

Guidelines for requesting exemption based on only providing religious instruction

In *H.E.B. Ministries v. Texas Higher Education Coordinating Board*, 235 S.W.3d 627 (2007), the Texas Supreme Court held that sections 61.304 and 61.313(a) of the Texas Education Code, which regulate the activities of degree-granting institutions, may not constitutionally be “applied to a religious institution’s program of religious instruction.”

To obtain a letter acknowledging an institution’s exempt status based on providing religious instruction only, please submit a letter or email stating:

- 1) Name and location in Texas of the postsecondary educational institution which intends to only offer a degree program or courses leading to a degree in a religious discipline.
- 2) Briefly state the religious instruction degree programs which will be offered by the institution.
 - a. Attached are additional guidelines to consider if some or all of the degrees offered by the institution prepare students to be state-licensed, certified, or regulated, or enable students to work outside a church/temple/mosque/etc. or church/temple/mosque/etc.-related ministry.
- 3) Include the following request and statement, providing it is true: “Please provide [name of institution] with a letter of exemption from oversight of the Texas Higher Education Coordinating Board. The institution intends to only offer religious instruction programs.”

The letter must contain the address and telephone number (institution letterhead is acceptable) of the entity or person requesting the authorization. The letter may be sent by the institution requesting the authorization or an agent representing the institution (attorney or other entity authorized to represent the institution to facilitate the exemption).

Please note:

As a reminder, it is also necessary that your institution apply for and receive a license, exemption or exclusion from Chapter 132 of the Texas Education Code through the Texas Workforce Commission. You should contact TWC prior to requesting an exemption from THECB to ensure you have met TWC regulatory requirements. However, if you will also be requesting use of a protected term, such as “college” or “university,” you may first apply to THECB.

Please e-mail this information to:

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