

**FORM 1340 – REQUEST FOR LICENSURE EXEMPTION**

**No Fee**

**Read the following information before completing this form:**

**Arkansas Code Annotated § 6-51-612. Penalty For Operating School Without License.**

(a) Any person, admissions representative, each member of any association of persons, or each officer of any corporation who opens and conducts a school, satellite school, or extension course site, as defined in this subchapter, or an out-of-state school which offers to sell a program of study in Arkansas, without first having obtained a license required in this subchapter, shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or thirty (30) days imprisonment, or both, at the discretion of the court.

(b) Each day said school continues to be open and operate shall constitute a separate offense.

**(Lines will expand as needed)**

NAME OF ORGANIZATION				
ADDRESS (LOCATION)				
CITY		STATE		ZIP
ADDRESS (MAILING)				
CITY		STATE		ZIP
TELEPHONE NUMBER		TOLL-FREE NUMBER		
WEBSITE		FAX NUMBER		
E-MAIL ADDRESS				
CONTACT PERSON				

Arkansas Code Annotated § 6-51-601 et.seq. requires that the State Board of Private Career Education license most persons or organizations offering training that leads to or enhances occupational qualifications.

In order for a school to be granted an exemption, it must be shown that the school clearly and completely meets the provisions of one (1) or more of the specific exemptions.

**Mark an "X" by the number of the exemption(s) that applies to your organization.**

- (1) Private institutions exclusively offering instruction at any or all levels from preschool through twelfth grade.

**PROOF:** To establish exemption under this section, a notarized affidavit and documentation showing that the school offers only instruction for preschool through twelfth grade shall be submitted. The affidavit shall include an explanation of how the curriculum is typical of that taught in a public school.

- (2) Schools established by laws of Arkansas, governed by Arkansas boards and permitted to operate for the sole purpose of providing specific training normally required to qualify persons for occupational licensure by state boards or commissions, which determine education and other standards for licensure and operation of such schools.

**PROOF:** To establish exemption under this section, the following evidence shall be submitted:

- (a) Name of school;
- (b) Names of programs;
- (c) A copy of certificate, license, letter, or other document showing approval of the school under another law of the State;
- (d) A copy of regulations from another law of the State establishing requirements for operations; **and**
- (e) Name, address, and phone number of the office enforcing the State law by which the school is regulated and approved.

- (3) State colleges and universities coordinated by the State Board of Higher Education.

**PROOF:** Board staff will check the website for the Arkansas Department of Higher Education. The Board staff will request from the college or university any additional information needed.

- (4) Programs of study offered by institutions or individuals for personal improvement, avocational or recreational, if designated through media or other sources, as not for the purpose of enhancing an occupational objective.

**PROOF:** To establish exemption under this section, the following evidence shall be submitted:

- (a) Course name, content, length, and cost;
- (b) Objectives of the course(s) and explanation of how the subject(s) are generally considered avocational or for recreational purposes;
- (c) Types of students (examples: Children 7-12; homemakers, teachers, public, etc.); **and**
- (d) Copies of advertisements, including yellow page ads. If there will be no advertising, so state.

- (5) Schools operated solely to provide programs of study in theology, divinity, religious education, and ministerial training.

**PROOF:** To establish exemption under this section, the following evidence shall be submitted:

- (a) A notarized affidavit stating the name of the organization, religion or denomination, and explain how it owns, controls, operates, and conducts the school. Submit the by-laws and Articles of Incorporation if this institution is incorporated;
- (b) A list of programs of study to be offered including length in clock or credit hours, cost, and program objective;
- (c) A description of each course in each program; **and**
- (d) A copy of the current school catalog.

- (6) A training program offered or sponsored by an employer for training and preparation of its own employees and for which no tuition fee is charged the employee.

**PROOF:** To establish exemption under this section, the following evidence shall be submitted:

- (a) Name of program;
- (b) A notarized affidavit from the organization stating that no students other than employees will be solicited or enrolled. Further, stating 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; **and**
- (c) Include copies of advertising that will be used by the employer inside the business to recruit participants. If there will be no advertising, so state.

- (7) A program of study sponsored by a recognized trade, business, or professional organization for instruction of the members of the organization with a closed membership and for which no fee is charged the member.

**PROOF:** To establish exemption under this section, the following evidence shall be submitted:

- (a) Name of program;
- (b) A letter shall be submitted that includes an explanation as to how the membership is closed. Membership is not closed if any member of the public can join. Such organizations must provide other services and benefits to their members in addition to the educational instruction they offer. In addition, the organizations may be asked to furnish the charter and by-laws;
- (c) A notarized affidavit from the organization stating that no students other than members of the organization mentioned in (b) will be solicited or enrolled; **and**
- (d) Samples of newspaper and yellow page ads, brochures and any other means of soliciting or advertising. If there will be no advertising, so state.

- (8) A school or educational institution supported by state or local government taxation.

**PROOF** To establish exemption under this section, submit evidence that the school is supported by taxation. More than fifty percent (50%) of the school funds must be tax dollars from a state or local source.

- (9) Flight instructors licensed under appropriate Federal Aviation Administration regulations and offering only training for a private pilot's license.

**PROOF:** To establish exemption under this section, submit a notarized affidavit that only training for a private pilot's license is being offered.

- (10) Schools covered by Arkansas Code Annotated § 6-61-301 (a)(3) and exempted from § 6-61-101 et.seq.

**PROOF:** To establish exemption under this section, the college or university shall be one of the following: Arkansas Baptist College, Central Baptist College, Crowley's Ridge College, Harding University, Hendrix College, John Brown University, Lyon College, Ouachita Baptist University, Philander Smith College, Shorter College, University of the Ozarks or Williams Baptist College. The Board staff will request from the college or university any additional information needed.

(11) Training offered by other Arkansas state agencies, boards, or commissions.

**PROOF:** To establish exemption under this section, the agency, board, or commission shall submit the following if a question arises regarding training:

- (a) Name, address, and phone number of agency, board, or commission;
- (b) Name of person in charge of training; **and**
- (c) Arkansas Code Title, Chapter and Subchapter numbers that created the agency, Board, or commission.

(12) (A) Training offered on military bases where a majority of the students enrolled are active duty personnel or their adult family members, United States Department of Defense civilian employees or their adult family members, members of the United States Armed Forces reserve components, and retirees.

(B) These organizations shall remain exempt from the requirement for licensure if required to move off the military installation for a period of not more than ninety (90) days because of a change in security level which would not allow civilian students on the installation.

(C) The Board shall have the authority to review any situations that extend past the ninety-day period and determine whether the exemption status should remain for the school.

**PROOF:** To establish exemption under this section, the organization offering training on the military base shall submit the following if a question arises regarding training.

- (i) Name of organization; **and**
- (ii) A notarized attendance list indicating status for each student as active duty personnel, active duty personnel adult family member, United States Department of Defense civilian employee, United States Department of Defense civilian employee adult family member, a member of the United States Armed Forces reserve components, or retiree.

### STATEMENT OF COMPLIANCE

Under penalty of perjury, I declare and affirm that the statements made on this form, including any attached sheets, are true, complete, and accurate. I understand that there are penalties for operating a school without a license in the State of Arkansas.

Printed Name of Official		Title	
Signature of Official <b>(Sign in Blue Ink)</b>		Date	