts an activity related to postsecondary education, including for the purposes of recruiting students (excluding the occasional participation in a college/career fair involving multiple institutions or other event similarly limited in scope in the state of Texas), teaching or proctoring courses including internships, clinicals, externships, practicums, and other similarly constructed educational activities (excluding those individuals that are involved in teaching courses in which there is no physical contact with Texas students), or grants certificates or degrees; and/or
   b) The institution has any location within the state of Texas which would include any address, physical site, telephone number, or facsimile number within or originating from within the boundaries of the state of Texas. Advertising to Texas students, whether through print, billboard, internet, radio, television, or other medium alone does not constitute a physical presence.

An institution’s exemption applies only to the degree level for which the programs or institution is accredited and continues as long as it is in compliance with Section 7.14. If an institution is no longer accredited by an accreditor recognized by Texas and/or maintains a physical presence in Texas, the institution is no longer eligible for an exemption and must receive Coordinating Board authority to offer distance education to Texas students.